

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on payment services in the internal market and amending Regulation (EU) No 1093/2010 (Text with EEA relevance)
2023/0210(COD)
Non-versioned [LATEST TEXT]
05-03-2026 at 16h58

	CLEANCommission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Formula				
1	2023/0210 (COD)	2023/0210 (COD)	2023/0210 (COD)	2023/0210 (COD) Text Origin: Commission Proposal
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on payment services in the internal market and amending Regulation (EU) No 1093/2010 (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on payment services in the internal market and amending Regulation (EU) No 1093/2010 (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on payment services in the internal market and amending Regulation (EU) No 1093/2010 and Regulation (EU) 2024/886 (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on payment services in the internal market and amending ~~Regulation~~ <u>Regulations</u> (EU) No 1093/2010 <u>, (EU) No 260/2012, (EU) 2017/2394, (EU) 2021/1230 and (EU) 2023/1114</u> (Text with EEA relevance) 17.12 Text Origin: Council Mandate
Formula				

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C -, ~~C/2024/1594, 5.3.2024~~ ~~p. -~~ . Text Origin: Commission Proposal

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Citation 5				
8	Having regard to the opinion of the European Central Bank ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Central Bank ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Central Bank ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Central Bank ¹ , 1. OJ C -, C/2024/3869, 19.6.2024 , ~~p. .~~ Text Origin: Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				
11	(1) Since the adoption of Directive (EU) 2015/2366 of the European Parliament and of the Council ¹ the retail payment services market underwent significant changes largely related to the increasing use of cards and digital means of payment, the decreasing use of cash and the growing presence of new players and services, including digital wallets and contactless payments. The Covid-19 pandemic and the transformations it brought to consumption and payment practices has increased the importance of	(1) Since the adoption of Directive (EU) 2015/2366 of the European Parliament and of the Council ¹ the retail payment services market underwent significant changes largely related to the increasing use of cards and digital means of payment, the decreasing use of cash and the growing presence of new players and services, including digital wallets and contactless payments. The Covid-19 pandemic and the transformations it brought to consumption and payment practices has increased the importance of	(1) Since the adoption of Directive (EU) 2015/2366 of the European Parliament and of the Council ¹ the retail payment services market underwent significant changes largely related to the increasing use of cards and digital means of payment, the decreasing use of cash and the growing presence of new players and services, including digital wallets and contactless payments. The Covid-19 pandemic and the transformations it brought to consumption and payment practices has increased the importance of	(1) Since the adoption of Directive (EU) 2015/2366 of the European Parliament and of the Council ¹ the retail payment services market underwent significant changes largely related to the increasing use of cards and digital means of payment, the decreasing use of cash and the growing presence of new players and services, including digital wallets and contactless payments. The Covid-19 pandemic and the transformations it brought to consumption and payment practices ~~has~~ have increased the importance of

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	having secure and efficient payments. 1. 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 (OJ L 337, 23.12.2015, p. 35).	having secure and efficient payments. 1. 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 (OJ L 337, 23.12.2015, p. 35).	having secure and efficient payments. 1. 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 (OJ L 337, 23.12.2015, p. 35).	having secure and efficient payments. 1. 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 (OJ L 337, 23.12.2015, p. 35). Text Origin: Commission Proposal
Recital 2				
6	12 (2) The Communication from the Commission on a Retail Payments Strategy for the EU¹ announced the launch of a comprehensive review of the application and impact of Directive (EU) 2015/2366 “which should include an overall assessment of whether it is still fit for purpose, taking into account market developments”. 1. COM/2020/592 final.	(2) The Communication from the Commission on a Retail Payments Strategy for the EU¹ announced the launch of a comprehensive review of the application and impact of Directive (EU) 2015/2366 “which should include an overall assessment of whether it is still fit for purpose, taking into account market developments”. 1. COM/2020/592 final.	(2) The Communication from the Commission on a Retail Payments Strategy for the EU¹ announced the launch of a comprehensive review of the application and impact of Directive (EU) 2015/2366 “~~which should include an overall assessment of whether it is still fit for purpose, taking into account market developments~~which should include an overall assessment of whether it is still fit for purpose, taking into account market developments”. 1. COM/2020/592 final.	(2) The Communication from the Commission on a Retail Payments Strategy for the EU¹ announced the launch of a comprehensive review of the application and impact of Directive (EU) 2015/2366 “~~which should include an overall assessment of whether it is still fit for purpose, taking into account market developments~~”. 1. COM/2020/592 final. Text Origin: Commission Proposal
Recital 3				
6	13 (3) Directive (EU) 2015/2366 aimed at addressing barriers to new types of payment services and at improving the level of consumer protection and security. The	(3) Directive (EU) 2015/2366 aimed at addressing barriers to new types of payment services and at improving the level of consumer protection and security. The	(3) Directive (EU) 2015/2366 aimed at addressing barriers to new types of payment services and at improving the level of consumer protection and security. The	(3) Directive (EU) 2015/2366 aimed ~~at addressing~~to address barriers to new types of payment services and ~~at improving~~to improve the level of consumer protection and security.

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	evaluation of the impact and application of Directive (EU) 2015/2366 by the Commission found that Directive (EU) 2015/2366 has been largely successful with regard to many of its objectives, but also identified certain areas where the objectives of that Directive have not been fully achieved. For example, the evaluation identified the rise in new types of fraud as an issue of concern with regard to consumer protection objectives. Shortcomings have also been identified with regard to the objective of improving competition in the market thanks to the so-called ‘open banking services’ (account information services and payment initiation services) by lowering market barriers faced by third party providers. Progress towards the objective of improving the provision of cross-border payment services has also been limited, largely due to inconsistencies in supervisory practices and enforcement across the Union. The evaluation also identified factors stifling progress concerning the objective of levelling the playing field between all payment service providers.	evaluation of the impact and application of Directive (EU) 2015/2366 by the Commission found that Directive (EU) 2015/2366 has been largely successful with regard to many of its objectives, but also identified certain areas where the objectives of that Directive have not been fully achieved. For example, the evaluation identified the rise in new types of fraud as an issue of concern with regard to consumer protection objectives. Shortcomings have also been identified with regard to the objective of improving competition in the market thanks to the so-called ‘open banking services’ (account information services and payment initiation services) by lowering market barriers faced by third party providers. Progress towards the objective of improving the provision of cross-border payment services has also been limited, largely due to inconsistencies in supervisory practices and enforcement across the Union. The evaluation also identified factors stifling progress concerning the objective of levelling the playing field between all payment service providers.	evaluation of the impact and application of Directive (EU) 2015/2366 by the Commission found that Directive (EU) 2015/2366 has been largely successful with regard to many of its objectives, but also identified certain areas where the objectives of that Directive have not been fully achieved. For example, the evaluation identified the rise in new types of fraud as an issue of concern with regard to consumer protection objectives. Shortcomings have also been identified with regard to the objective of improving competition in the market thanks to the so-called ‘open banking services’ (account information services and payment initiation services) by lowering market barriers faced by third party providers. Progress towards the objective of improving the provision of cross-border payment services has also been limited, largely due to inconsistencies in supervisory practices and enforcement across the Union. The evaluation also identified factors stifling progress concerning the objective of levelling the playing field between all payment service providers.	The evaluation of the impact and application of Directive (EU) 2015/2366 by the Commission found that Directive (EU) 2015/2366 has been largely successful with regard to many of its objectives, but also identified certain areas where the objectives of that Directive have not been fully achieved. For example, the evaluation identified the rise in new types of fraud as an issue of concern with regard to consumer protection objectives. Shortcomings have also been identified with regard to the objective of improving competition in the market thanks to the so-called ‘open banking services’ (account information services and payment initiation services) by lowering market barriers faced by third party providers. Progress towards the objective of improving the provision of cross-border payment services has also been limited, largely due to inconsistencies in supervisory practices and enforcement across the Union. The evaluation also identified factors stifling progress concerning the objective of levelling the playing field between all payment service providers. Text Origin: Commission Proposal

Recital 4

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14	(4) The evaluation also identified problems regarding divergent implementation and enforcement of Directive (EU) 2015/2366 which directly impact competition between payment service providers, by creating different regulatory conditions in different Member States, encouraging regulatory arbitrage. There should be no room for ‘forum shopping’ where payment services providers would choose, as ‘home country’, those Member States where the application of Union rules on payment services is more advantageous for them and provide cross-border services in other Member States which apply stricter interpretation of the rules or apply more active enforcement policies to payment service providers established there. That practice distorts competition. The Union rules on payment services should therefore be further harmonised, by incorporating rules governing the conduct of the payment services activity, including the rights and obligations of the parties involved, in a Regulation. Such rules, excluding the rules on authorisation and supervision of payment institutions, which should remain in a Directive, should be clarified and more detailed, thus minimising margins of	(4) The evaluation also identified problems regarding divergent implementation and enforcement of Directive (EU) 2015/2366 which directly impact competition between payment service providers, by creating different regulatory conditions in different Member States, encouraging regulatory arbitrage. There should be no room for ‘forum shopping’ where payment services providers would choose, as ‘home country’, those Member States where the application of Union rules on payment services is more advantageous for them and provide cross-border services in other Member States which apply stricter interpretation of the rules or apply more active enforcement policies to payment service providers established there. That practice distorts competition. The Union rules on payment services should therefore be further harmonised, by incorporating rules governing the conduct of the payment services activity, including the rights and obligations of the parties involved, in a Regulation. Such rules, excluding the rules on authorisation and supervision of payment institutions, which should remain in a Directive, should be clarified and more detailed, thus minimising margins of	(4) The evaluation also identified problems regarding divergent implementation and enforcement of Directive (EU) 2015/2366 which directly impact competition between payment service providers, by creating different regulatory conditions in different Member States, encouraging regulatory arbitrage. There should be no room for ‘forum shopping’ where payment services providers would choose, as ‘home country’, those Member States where the application of Union rules on payment services is more advantageous for them and provide cross-border services in other Member States which apply stricter interpretation of the rules or apply more active enforcement policies to payment service providers established there. That practice distorts competition. The Union rules on payment services should therefore be further harmonised, by incorporating rules governing the conduct of the payment services activity, including the rights and obligations of the parties involved, in a Regulation. Such rules, excluding the rules on authorisation and supervision of payment institutions, which should remain in a Directive, should be clarified and more detailed, thus minimising margins of	(4) The evaluation also identified problems regarding divergent implementation and enforcement of Directive (EU) 2015/2366 which directly impact competition between payment service providers, by creating different regulatory conditions in different Member States, encouraging regulatory arbitrage. There should be no room for ‘forum shopping’ where payment services providers would choose, as ‘home country’, those Member States where the application of Union rules on payment services is more advantageous for them and provide cross-border services in other Member States which apply stricter interpretation of the rules or apply more active enforcement policies to payment service providers established there. That practice distorts competition. The Union rules on payment services should therefore be further harmonised, by incorporating rules governing the conduct of the payment services activity, including the rights and obligations of the parties involved, in a Regulation. Such rules, excluding the rules on authorisation and supervision of payment institutions, which should remain in a Directive, should be clarified and more detailed, thus minimising ~~margins of~~ <u>the margin</u>

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	interpretation.	interpretation.	interpretation.	<u>for</u> interpretation. Text Origin: Commission Proposal
Recital 5				
15	(5) Even though the issuance of electronic money is regulated under Directive 2009/110/EC of the European Parliament and of the Council¹ the use of electronic money to fund payment transactions is to a very large extent regulated by Directive (EU) 2015/2366. Consequently, the legal framework applicable to electronic money institutions and payment institutions, in particular with regard to the conduct of business rules, is already substantially aligned. To address the external coherence issues and given the fact that electronic money services and payment services are increasingly hard to distinguish, the legislative frameworks concerning electronic money institutions and payment institutions should be brought closer together. However, the licensing requirements, in particular initial capital and own funds, and some key basic concepts governing the electronic money business such as issuance of electronic money, electronic money distribution and redeemability, are distinct from the services provided	(5) Even though the issuance of electronic money is regulated under Directive 2009/110/EC of the European Parliament and of the Council¹ the use of electronic money to fund payment transactions is to a very large extent regulated by Directive (EU) 2015/2366. Consequently, the legal framework applicable to electronic money institutions and payment institutions, in particular with regard to the conduct of business rules, is already substantially aligned. To address the external coherence issues and given the fact that electronic money services and payment services are increasingly hard to distinguish, the legislative frameworks concerning electronic money institutions and payment institutions should be brought closer together. However, the licensing requirements, in particular initial capital and own funds, and some key basic concepts governing the electronic money business such as issuance of electronic money, electronic money distribution and redeemability, are distinct from the services provided	(5) Even though the issuance of electronic money is regulated under Directive 2009/110/EC of the European Parliament and of the Council¹ the use of electronic money to fund payment transactions is to a very large extent regulated by Directive (EU) 2015/2366. Consequently, the legal framework applicable to electronic money institutions and payment institutions, in particular with regard to the conduct of business rules, is already substantially aligned. To address the external coherence issues and given the fact that electronic money services and payment services are increasingly hard to distinguish, the legislative frameworks concerning electronic money institutions and payment institutions should be brought closer together. However, the licensing requirements, in particular initial capital and own funds, and some key basic concepts governing the electronic money business such as issuance of electronic money, electronic money distribution and redeemability, are distinct from the services provided	(5) Even though the issuance of electronic money is regulated under Directive 2009/110/EC of the European Parliament and of the Council¹ the use of electronic money to fund payment transactions is to a very large extent regulated by Directive (EU) 2015/2366. Consequently, the legal framework applicable to electronic money institutions and payment institutions, in particular with regard to the conduct of business rules, is already substantially aligned. To address the external coherence issues and given the fact that electronic money services and payment services are increasingly hard to distinguish, the legislative frameworks concerning electronic money institutions and payment institutions should be brought closer together. However, the licensing requirements, in particular initial capital and own funds, and some key basic concepts governing the electronic money business such as issuance of electronic money, electronic money distribution and redeemability, are distinct from the services provided

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	by payment institutions. It is therefore appropriate to preserve these specificities when merging the provisions of Directive (EU) 2015/2366 and Directive 2009/110/EC. Since Directive 2009/110/EC is repealed by Directive (EU) XXXX [PSD3], its rules, except for the rules on authorisation and supervision, which have been incorporated in Directive (EU) XXX [PSD3], should be brought into a unified framework under this Regulation, with appropriate adjustments. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).	by payment institutions. It is therefore appropriate to preserve these specificities when merging the provisions of Directive (EU) 2015/2366 and Directive 2009/110/EC. Since Directive 2009/110/EC is repealed by Directive (EU) XXXX [PSD3], its rules, except for the rules on authorisation and supervision, which have been incorporated in Directive (EU) XXX [PSD3], should be brought into a unified framework under this Regulation, with appropriate adjustments. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).	by payment institutions. It is therefore appropriate to preserve these specificities when merging the provisions of Directive (EU) 2015/2366 and Directive 2009/110/EC. Since Directive 2009/110/EC is repealed by Directive (EU) XXXX [PSD3], its rules, except for the rules on authorisation and supervision, which have been incorporated in Directive (EU) XXX [PSD3], should be brought into a unified framework under this Regulation, with appropriate adjustments. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).	by payment institutions. It is therefore appropriate to preserve these specificities when merging the provisions of Directive (EU) 2015/2366 and Directive 2009/110/EC. Since Directive 2009/110/EC is repealed by Directive (EU) XXXX [PSD3], its rules, except for the rules on authorisation and supervision, which have been incorporated in Directive (EU) XXX [PSD3], should be brought into a unified framework under this Regulation, with appropriate adjustments. 1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7). Text Origin: Commission Proposal
Recital 6				
16	(6) To ensure legal certainty and a clear scope of application of the rules applicable to the conduct of business of providing payment and electronic money services, it is necessary to specify the categories of payment service providers which are subject to the obligations concerning the conduct of the	(6) To ensure legal certainty and a clear scope of application of the rules applicable to the conduct of business of providing payment and electronic money services, it is necessary to specify the categories of payment service providers which are subject to the obligations concerning the conduct of the	(6) To ensure legal certainty and a clear scope of application of the rules applicable to the conduct of business of providing payment and electronic money services, it is necessary to specify the categories of payment service providers which are subject to the obligations concerning the conduct of the	(6) To ensure legal certainty and a clear scope of application of the rules applicable to the conduct of business of providing payment and electronic money services, it is necessary to specify the categories of payment service providers which are subject to the obligations concerning the conduct of the

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	business of providing payment services and electronic money services throughout the Union.	business of providing payment services and electronic money services throughout the Union.	business of providing payment services and electronic money services throughout the Union.	business of providing payment services and electronic money services throughout the Union. Text Origin: Commission Proposal
Recital 7				
17	(7) There are several categories of payment service providers. Credit institutions take deposits from users that can be used to execute payment transactions. They are authorised pursuant to Directive 2013/36/EU of the European Parliament and of the Council ¹ . Payment institutions don't take deposits. They may hold users funds and issue electronic money that can be used to execute payment transactions. They are authorised pursuant to Directive (EU) XXX [PSD3]. Post office giro institutions which are entitled to do so under national law may also provide electronic money and payment services. Other categories of payment service providers include the European Central Bank (ECB) and national central banks when not acting in their capacity as monetary authority or other public authorities, and Member States or their regional or local authorities when not acting in their capacity as public authorities.	(7) There are several categories of payment service providers. Credit institutions take deposits from users that can be used to execute payment transactions. They are authorised pursuant to Directive 2013/36/EU of the European Parliament and of the Council ¹ . Payment institutions don't take deposits. They may hold users funds and issue electronic money that can be used to execute payment transactions. They are authorised pursuant to Directive (EU) XXX [PSD3]. Post office giro institutions which are entitled to do so under national law may also provide electronic money and payment services. Other categories of payment service providers include the European Central Bank (ECB) and national central banks when not acting in their capacity as monetary authority or other public authorities, and Member States or their regional or local authorities when not acting in their capacity as public authorities.	(7) There are several categories of payment service providers. Credit institutions take deposits from users that can be used to execute payment transactions. They are authorised pursuant to Directive 2013/36/EU of the European Parliament and of the Council ¹ . Payment institutions are not allowed to ~~don't~~ take deposits. They may hold users funds and issue electronic money that can be used to execute payment transactions. They are authorised pursuant to Directive (EU) XXX [PSD3]. Post office giro institutions which are entitled to do so under national law may also provide electronic money and payment services. Other categories of payment service providers include the European Central Bank (ECB) and national central banks when not acting in their capacity as monetary authority or other public authorities, and Member States or their regional or local authorities when not acting in their capacity as public authorities.	(7) There are several categories of payment service providers. Credit institutions take deposits from users that can be used to execute payment transactions. They are authorised pursuant to Directive 2013/36/EU of the European Parliament and of the Council ¹ . Payment institutions <u>are not allowed to</u> ~~don't~~ take deposits. They may hold users funds and issue electronic money that can be used to execute payment transactions. They are authorised pursuant to Directive (EU) XXX [PSD3]. Post office giro institutions which are entitled to do so under national law may also provide electronic money and payment services. Other categories of payment service providers include the European Central Bank (ECB) and national central banks when not acting in their capacity as monetary authority or other public authorities, and Member States or their regional or local authorities when not acting in their capacity as public authorities.

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	1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ L 176, 27.6.2013, p. 338).	1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ L 176, 27.6.2013, p. 338).	1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ L 176, 27.6.2013, p. 338).	1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ L 176, 27.6.2013, p. 338). Text Origin: Council Mandate
Recital 8				
18	(8) It is appropriate to dissociate the service of enabling cash to be withdrawn from a payment account from the activity of servicing a payment account, as the providers of cash withdrawal services may not service payment accounts. The services of issuing payment instruments and of acquiring payment transactions, which were listed together in point 5 of the Annex to Directive (EU) 2015/2366 as if one could not be offered without the other, should be presented as two different payment services. Listing issuing and acquiring services separately should, together with distinct definitions of each service, clarify that the issuing and acquiring services may be offered separately by payment service providers.	(8) It is appropriate to dissociate the service of enabling cash to be withdrawn from a payment account from the activity of servicing a payment account, as the providers of cash withdrawal services may not service payment accounts. The services of issuing payment instruments and of acquiring payment transactions, which were listed together in point 5 of the Annex to Directive (EU) 2015/2366 as if one could not be offered without the other, should be presented as two different payment services. Listing issuing and acquiring services separately should, together with distinct definitions of each service, clarify that the issuing and acquiring services may be offered separately by payment service providers.	(8) It is appropriate to dissociate the service of enabling cash to be withdrawn from a payment account from the activity of servicing a payment account, as the providers of cash withdrawal services may not service payment accounts. The services of issuing payment instruments and of acquiring payment transactions, which were listed together in point 5 of the Annex to Directive (EU) 2015/2366 as if one could not be offered without the other, should be presented as two different payment services. Listing issuing and acquiring services separately should, together with distinct definitions of each service, clarify that the issuing and acquiring services may be offered separately by payment service providers.	<i>deleted</i> TM 11.02: recital 7 in PSD3 Text Origin: Commission Proposal
Recital 9				
19	(9) The exclusion from the scope of	(9) The exclusion from the scope of	(9) The exclusion from the scope of	(9) The exclusion from the scope of

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	Directive (EU) 2015/2366 of certain categories of operators of automated teller machines (ATM) has proven difficult to apply in practice. Therefore, the category of ATM operators which were excluded from the requirement to be authorised as a payment service provider under Directive (EU) 2015/2366 should be replaced by a new category of ATM operators which do not service payment accounts. While those operators are not subject to the authorisation requirements under Directive (EU) XXX [PSD3], they should however be subject to requirements on fees transparency in situations where such ATM operators levy charges for cash withdrawals.	Directive (EU) 2015/2366 of certain categories of operators of automated teller machines (ATM) has proven difficult to apply in practice. Therefore, the category of ATM operators which were excluded from the requirement to be authorised as a payment service provider under Directive (EU) 2015/2366 should be replaced by a new category of ATM operators which do not service payment accounts. While those operators are not subject to the authorisation requirements under Directive (EU) XXX [PSD3], they should however be subject to requirements on fees transparency in situations where such ATM operators levy charges for cash withdrawals.	Directive (EU) 2015/2366 of certain categories of operators of automated teller machines (ATM) has proven difficult to apply in practice. Therefore, the category of ATM ~~operators~~deployers which were excluded from the requirement to be authorised as a payment service provider under Directive (EU) 2015/2366 should be replaced by a new category of ATM ~~operators~~deployers which do not service payment accounts. While those ~~operators~~deployers are not subject to the authorisation requirements under Directive (EU) XXX [PSD3], they should however be subject to requirements on fees transparency in situations where such ATM ~~operators~~deployers levy charges for cash withdrawals.	Directive (EU) 2015/2366 of certain categories of operators of automated teller machines (ATM) has proven difficult to apply in practice. Therefore, the category of ATM ~~operators~~deployers which were excluded from the requirement to be authorised as a payment service provider under Directive (EU) 2015/2366 should be replaced by a new category of ATM ~~operators~~deployers which do not service payment accounts. ~~While~~ Those ~~operators are not~~deployers, ~~which are~~ subject to ~~the~~ ~~authorisation~~ ~~requirements~~registration under Directive (EU) XXX [PSD3], ~~they~~ should ~~however~~ be subject to requirements on fees transparency in situations where such ATM ~~operators~~deployers levy charges for cash withdrawals.
Recital 10				
20	(10) To further improve access to cash, which is a priority of the Commission, merchants should be allowed to offer, in physical shops, cash provision services even in the absence of a purchase by a customer, without having to obtain a payment service provider authorisation or being an agent of a payment institution. Those cash provision services should, however, be subject	(10) To further improve access to cash, which is a priority of the Commission, merchants should be allowed to offer, in physical shops, cash provision services even in the absence of a purchase by a customer, without having to obtain a payment service provider authorisation or being an agent of a payment institution. Those cash provision services should, however, be subject	(10) To further improve access to cash, which is a priority of the Commission, merchants should be allowed to offer, in physical shops, cash provision services even in the absence of a purchase by a customer, without having to obtain a payment service provider authorisation or being an agent of a payment institution. Those cash provision services should, however, be subject	(10) To further improve access to cash, which is a priority of the Commission, merchants should be allowed to offer, in physical shops, cash provision services even in the absence of a purchase by a customer, without having to obtain a payment service provider authorisation or being an agent of a payment institution. Those cash provision services should, however, be subject

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to the obligation to disclose fees charged to the customer, if any. These services should be provided by retailers on a voluntary basis and should depend on the availability of cash by the retailer.	to the obligation to disclose fees charged to the customer, if any. These services should be provided by retailers on a voluntary basis and should depend on the availability of cash ~~by~~ <u>at</u> the retailer.	to the obligation to disclose fees charged to the customer, if any. These services should be provided by retailers on a voluntary basis and should depend on the availability of cash by the retailer.	to the obligation to disclose fees charged to the customer, if any. These services should be provided by retailers on a voluntary basis and should depend on the availability of cash ~~by~~ <u>at</u> the retailer. Text Origin: EP Mandate
Recital 11				
21	(11) The exclusion from the scope of Directive (EU) 2015/2366 of payment transactions from the payer to the payee through a commercial agent acting on behalf of the payer or the payee has been applied very differently across Member States. The concept of commercial agents is typically defined in national civil law, which might diverge from Member State to Member State, leading to inconsistent treatment of the same services in different jurisdictions. The concept of commercial agents under that exclusion should therefore be harmonised and clarified by making reference to the definition of commercial agents as laid down in Council Directive 86/653/EEC ¹ . In addition, further clarity should be provided on the conditions under which payment transactions from the payer to the payee through commercial agents may be excluded from the scope of this Regulation.	(11) The exclusion from the scope of Directive (EU) 2015/2366 of payment transactions from the payer to the payee through a commercial agent acting on behalf of the payer or the payee has been applied very differently across Member States. The concept of commercial agents is typically defined in national civil law, which might diverge from Member State to Member State, leading to inconsistent treatment of the same services in different jurisdictions. The concept of commercial agents under that exclusion should therefore be harmonised and clarified by making reference to the definition of commercial agents as laid down in Council Directive 86/653/EEC ¹ . In addition, further clarity should be provided on the conditions under which payment transactions from the payer to the payee through commercial agents may be excluded from the scope of this Regulation.	(11) The exclusion from the scope of Directive (EU) 2015/2366 of payment transactions from the payer to the payee through a commercial agent acting on behalf of the payer or the payee has been applied very differently across Member States. The concept of commercial agents is typically defined in national civil law, which might diverge ~~from~~ from Member State to Member State, leading to inconsistent treatment of the same services in different jurisdictions. The concept of commercial agents under that exclusion should therefore be harmonised ~~and clarified by making reference to the definition of commercial agents as laid down in Council Directive 86/653/EEC¹~~ . In addition, further clarity should be provided on the conditions under which payment transactions from the payer to the payee through commercial agents may be excluded from the scope of this Regulation.	(11) The exclusion from the scope of Directive (EU) 2015/2366 of payment transactions from the payer to the payee through a commercial agent acting on behalf of the payer or the payee has been applied very differently across Member States. The concept of commercial agents is typically defined in national civil law, which might diverge ~~from~~ <u>from</u> Member State to Member State, leading to inconsistent treatment of the same services in different jurisdictions. The concept of commercial agents under that exclusion should therefore be harmonised ~~and clarified by making reference to the definition of commercial agents as laid down in Council Directive 86/653/EEC¹~~ . In addition, further clarity should be provided on the conditions under which payment transactions from the payer to the payee through commercial agents may be excluded from the scope of this Regulation.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	This is achieved by requiring that agents should be authorised via an agreement with either the payer or the payee to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, regardless of whether or not the commercial agent is in the possession of client's funds. Electronic commerce platforms that act as commercial agents on behalf of both individual buyers and sellers without buyers or sellers having any real margin or autonomy to negotiate or to conclude the sale or purchase of goods or services should not be excluded from the scope of this Regulation. The European Banking Authority (EBA) should develop guidelines on the exclusion for payment transactions from the payer to the payee through a commercial agent to provide further clarity and convergence among competent authorities. Those guidelines may include a repository of use cases typically covered by the commercial agent exclusion. 1. Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p. 17–21).	This is achieved by requiring that agents should be authorised via an agreement with either the payer or the payee to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, regardless of whether or not the commercial agent is in the possession of client's funds. Electronic commerce platforms that act as commercial agents on behalf of both individual buyers and sellers without buyers or sellers having any real margin or autonomy to negotiate or to conclude the sale or purchase of goods or services should not be excluded from the scope of this Regulation. The European Banking Authority (EBA) should develop guidelines on the exclusion for payment transactions from the payer to the payee through a commercial agent to provide further clarity and convergence among competent authorities. Those guidelines may include a repository of use cases typically covered by the commercial agent exclusion. 1. Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p. 17–21).	This is achieved by requiring that agents should be authorised via an agreement with either the payer or the payee to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, ~~regardless of whether or not the commercial agent is in the possession of client's funds.~~ Electronic commerce platforms that act as commercial agents on behalf of both individual buyers and sellers without buyers or sellers having any real ~~margin~~-scope or autonomy to negotiate or to conclude the sale or purchase of goods or services should not be excluded from the scope of this Regulation. The European Banking Authority (EBA) should develop guidelines on the exclusion for payment transactions from the payer to the payee through a commercial agent to provide further clarity and convergence among competent authorities. Those guidelines may include a repository of use cases typically covered by the commercial agent exclusion. 1. Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p. 17–21).	This ~~is~~<u>should be</u> achieved by requiring that agents ~~should~~ be authorised via an agreement with either the payer or the payee to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, regardless of whether or not the commercial agent is in the possession of client's funds. Electronic commerce platforms that act as commercial agents on behalf of both individual buyers and sellers without buyers or sellers having any real ~~margin~~-scope or autonomy to negotiate or to conclude the sale or purchase of goods or services should not be excluded from the scope of this Regulation. The European Banking Authority (EBA) should develop guidelines on the exclusion for payment transactions from the payer to the payee through a commercial agent to provide further clarity and convergence among competent authorities. Those guidelines may include a repository of use cases typically covered by the commercial agent exclusion. ~~1. Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p. 17–21).~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Recital 12				
22	(12) The exclusion from the scope of Directive (EU) 2015/2366 related to specific-purpose instruments has been applied differently across Member States, although service providers whose instruments were covered by that exclusion were required to notify their activity to the competent authorities. The EBA provided further guidance in its ‘Guidelines on the limited network exclusion under PSD2’ of 24 February 2022¹. Despite these attempts to clarify the application of the exclusion related to specific-purpose instruments there are still service providers that provide services which involve substantial payment volumes and a variety of products offered to a large number of customers that seek to make use of that exclusion. In these cases, consumers do not benefit from the necessary safeguards and the services should not benefit from the exclusion for specific-purpose instruments. Therefore, it is necessary to clarify that it should not be possible to use the same specific-purpose instrument to make payment transactions to acquire goods and services within more than one limited network or to acquire an	(12) The exclusion from the scope of Directive (EU) 2015/2366 related to specific-purpose instruments has been applied differently across Member States, although service providers whose instruments were covered by that exclusion were required to notify their activity to the competent authorities. The EBA provided further guidance in its ‘Guidelines on the limited network exclusion under PSD2’ of 24 February 2022¹. Despite these attempts to clarify the application of the exclusion related to specific-purpose instruments there are still service providers that provide services which involve substantial payment volumes and a variety of products offered to a large number of customers that seek to make use of that exclusion. In these cases, consumers do not benefit from the necessary safeguards and the services should not benefit from the exclusion for specific-purpose instruments. Therefore, it is necessary to clarify that it should not be possible to use the same specific-purpose instrument to make payment transactions to acquire goods and services within more than one	(12) The exclusion from the scope of Directive (EU) 2015/2366 related to specific-purpose instruments has been applied differently across Member States, although service providers whose instruments were covered by that exclusion were required to notify their activity to the competent authorities. The EBA provided further guidance in its ‘~~Guidelines on the limited network exclusion under PSD2~~’ <i>Guidelines on the limited network exclusion under PSD2</i>’ of 24 February 2022¹. Despite these attempts to clarify the application of the exclusion related to specific-purpose instruments there are still service providers that provide services which involve substantial payment volumes and a variety of products offered to a large number of customers that seek to make use of that exclusion. In these cases, consumers do not benefit from the necessary safeguards and the services should not benefit from the exclusion for specific-purpose instruments. Therefore, it is necessary to clarify that it should not be possible to use the same specific-purpose instrument to make payment transactions to acquire goods and services within more than one	(12) The exclusion from the scope of Directive (EU) 2015/2366 related to specific-purpose instruments has been applied differently across Member States, although service providers whose instruments were covered by that exclusion were required to notify their activity to the competent authorities. The EBA provided further guidance in its ‘~~Guidelines on the limited network exclusion under PSD2~~’ <i>Guidelines on the limited network exclusion under PSD2</i>’ of 24 February 2022¹. Despite these attempts to clarify the application of the exclusion related to specific-purpose instruments there are still service providers that provide services which involve substantial payment volumes and a variety of products offered to a large number of customers that seek to make use of that exclusion. In these cases, consumers do not benefit from the necessary safeguards and the services should not benefit from the exclusion for specific-purpose instruments. Therefore, it is necessary to clarify that it should not be possible to use the same specific-purpose instrument to make payment transactions to acquire goods and services within more than one

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	unlimited range of goods and services. 1. European Banking Authority, EBA/GL/2022/02.	unlimited range of goods and services. 1. European Banking Authority, EBA/GL/2022/02.	limited network or to acquire an unlimited range of goods and services. 1. European Banking Authority, EBA/GL/2022/02.	limited network or to acquire an unlimited range of goods and services. 1. European Banking Authority, EBA/GL/2022/02. Text Origin: Council Mandate
Recital 13				
23	(13) To assess whether a limited network should be excluded from scope, the geographical location of the points of acceptance of such network as well as the number of the points of acceptance should be considered. Specific-purpose instruments should allow the holder to acquire goods or services only in the physical premises of the issuer, whereas usage in an online store environment should not be covered by the notion of premises of the issuer. Specific-purpose instruments should include, depending on the respective contractual regime, cards that can only be used in a particular chain of stores or a particular shopping centre, fuel cards, membership cards, public transport cards, parking ticketing, meal vouchers or vouchers for specific services, which may be subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the	(13) To assess whether a limited network should be excluded from scope, the geographical location of the points of acceptance of such network as well as the number of the points of acceptance should be considered. Specific-purpose instruments should allow the holder to acquire goods or services only in the physical premises of the issuer, whereas usage in an online store environment should not be covered by the notion of premises of the issuer. Specific-purpose instruments should include, depending on the respective contractual regime, cards that can only be used in a particular chain of stores or a particular shopping centre, fuel cards, membership cards, public transport cards, parking ticketing, meal vouchers or vouchers for specific services, which may be subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the	(13) To assess whether a limited network should be excluded from scope, the geographical location of the points of acceptance of such network as well as the number of the points of acceptance should be considered. Specific-purpose instruments should allow the holder to acquire goods or services only in the physical premises of the issuer, whereas usage in an online store environment should not be covered by the notion of premises of the issuer. Specific-purpose instruments should include, depending on the respective contractual regime, cards that can only be used in a particular chain of stores or a particular shopping centre, fuel cards, membership cards, public transport cards, parking ticketing, meal vouchers or vouchers for specific services, which may be subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the	(13) To assess whether a limited network should be excluded from scope, the geographical location of the points of acceptance of such network as well as the number of the points of acceptance should be considered. Specific-purpose instruments should allow the holder to acquire goods or services only in the physical premises ~~of the issuer,~~ ~~whereas usage in an~~ ~~or~~ ~~online-store~~ ~~environment should not be covered by the notion of~~ premises of the issuer. Specific-purpose instruments should include, depending on the respective contractual regime, cards that can only be used in a particular chain of stores or a particular shopping centre, fuel cards, membership cards, public transport cards, parking ticketing, meal vouchers or vouchers for specific services, which may be subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	objectives laid down in social legislation, such as childcare vouchers or ecological vouchers. Specific-purpose instruments should also include electronic money-based instruments once they meet the requirements of this exclusion. Payment instruments which can be used for purchases in stores of listed merchants should not be excluded, as such instruments are typically designed for a network of service providers which is continuously growing.	objectives laid down in social legislation, such as childcare vouchers or ecological vouchers. ~~Specific-purpose instruments~~ <u>At the same time, the Member States' regulatory environment for vouchers</u> should ~~also include electronic money-based instruments once they meet the requirements of this exclusion. Payment instruments which can be used for purchases in stores of listed merchants should not be excluded, as such instruments are typically designed for a network of service providers which is~~ <u>continuously growing ensure the acceptability of such vouchers.</u>	objectives laid down in social legislation, such as childcare vouchers or ecological vouchers. Specific-purpose instruments should also include electronic money-based instruments once they meet the requirements of this exclusion. Payment instruments which can be used for purchases in stores of listed merchants should not be excluded, as such instruments are typically designed for a network of service providers which is continuously growing.	objectives laid down in social legislation, such as childcare vouchers or ecological vouchers. <u>At the same time, the Member States' regulatory environment for vouchers should ensure the acceptability of such vouchers.</u> Specific-purpose instruments should also include electronic money-based instruments once they meet the requirements of this exclusion. Payment instruments which can be used for purchases in stores of listed merchants should not be excluded, as such instruments are typically designed for a network of service providers which is continuously growing.
Recital 14				
24	(14) The exclusion relating to certain payment transactions by means of telecom or information technology devices should focus specifically on micro-payments for digital content and voice-based services. A clear reference to payment transactions for the purchase of electronic tickets should be kept to so that customers can still easily order, pay for, obtain and validate electronic tickets from any location and at any time using mobile phones or other devices. Electronic tickets allow and facilitate the delivery of services that	(14) The exclusion relating to certain payment transactions by means of telecom or information technology devices should focus specifically on micro-payments for digital content and voice-based services. A clear reference to payment transactions for the purchase of electronic tickets should be kept to so that customers can still easily order, pay for, obtain and validate electronic tickets from any location and at any time using mobile phones or other devices. Electronic tickets allow and facilitate the delivery of services that	(14) The exclusion relating to certain payment transactions by means of telecom or information technology devices should focus specifically on micro-payments for digital content and voice-based services. A clear reference to payment transactions for the purchase of electronic tickets should be kept to so that customers can still easily order, pay for, obtain and validate electronic tickets from any location and at any time using mobile phones or other devices. Electronic tickets allow and facilitate the delivery of services that	(14) The exclusion relating to certain payment transactions by means of telecom or information technology devices should focus specifically on micro-payments for digital content and voice-based services. A clear reference to payment transactions for the purchase of electronic tickets should be kept ~~to~~ so that customers can still easily order, pay for, obtain and validate electronic tickets from any location and at any time using mobile phones or other devices. Electronic tickets allow and facilitate the delivery of services that

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	consumers could otherwise purchase in paper ticket form and include transport, entertainment, car parking and entry to venues, but exclude physical goods. Payment transactions by a specified provider of electronic communications networks performed from or via an electronic device and charged to the related bill to collect charitable donations should also be excluded. It should apply only where the value of payment transactions is below a specified threshold.	consumers could otherwise purchase in paper ticket form and include transport, entertainment, car parking and entry to venues, but exclude physical goods. Payment transactions by a specified provider of electronic communications networks performed from or via an electronic device and charged to the related bill to collect charitable donations should also be excluded. It should apply only where the value of payment transactions is below a specified threshold.	consumers could otherwise purchase in paper ticket form and include transport, entertainment, car parking and entry to venues, but exclude physical goods. Payment transactions by a specified provider of electronic communications networks performed from or via an electronic device and charged to the related bill to collect charitable donations should also be excluded. It should apply only where the value of payment transactions is below a specified threshold. For the exclusion, the telecommunications operator must provide the payment services in addition to the electronic communications services it provides to its subscriber. This implies that there is a direct contractual arrangement between the telecommunications operator and the subscriber for the provision of the electronic communications services and that the payment service is an additional service to these services. There are situations in which a digital content provider or the provider of services, for which the subscriber has paid through its own telecommunication operator, makes use of further service providers ('intermediaries') for the collection and transfer of the	consumers could otherwise purchase in paper ticket form and include transport, entertainment, car parking and entry to venues, but exclude physical goods. Payment transactions by a specified provider of electronic communications networks performed from or via an electronic device and charged to the related bill to collect charitable donations should also be excluded. <u><i>#That exclusion</i></u> should apply only where the value of payment transactions is below a specified threshold. <u><i>For the exclusion to apply, the telecommunications operator must provide the payment services in addition to the electronic communications services it provides to its subscriber. That implies that there is a direct contractual arrangement between the telecommunications operator and the subscriber for the provision of the electronic communications services and that the payment service is an additional service to these services. There are situations in which a digital content provider or the provider of services, for which the subscriber has paid through its own telecommunication operator, makes use of further service providers ('intermediaries') for the collection and transfer of the funds. Although those</i></u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			funds. Although those intermediaries (beneficiary operators, collection operators, transit operators etc.) may also provide telecommunication services, cannot benefit from the exclusion, as they do not have a direct contractual relationship with the subscriber regarding the provision of telecommunication services.	<u>intermediaries (beneficiary operators, collection operators, transit operators etc.) may also provide telecommunication services, they cannot benefit from the exclusion, as they do not have a direct contractual relationship with the subscriber regarding the provision of telecommunication services.</u>
Recital 15				
25	(15) The Single Euro Payments Area (SEPA) has facilitated the creation of Union wide ‘payment factories’ and ‘collection factories’, allowing for the centralisation of payment transactions of the same group. In that respect, payment transactions between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking which are provided by a payment service provider belonging to the same group should be excluded from the scope of this Regulation. The collection of payment orders on behalf of a group by a parent undertaking or its subsidiary for onward transmission to another payment service provider should not be considered as a payment service.	(15) The Single Euro Payments Area (SEPA) has facilitated the creation of Union wide ‘payment factories’ and ‘collection factories’, allowing for the centralisation of payment transactions of the same group. In that respect, payment transactions between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking which are provided by a payment service provider belonging to the same group should be excluded from the scope of this Regulation. The collection of payment orders <u>and the receipt of funds</u> on behalf of a group by a parent undertaking or its subsidiary for onward transmission to another payment service provider should not be considered as a payment service.	(15) The Single Euro Payments Area (SEPA) has facilitated the creation of Union wide ‘payment factories’ and ‘collection factories’, allowing for the centralisation of payment transactions of the same group. In that respect, payment transactions between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking which are provided by a payment service provider belonging to the same group should be excluded from the scope of this Regulation. The collection of payment orders on behalf of a group by a parent undertaking or its subsidiary for onward transmission to another payment service provider should not be considered as a payment service.	(15) The Single Euro Payments Area (SEPA) has facilitated the creation of Union wide ‘payment factories’ and ‘collection factories’, allowing for the centralisation of payment transactions of the same group. In that respect, payment transactions <u>and related services</u> between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking which are provided by a payment service provider belonging to the same group should be excluded from the scope of this Regulation, <u>including the redistribution through intragroup payment transactions of funds received from external third parties on behalf of group entities.</u> The collection of payment orders on behalf of a group by a parent undertaking or its subsidiary for onward transmission to another

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				payment service provider should not be considered as a payment service. <u>Insofar as public service operators within the meaning of Regulation (EC) No 1370/2007 handle equalisation payments and revenue sharing within a closed payment processing system of transport operators or via their clearing centres, tariff organisations or associations, those payment transactions should as well be excluded from the scope of this Regulation.</u>
Recital 16				
26	(16) The provision of payment services requires the support of technical services. Those technical services include the processing and storage of data, payment gateway services, trust and privacy protection services, data and entity authentication, information technology (IT) and communication network provision, provision and maintenance of consumer-facing interfaces used to collect payment information, including terminals and devices used for payment services. Payment initiation services and account information services are not technical services.	(16) The provision of payment services requires the support of technical services. Those technical services include the processing and storage of data, payment gateway services, trust and privacy protection services, data and entity authentication, information technology (IT) and communication network provision, provision and maintenance of consumer-facing interfaces used to collect payment information, including terminals and devices used for payment services. Payment initiation services and account information services are not technical services.	(16) The provision of payment services requires the support of technical services. Those technical services include the processing and storage of data, payment gateway services, trust and privacy protection services, data and entity authentication, information and communication technology (~~IT~~ICT) and communication network provision, provision and maintenance of consumer-facing interfaces used to collect payment information, including terminals and devices used for payment services. Payment initiation services and account information services are not technical services.	(16) The provision of payment services requires the support of technical services. Those technical services include the processing and storage of data, payment gateway services, trust and privacy protection services, data and entity authentication, information <u>and communication</u> technology (~~IT~~ICT) and communication network provision, provision and maintenance of consumer-facing interfaces used to collect payment information, including terminals and devices used for payment services. Payment initiation services and account information services are not technical services. Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 17				
27	(17) Technical services do not constitute payment services as such as technical service providers do not enter at any time into possession of the funds to be transferred. They should therefore be excluded from the definition of payment services. Those services should however be subject to certain requirements, such as those on liability for failure to support the application of strong customer authentication, or the requirement to enter into outsourcing agreements with payment service providers in case technical service providers are to provide and verify the elements of strong customer authentication. There should also be requirements governing the termination fees of framework contracts where payment services are offered jointly with technical services.	(17) Technical services do not constitute payment services as such as technical service providers do not enter at any time into possession of the funds to be transferred. They should therefore be excluded from the definition of payment services. Those services should however be subject to certain requirements, such as those on liability for failure to support the application of strong customer authentication, ~~or the requirement to enter into outsourcing agreements with payment service providers in case technical service providers are to provide and verify the elements of strong customer authentication.~~ <i>There should also be requirements governing the termination fees of framework contracts where payment services are offered jointly with technical services.</i>	(17) Technical services do not constitute payment services as such as technical service providers do not enter at any time into possession of the funds to be transferred. They should therefore be excluded from the definition of payment services. Those services should however be subject to certain requirements, such as those on liability for failure to support the application of strong customer authentication, or the requirement to enter into outsourcing agreements with payment service providers in case technical service providers are to provide and verify the elements of strong customer authentication. There should also be requirements governing the termination fees of framework contracts where payment services are offered jointly with technical services.	(17) Technical services do not constitute payment services ~~as such~~ <i>in so far</i> as technical service providers do not enter at any time into possession of the funds to be transferred. They should therefore be excluded from the definition of payment services. Those services should however be subject to certain requirements, such as those on liability for failure to support the application of strong customer authentication, <i>which should be limited to direct financial damage and should not exceed the amount of the transaction concerned</i> , or the requirement to enter into outsourcing agreements with payment service providers in case technical service providers are to provide and verify the elements of strong customer authentication. There should also be requirements governing the termination fees of framework contracts where payment services are offered jointly with technical services.
Recital 18				
28	(18) Taking into account the rapid evolution of the retail payments market and the emergence of new payment services and payment solutions, it is appropriate to adapt	(18) Taking into account the rapid evolution of the retail payments market and the emergence of new payment services and payment solutions, it is appropriate to adapt	(18) Taking into account the rapid evolution of the retail payments market and the emergence of new payment services and payment solutions, it is appropriate to adapt	(18) Taking into account the rapid evolution of the retail payments market and the emergence of new payment services and payment solutions, it is appropriate to adapt

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	some of the definitions under Directive (EU) 2015/2366 to the realities of the market in order to ensure that Union legislation remains fit for purpose and technology neutral.	some of the definitions under Directive (EU) 2015/2366 to the realities of the market in order to ensure that Union legislation remains fit for purpose and technology neutral.	some of the definitions under Directive (EU) 2015/2366 to the realities of the market in order to ensure that Union legislation remains fit for purpose and technology neutral.	some of the definitions under Directive (EU) 2015/2366 to the realities of the market in order to ensure that Union legislation remains fit for purpose and technology neutral. Text Origin: Commission Proposal
Recital 19				
29	(19) The clarification of the process and the various steps to be followed for the execution of a payment transaction is of significant importance for the rights and obligations of the parties involved in a payment transaction and for the application of strong customer authentication. The process leading to the execution of a payment transaction is either initiated by the payer or on his/her behalf, or by the payee. The payer initiates the payment transaction by placing a payment order. Once the payment order is placed, the payment service provider checks if the transaction has been authorised and authenticated including, where applicable, by applying strong customer authentication, and the payment service provider then validates the payment order. The payment service provider then takes the relevant steps to execute the	(19) The clarification of the process and the various steps to be followed for the execution of a payment transaction is of significant importance for the rights and obligations of the parties involved in a payment transaction and for the application of strong customer authentication. The process leading to the execution of a payment transaction is either initiated by the payer or on his/her behalf, or by the payee. The payer initiates the payment transaction by placing a payment order. Once the payment order is placed, the payment service provider checks if the transaction has been authorised and authenticated including, where applicable, by applying strong customer authentication, and the payment service provider then validates the payment order. The payment service provider then takes the relevant steps to execute the	~~(19) The clarification of the process and the various steps to be followed for the execution of a payment transaction is of significant importance for the rights and obligations of the parties involved in a payment transaction and for the application of strong customer authentication. The process leading to the execution of a payment transaction is either initiated by the payer or on his/her behalf, or by the payee. The payer initiates the payment transaction by placing a payment order. Once the payment order is placed, the payment service provider checks if the transaction has been authorised and authenticated including, where applicable, by applying strong customer authentication, and the payment service provider then validates the payment order. The payment service provider then takes the relevant steps to execute the~~	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment transaction, including the transfer of funds.	payment transaction, including the transfer of funds.	~~payment transaction, including the transfer of funds.~~	
Recital 20				
30	(20) Given the diverging views identified by the Commission in its review of the implementation of Directive (EU) 2015/2366 and highlighted by the European Banking Authority (EBA) in its opinion of 23 June 2022 on the review of Directive (EU) 2015/2366, it is necessary to clarify the definition of a payment accounts. The determining criterion for the categorisation of an account as payment account lies in the ability to perform daily payment transactions from such an account. The possibility of making payment transactions to a third party from an account or of benefiting from such transactions carried out by a third party is a defining feature of the concept of payment account. A payment account should therefore be defined as an account that is used for sending and receiving funds to and from third parties. Any account that possesses those characteristics should be considered a payment account and should be accessed for the provision of payment initiation and account information services. Situations where another intermediary account is needed to	(20) Given the diverging views identified by the Commission in its review of the implementation of Directive (EU) 2015/2366 and highlighted by the European Banking Authority (EBA) in its opinion of 23 June 2022 on the review of Directive (EU) 2015/2366, it is necessary to clarify the definition of a payment accounts. The determining criterion for the categorisation of an account as payment account lies in the ability to perform daily payment transactions from such an account. The possibility of making payment transactions to a third party from an account or of benefiting from such transactions carried out by a third party is a defining feature of the concept of payment account. A payment account should therefore be defined as an account that is used for sending and receiving funds to and from third parties. Any account that possesses those characteristics should be considered a payment account and should be accessed for the provision of payment initiation and account information services. Situations where another intermediary account is needed to	(20) Given the diverging views identified by the Commission in its review of the implementation of Directive (EU) 2015/2366 and highlighted by the European Banking Authority (EBA) in its opinion of 23 June 2022 on the review of Directive (EU) 2015/2366, it is necessary to clarify the definition of a payment accounts. The determining criterion for the categorisation of an account as payment account lies in the ability to perform daily payment transactions from such an account. The possibility of making payment transactions to a third party from an account or of benefiting from such transactions carried out by a third party is a defining feature of the concept of payment account. – A payment account should therefore be defined as an account that ~~can be~~ is used for sending and receiving funds to and from third parties. Any account that possesses those characteristics should be considered a payment account and should be accessed for the provision of payment initiation and account information services. In certain cases, such as that of credit card	(20) Given the diverging views identified by the Commission in its review of the implementation of Directive (EU) 2015/2366 and highlighted by the European Banking Authority (EBA) in its opinion of 23 June 2022 on the review of Directive (EU) 2015/2366, it is necessary to clarify the definition of a payment accounts. The determining criterion for the categorisation of an account as payment account lies in the ability to perform daily payment transactions from such an account. The possibility of making payment transactions to a third party from an account or of benefiting from such transactions carried out by a third party is a defining feature of the concept of payment account. – A payment account should therefore be defined as an account that ~~can be~~ is used for sending and receiving funds to and from third parties. Any account that possesses those characteristics should be considered a payment account and should be accessed for the provision of payment initiation and account information services. <u>In certain cases, such as that of credit card</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	execute payment transactions from or to third parties should not fall under the definition of a payment account. Savings accounts are not used for sending and receiving funds to or from a third party, excluding them therefore from the definition of a payment account.	execute payment transactions from or to third parties should not fall under the definition of a payment account. Savings accounts are not used for sending and receiving funds to or from a third party, excluding them therefore from the definition of a payment account.	accounts or where the account is used only for the execution of one transaction, a case-by-case analysis should be carried out to determine whether it possesses those characteristics. Situations where another intermediary account is needed to execute payment transactions from or to third parties should not fall under the definition of a payment account. Savings accounts ~~are not~~ that cannot be used for sending and receiving funds to or from a third party, ~~excluding them~~ are therefore excluded from the definition of a payment account.	<u>accounts or where the account is used only for the execution of one transaction, a case-by-case analysis should be carried out to determine whether it possesses those characteristics.</u> Situations where another intermediary account is needed to execute payment transactions from or to third parties should not fall under the definition of a payment account. Savings accounts ~~are not~~ <u>that cannot be</u> used for sending and receiving funds to or from a third party, ~~excluding them~~ <u>are</u> therefore <u>excluded</u> from the definition of a payment account. Text Origin: Council Mandate
Recital 21				
31	(21) Given the emergence of new types of payment instruments and the uncertainties prevailing in the market as to their legal qualification, the definition of a ‘payment instrument’ should be further specified by providing some examples to illustrate what constitutes or does not constitute a payment instrument, bearing in mind the principle of technology neutrality.	(21) Given the emergence of new types of payment instruments and the uncertainties prevailing in the market as to their legal qualification, the definition of a ‘payment instrument’ should be further specified by providing some examples to illustrate what constitutes or does not constitute a payment instrument, bearing in mind the principle of technology neutrality.	(21) Given the emergence of new types of payment instruments and the uncertainties prevailing in the market as to their legal qualification, the definition of a ‘payment instrument’ should be further specified by providing some examples to illustrate what constitutes or does not constitute a payment instrument, bearing in mind the principle of technology neutrality.	(21) Given the emergence of new types of payment <u>instruments, the evolving technological solutions providing such</u> instruments and the uncertainties prevailing in the market as to their legal qualification, the definition of a ‘payment instrument’ should be further specified by providing some examples to illustrate what constitutes or does not constitute a payment instrument, bearing in mind the principle of technology neutrality. TM 11.02: from PSD3

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Recital 22				
32	(22) Despite the fact that Near-Field Communication (NFC) enables the initiation of a payment transaction, considering it as a fully-fledged 'payment instrument' would pose some challenges, for example for the application of strong customer authentication for contactless payments at the point of sale and of the payment service provider's liability regime. NFC should therefore rather be considered as a functionality of a payment instrument and not as a payment instrument as such.	(22) Despite the fact that Near-Field Communication (NFC) enables the initiation of a payment transaction, considering it as a fully-fledged 'payment instrument' would pose some challenges, for example for the application of strong customer authentication for contactless payments at the point of sale and of the payment service provider's liability regime. NFC should therefore rather be considered as a functionality of a payment instrument and not as a payment instrument as such.	(22) Despite the fact that Near-Field Communication (NFC) enables the initiation of a payment transaction, considering it as a fully-fledged 'payment instrument' would pose some challenges, for example for the application of strong customer authentication for contactless payments at the point of sale and of the payment service provider's liability regime. NFC should therefore rather be considered as a functionality of a payment instrument and not as a payment instrument as such.	(22) Despite the fact that Near-Field Communication (NFC) enables the initiation of a payment transaction, considering it as a fully-fledged 'payment instrument' would pose some challenges, for example for the application of strong customer authentication for contactless payments at the point of sale and of the payment service provider's liability regime. NFC should therefore rather be considered as a functionality of a payment instrument and not as a payment instrument as such. Text Origin: Commission Proposal
Recital 23				
33	(23) The definition of 'payment instrument' under Directive (EU) 2015/2366 referred to a 'personalised device'. Since there are pre-paid cards where the name of the holder of the instrument is not printed on the card, applying that reference could leave those types of cards outside the scope of the definition of a payment instrument. The definition of 'payment instrument' should, therefore, be	(23) The definition of 'payment instrument' under Directive (EU) 2015/2366 referred to a 'personalised device'. Since there are pre-paid cards where the name of the holder of the instrument is not printed on the card, applying that reference could leave those types of cards outside the scope of the definition of a payment instrument. The definition of 'payment instrument' should, therefore, be	(23) The definition of 'payment instrument' under Directive (EU) 2015/2366 referred to a 'personalised device'. Since there are pre-paid cards where the name of the holder of the instrument is not printed on the card, applying that reference could leave those types of cards outside the scope of the definition of a payment instrument. The definition of 'payment instrument' should, therefore, be	(23) The definition of 'payment instrument' under Directive (EU) 2015/2366 referred to a 'personalised device'. Since there are pre-paid cards where the name of the holder of the instrument is not printed on the card, applying that reference could leave those types of cards outside the scope of the definition of a payment instrument. The definition of 'payment instrument' should, therefore, be

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	amended to refer to ‘individualised’ devices instead of ‘personalised’ ones, clarifying that pre-paid cards where the name of the holder of the instrument is not printed on the card fall within the scope of this Regulation.	amended to refer to ‘individualised’ devices instead of ‘personalised’ ones, clarifying that pre-paid cards where the name of the holder of the instrument is not printed on the card fall within the scope of this Regulation.	amended to refer to ‘individualised’ devices instead of ‘personalised’ ones, clarifying that pre-paid cards where the name of the holder of the instrument is not printed on the card fall within the scope of this Regulation.	amended to refer to ‘individualised’ devices instead of ‘personalised’ ones, clarifying that pre-paid cards where the name of the holder of the instrument is not printed on the card fall within the scope of this Regulation. Text Origin: Commission Proposal
Recital 24				
34	(24) So-called digital ‘pass-through wallets’, involving the tokenisation of an existing payment instrument, for example a payment card, are to be considered as technical services and should thus be excluded from the definition of payment instrument as, in the Commission’s view, a token cannot be regarded as being itself a payment instrument but, rather, a ‘payment application’ within the meaning of Article 2(21) of Regulation (EU) 2015/751 of the European Parliament and of the Council.¹ However, some other categories of digital wallets, namely pre-paid electronic wallets such as ‘staged-wallets’ where users can store money for future online transactions, should be considered a payment instrument and their issuance a payment service. ¹ Regulation (EU) 2015/751 of the European Parliament and of the Council of	(24) So-called digital ‘pass-through wallets’, involving the tokenisation of an existing payment instrument, for example a payment card, are to be considered as technical services and should thus be excluded from the definition of payment instrument as, in the Commission’s view, a token cannot be regarded as being itself a payment instrument but, rather, a ‘payment application’ within the meaning of Article 2(21) of Regulation (EU) 2015/751 of the European Parliament and of the Council.¹ However, some other categories of digital wallets, namely pre-paid electronic wallets such as ‘staged-wallets’ where users can store money for future online transactions, should be considered a payment instrument and their issuance a payment service. ¹ Regulation (EU) 2015/751 of the European Parliament and of the Council of	(24) So-called digital ‘pass-through wallets’, involving the tokenisation of an existing payment instrument, for example a payment card, are to be considered as technical services and should thus be excluded from the definition of payment instrument as, in the Commission’s view, a token cannot be regarded as being itself a payment instrument but, rather, a ‘payment application’ within the meaning of Article 2(21) of Regulation (EU) 2015/751 of the European Parliament and of the Council.¹ However, some other categories of digital wallets, namely ~~pre-paid~~pre-funded electronic wallets such as ‘staged-wallets’ (characterised by a funding-stage and a payment-stage) where users can store money for future ~~online~~ transactions or where users can fund the wallet simultaneously as it is used, should be considered a	(24) So-called digital ‘pass-through wallets’, involving <u>either</u> the tokenisation of an existing payment instrument, for example a payment card, <u>or a credit transfer from a payment account</u>, are to be considered as technical services and should thus be excluded from the ~~definition~~<u>definitions</u> of payment instrument ~~as~~<u>and of payment initiation service, provided that no funds are stored</u> in the ~~Commission’s view~~, <u>digital wallet, that the digital wallet provider never enters into possession of such funds and that the wallet provider operates under contractual arrangements within a closed system with the payment service providers servicing the payer’s payment account or issuing the payer’s payment instrument.</u> A token cannot be regarded as being itself a payment instrument but,

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	29 April 2015 on interchange fees for card-based payment transactions (OJ L 123, 19.5.2015, p. 1).	29 April 2015 on interchange fees for card-based payment transactions (OJ L 123, 19.5.2015, p. 1).	payment instrument and their issuance a payment service. 1. Regulation (EU) 2015/751 of the European Parliament and of the Council of 29 April 2015 on interchange fees for card-based payment transactions (OJ L 123, 19.5.2015, p. 1).	rather, a ‘payment application’ within the meaning of Article 2(21) of Regulation (EU) 2015/751 of the European Parliament and of the Council.¹ However, some other categories of digital wallets, namely ~~pre-paid~~<u>pre-funded</u> electronic wallets such as ‘staged-wallets’ ~~where users can store money for future online transactions,~~ <u>characterised by a funding-stage and a payment-stage</u>, should be considered a payment instrument and their issuance a payment service. <u>This includes both wallets where users store funds in advance for future transactions and wallets where the funding stage and the payment stage occur simultaneously at the time of the transaction, including where the wallet is automatically funded, in whole or in part, from a linked payment instrument or account.</u> 1. Regulation (EU) 2015/751 of the European Parliament and of the Council of 29 April 2015 on interchange fees for card-based payment transactions (OJ L 123, 19.5.2015, p. 1). Text Origin: Council Mandate
Recital 25				
35	(25) Technological developments since the adoption of Directive (EU) 2015/2366 have transformed the way	(25) Technological developments since the adoption of Directive (EU) 2015/2366 have transformed the way	(25) Technological developments since the adoption of Directive (EU) 2015/2366 have transformed the way	(25) Technological developments since the adoption of Directive (EU) 2015/2366 have transformed the way

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	account information services are provided. The companies offering those services provide payment service users with aggregated online information on one or more of their payment accounts held with one or more payment service providers and accessed via online interfaces of the account servicing payment service provider. Payment service users are thus able to have an overall and structured view of their payment accounts immediately and at any given moment.	account information services are provided. The companies offering those services provide payment service users with aggregated online information on one or more of their payment accounts held with one or more payment service providers and accessed via online interfaces of the account servicing payment service provider. Payment service users are thus able to have an overall and structured view of their payment accounts immediately and at any given moment.	account information services are provided. The companies offering those services provide payment service users with aggregated online information on one or more of their payment accounts held with one or more payment service providers and accessed via online interfaces of the account servicing payment service provider. Payment service users are thus able to have an overall and structured view of their payment accounts immediately and at any given moment.	account information services are provided. The companies offering those services provide payment service users with aggregated online information on one or more of their payment accounts held with one or more payment service providers and accessed via online interfaces of the account servicing payment service provider. Payment service users are thus able to have an overall and structured view of their payment accounts immediately and at any given moment. Text Origin: Commission Proposal
Recital 26				
36	(26) The Commission's review highlighted the fact that authorised account information service providers sometimes provide payment account data that they have aggregated not to the consumer from which they received their permission to access and aggregate the data, but to another party, to enable it to provide other services to the consumer using the data. There are however diverging views as to whether this activity falls under the regulated account information service. The Commission considers that this 'license-as-a-service' evolution of the 'open banking'	(26) The Commission's review highlighted the fact that authorised account information service providers sometimes provide payment account data that they have aggregated not to the consumer from which they received their permission to access and aggregate the data, but to another party, to enable it to provide other services to the consumer using the data. There are however diverging views as to whether this activity falls under the regulated account information service. The Commission considers that this 'license-as-a-service' evolution of the 'open banking'	(26) The Commission's review highlighted the fact that authorised account information service providers sometimes provide payment account data that they have aggregated not to the consumer from which they received their permission to access and aggregate the data, but to another party, to enable it to provide other services to the consumer using the data. There are however diverging views as to whether this activity falls under the regulated account information service. The Commission considers that this 'license-as-a-service' evolution of the 'open banking'	(26) The Commission's review highlighted the fact that authorised account information service providers sometimes provide payment account data that they have aggregated not to the consumer from which they received their ~~permission~~ consent to access and aggregate the data, but to another party, to enable it to provide other services to the consumer using the data. There are however diverging views as to whether this activity falls under the regulated account information service. ~~The Commission considers that~~ This 'license-as-a-service' evolution of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	business model can be a source of innovative, data-based services, to the ultimate benefit of end-users. Indeed, that business model enables end-users to give access to their payment account data in order to receive other - non-payment - services including lending, accounting, creditworthiness assessment. It is however essential that payment service users know precisely who accesses their payment account data, on what legal grounds and for what purpose. Payment service users should be made fully aware of and authorise the transmission of their data to another company. That new open banking-based business model requires a modification of the definition of account information services, to clarify that the information aggregated by the authorised account information service provider may be transmitted to a third party to enable that third party to provide another service to the end-user, with the end-user's permission. To provide consumers with adequate protection for their payment account data and legal certainty about the status of entities accessing their data, the service of data aggregation from payment accounts should always be provided by a regulated entity on the basis of	business model can be a source of innovative, data-based services, to the ultimate benefit of end-users. Indeed, that business model enables end-users to give access to their payment account data in order to receive other - non-payment - services including lending, accounting, creditworthiness assessment. It is however essential that payment service users know precisely who accesses their payment account data, on what legal grounds and for what purpose. Payment service users should be made fully aware of and authorise the transmission of their data to another company. That new open banking-based business model requires a modification of the definition of account information services, to clarify that the information aggregated by the authorised account information service provider may be transmitted to a third party to enable that third party to provide another service to the end-user, with the end-user's permission. To provide consumers with adequate protection for their payment account data and legal certainty about the status of entities accessing their data, the service of data aggregation from payment accounts should always be provided by a regulated entity on the basis of	business model can be a source of innovative, data-based services, to the ultimate benefit of end-users. Indeed, that business model enables end-users to give access to their payment account data in order to receive other - non-payment - services including lending, accounting, creditworthiness assessment. It is however essential that payment service users know precisely who accesses their payment account data, on what legal grounds and for what purpose. Payment service users should be made fully aware of and authorise the transmission of their data to another company. That new open banking-based business model requires a modification of the definition of account information services, to clarify that the information aggregated by the authorised account information service provider may be transmitted to a third party to enable that third party to provide another service to the end-user, with the end-user's permission. To provide consumers with adequate protection for their payment account data and legal certainty about the status of entities accessing their data, the service of data aggregation from payment accounts should always be provided by a regulated entity on the basis of	the 'open banking' business model can be a source of innovative, data-based services, to the ultimate benefit of end-users. Indeed, that business model enables end-users to give access to their payment account data ~~in order~~ to receive other - non-payment - services including lending, accounting, creditworthiness assessment. It is however essential that payment service users know precisely who accesses their payment account data, on what legal grounds and for what purpose. Payment service users should be made fully aware of and authorise the transmission of their data to another company. That new open banking-based business model requires a modification of the definition of account information services, to clarify that the information aggregated by the authorised account information service provider may be transmitted to a third party to enable that third party to provide another service to the end-user, with the end-user's ~~permission~~ <u>consent</u>. To provide consumers with adequate protection for their payment account data and legal certainty about the status of entities accessing their data, the service of data aggregation from payment accounts should always be provided by a regulated entity on the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	a license, even where the data is ultimately transmitted to another service provider.	a license, even where the data is ultimately transmitted to another service provider.	a license, even where the data is ultimately transmitted to another service provider.	basis of a license, even where the data is ultimately transmitted to another service provider. Text Origin: Commission Proposal
Recital 27				
37	(27) Money remittance is a payment service that is usually based on cash provided by a payer to a payment service provider, without any payment accounts being created in the name of the payer or the payee, which remits the corresponding amount to a payee or to another payment service provider acting on behalf of the payee. In some Member States, supermarkets, merchants and other retailers provide to the public a service enabling the public to pay utilities and other regular household bills. Those bill-paying services should be treated as money remittance.	(27) Money remittance is a payment service that is usually based on cash provided by a payer to a payment service provider, without any payment accounts being created in the name of the payer or the payee, which remits the corresponding amount to a payee or to another payment service provider acting on behalf of the payee. In some Member States, supermarkets, merchants and other retailers provide to the public a service enabling the public to pay utilities and other regular household bills. Those bill-paying services should be treated as money remittance.	(27) Money remittance is a payment service that is usually based on cash provided by a payer to a payment service provider, without any payment accounts being created in the name of the payer or the payee, which remits the corresponding amount to a payee or to another payment service provider acting on behalf of the payee. In some Member States, supermarkets, merchants and other retailers provide to the public a service enabling the public to pay utilities and other regular household bills. Those bill-paying services should be treated as money remittance.	<i>deleted</i> TM 11.02: removed because in PSD3 Text Origin: Commission Proposal
Recital 28				
38	(28) The definition of funds should cover all forms of central bank money issued for retail use, including banknotes and coins, and any possible future central bank digital currency, e-money and commercial bank money. Central bank money issued for use between the central bank and commercial	(28) The definition of funds should cover ~~all forms of~~ central bank money issued for retail use, including banknotes and coins, and any possible future central bank digital currency, e-money and commercial bank money. Central bank money issued for use between the central bank and commercial	(28) The definition of funds should cover all forms of central bank money issued for retail use, including banknotes and coins, and any possible future central bank digital currency, e-money and commercial bank money. Central bank money issued for use between the central bank and commercial	(28) The definition of funds should cover ~~all forms of~~ central bank money issued for retail use, including banknotes and coins, and any possible future central bank digital currency, e-money, <u>including electronic money tokens</u> , and commercial bank money. Central bank money issued for use between

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	banks, i.e. for wholesale use, should not be covered.	banks, i.e. for wholesale use, should not be covered.	banks, i.e. for wholesale use, should not be covered.	the central bank and commercial banks, i.e. for wholesale use, should not be covered. Text Origin: EP Mandate
Recital 29				
39	(29) Regulation (EU) 2023/1114 of 31 May 2023 on markets in crypto-assets lays down that electronic-money tokens shall be deemed to be electronic money. Electronic money tokens are therefore included, as electronic money, in the definition of funds in this Regulation.	(29) Regulation (EU) 2023/1114 of 31 May 2023 on markets in crypto-assets lays down that electronic-money tokens shall be deemed to be electronic money <u>for the purposes of that Regulation. To avoid duplicative requirements, it is important that the provisions of this Regulation clearly set out the instances where</u> electronic money tokens ~~are therefore included, as electronic money, in the definition of funds in~~ <u>should instead be subject to</u> this Regulation.	(29) Regulation (EU) 2023/1114 of 31 May 2023 on markets in crypto-assets lays down that electronic-money tokens, as defined in that Regulation , shall be deemed to be electronic money. This is regardless of whether the electronic money tokens ~~are therefore~~ meet the definition of electronic money in Directive xx [PSD3] and this Regulation. Accordingly, references to electronic money in this Regulation should be understood to include electronic money tokens, unless otherwise stated in this Regulation, and electronic money tokens should be included, as electronic money, in the definition of funds. Likewise, providing transfer services for crypto assets on behalf of clients as defined in Regulation 2023/1114 with electronic money tokens could qualify as the payment service of execution of payment transactions, including when such transfers are provided as part of other crypto-asset services, unless such transfers are covered by a	(29) Regulation (EU) 2023/1114 of 31 May 2023 on markets in crypto-assets lays down that electronic-money tokens ~~shall be, as defined in that Regulation, are~~ deemed to be electronic money. <u>That is regardless of whether the</u> electronic money tokens ~~are therefore~~ <u>meet the definition of electronic money in [PSD3] and this Regulation.</u> <u>Accordingly, references to electronic money in this Regulation should be understood to include electronic money tokens, unless otherwise stated in this Regulation, and electronic money tokens should be</u> included, as electronic money, in the definition of funds. <u>Likewise, providing transfer services for crypto assets on behalf of clients as defined in Regulation 2023/1114 with electronic money tokens could qualify as the payment service of execution of payment transactions, including when such transfers are provided as part of other crypto-asset services, unless such transfers are covered by a specific exclusion from the scope of</u> ~~in~~ this Regulation

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						specific exclusion from the scope of ~~in~~ this Regulation and Directive xx [PSD3].		<u>and Directive xx [PSD3].</u>
	Recital 29a							
39a						(29a) Given the market evolution since the adoption of Directive (EU) 2015/2366, and in order to avoid disproportionate requirements for crypto-asset service providers that provide services with electronic money tokens in accordance with Regulation (EU) 2023/1114, and also to ensure legal clarity as regards the scope of application of this Regulation and Directive xx [PSD3] to services with electronic money tokens, it is appropriate to exclude from the scope of application of this Regulation and Directive xx [PSD3] certain types of payment transactions with electronic money tokens where electronic money tokens are used for investment or trading activities. This concerns in particular the exchange by crypto-asset service providers of electronic money tokens for funds or crypto-assets, where the crypto-asset service providers is acting in its own name as buyer or seller of those electronic money tokens, as well as the exchange of electronic money tokens for electronic money		<u>(29a) Given the market evolution since the adoption of Directive (EU) 2015/2366, and in order to avoid disproportionate requirements for crypto-asset service providers that provide services with electronic money tokens in accordance with Regulation (EU) 2023/1114, and also to ensure legal clarity as regards the scope of application of this Regulation and Directive xx [PSD3] to services with electronic money tokens, it is appropriate to exclude from the scope of application of this Regulation and Directive xx [PSD3] certain types of payment transactions with electronic money tokens where electronic money tokens are used for investment or trading activities. This concerns in particular the exchange by crypto-asset service providers of electronic money tokens for funds or crypto-assets, where the crypto-asset service providers is acting in its own name as buyer or seller of those electronic money tokens, as well as the exchange of electronic money tokens for electronic money tokens or crypto-assets carried out by a</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						tokens or crypto-assets carried out by a crypto-asset service provider intermediating between buyers and sellers. This exclusion should cover in particular exchanges of electronic money tokens as part of the provision of the service of exchanging crypto-assets for funds, exchanging crypto-assets for other crypto-assets, operating a trading platform for crypto-assets, receiving and transmitting orders for crypto-assets on behalf of clients or executing orders for crypto-assets on behalf of clients, as defined in Regulation (EU) 2023/1114. However, the exclusion should not include transfer services where electronic money tokens are used to pay for goods or services, for peer-to-peer payment transactions or payment transactions between payment accounts held by the same person.		<u>crypto-asset service provider intermediating between buyers and sellers. This exclusion should cover in particular exchanges of electronic money tokens as part of the provision of the service of exchanging crypto-assets for funds, exchanging crypto-assets for other crypto-assets, operating a trading platform for crypto-assets, receiving and transmitting orders for crypto-assets on behalf of clients or executing orders for crypto-assets on behalf of clients, as defined in Regulation (EU) 2023/1114. However, the exclusion should not include transfer services provided by a CASP where electronic money tokens are used to pay for goods or services.</u> 11.2.26 Council to revert ref consistency of the last element with line 174a (exclusion of payments without intermediary). 25.2: last part of the sentence removed to avoid misunderstanding regarding peer to peer and the interaction with the corresponding exceptions under Article 2. Text Origin: Council Mandate
	Recital 29b							
G	39b				(29b)	Taking into account that		<u>(29b) Taking into account that</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			Directive (EU) 2015/2366 also included a specific exclusion regarding payment transactions made exclusively in cash directly from the payer to the payee without any intermediary intervention, it is appropriate to also include a similar exclusion as regards transactions with electronic money tokens carried out without any intermediary involved. This should include transfers of electronic money tokens between two self-hosted addresses, where there is no intermediary involved, either on the side of the payer or on the side of the payee, and should not include payment transactions between a custodial wallet and a self-hosted wallet.	<u>Directive (EU) 2015/2366 also included a specific exclusion regarding payment transactions made exclusively in cash directly from the payer to the payee without any intermediary intervention, it is appropriate to also include a similar exclusion as regards transactions with electronic money tokens carried out without any intermediary involved. This should include transfers of electronic money tokens between two self-hosted addresses, where there is no intermediary involved, either on the side of the payer or on the side of the payee, and should not include payment transactions between a custodial wallet and a self-hosted wallet.</u> Text Origin: Council Mandate
Recital 30				
40	(30) To preserve the confidence of the electronic money holder, electronic money needs to be redeemable. Redeemability does not imply that the funds received in exchange for electronic money should be regarded as deposits or other repayable funds for the purpose of Directive 2013/36/EU¹. Redemption should be possible at any time, at par value, without any possibility to agree on a minimum	(30) To preserve the confidence of the electronic money holder, electronic money needs to be redeemable. Redeemability does not imply that the funds received in exchange for electronic money should be regarded as deposits or other repayable funds for the purpose of Directive 2013/36/EU¹. Redemption should be possible at any time, at par value, without any possibility to agree on a minimum	(30) To preserve the confidence of the electronic money holder, electronic money needs to be redeemable. Redeemability does not imply that the funds received in exchange for electronic money should be regarded as deposits or other repayable funds for the purpose of Directive 2013/36/EU¹. Redemption should be possible at any time, at par value, without any possibility to agree on a minimum	(30) To preserve the confidence of the electronic money holder, electronic money needs to be redeemable. Redeemability does not imply that the funds received in exchange for electronic money should be regarded as deposits or other repayable funds for the purpose of Directive 2013/36/EU¹. Redemption should be possible at any time, at par value, without any possibility to agree on a minimum

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	threshold for redemption. Redemption should, in general, be granted free of charge. However, it should be possible to request a proportionate and cost-based fee, without prejudice to national legislation on tax or social matters or any obligations on the electronic money issuer under other relevant Union or national legislation, including anti-money laundering and anti-terrorist financing rules, to any action targeting the freezing of funds or any specific measure linked to the prevention and investigation of crimes. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338–436).	threshold for redemption. Redemption should, in general, be granted free of charge. However, it should be possible to request a proportionate and cost-based fee, without prejudice to national legislation on tax or social matters or any obligations on the electronic money issuer under other relevant Union or national legislation, including anti-money laundering and anti-terrorist financing rules, to any action targeting the freezing of funds or any specific measure linked to the prevention and investigation of crimes. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338–436).	threshold for redemption. Redemption should, in general, be granted free of charge. However, it should be possible to request a proportionate and cost-based fee, without prejudice to national legislation on tax or social matters or any obligations on the electronic money issuer under other relevant Union or national legislation, including anti-money laundering and anti-terrorist financing rules, to any action targeting the freezing of funds or any specific measure linked to the prevention and investigation of crimes. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338–436).	threshold for redemption. Redemption should, in general, be granted free of charge. However, it should be possible to request a proportionate and cost-based fee, without prejudice to national legislation on tax or social matters or any obligations on the electronic money issuer under other relevant Union or national legislation, including anti-money laundering and anti-terrorist financing rules, to any action targeting the freezing of funds or any specific measure linked to the prevention and investigation of crimes. 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338–436). Text Origin: Commission Proposal
Recital 31				
41	(31) Payment service providers need access to payment systems to provide payment services to users. Those payment systems typically include four-party card schemes as well as major systems processing credit transfers and direct debits. To	(31) Payment service providers need access to payment systems to provide payment services to users. Those payment systems typically include four-party card schemes as well as major systems processing credit transfers and direct debits. To	(31) Payment service providers need access to payment systems to provide payment services to users. Those payment systems typically include four-party card schemes as well as major systems processing credit transfers and direct debits. To	(31) Payment service providers need access to payment systems <u>and to payment schemes</u> to provide payment services to users. Those payment systems typically include ~~four-party card schemes as well as~~ major systems processing credit

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	ensure equality of treatment throughout the Union between the different categories of authorised payment service providers it is necessary to clarify the rules concerning access to payment systems. Such access may be direct or indirect via another participant in that payment system. Such access should be subject to requirements that ensure integrity and stability of those payment systems. To that end the payment system operator should carry out a risk assessment of a payment service provider which applies for direct participation; that risk assessment should examine all relevant risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk. Each payment service provider applying for participation in a payment system should bear the risk of its own choice of system and provide proof to the payment system that its internal arrangements are sufficiently robust against those types of risk. Payment system operators should only reject an application for direct participation by a payment service provider if the payment service provider is unable to respect the rules of the system or poses an unacceptably high level of risk.	ensure equality of treatment throughout the Union between the different categories of authorised payment service providers it is necessary to clarify the rules concerning access to payment systems. Such access may be direct or indirect via another participant in that payment system. Such access should be subject to requirements that ensure integrity and stability of those payment systems. To that end the payment system operator should carry out a risk assessment of a payment service provider which applies for direct participation; that risk assessment should examine all relevant risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk. Each payment service provider applying for participation in a payment system should bear the risk of its own choice of system and provide proof to the payment system that its internal arrangements are sufficiently robust against those types of risk. Payment system operators should only reject an application for direct participation by a payment service provider if the payment service provider is unable to respect the rules of the system or poses an unacceptably high level of risk.	ensure equality of treatment throughout the Union between the different categories of authorised payment service providers it is necessary to clarify the rules concerning access to payment systems. Such access may be direct or indirect via another participant in that payment system. Such access should be subject to requirements that ensure integrity and stability of those payment systems. To that end the payment system operator should carry out a risk assessment of a payment service provider which applies for direct participation; that risk assessment should examine all relevant risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk. Each payment service provider applying for participation in a payment system should bear the risk of its own choice of system and provide proof to the payment system that its internal arrangements are sufficiently robust against those types of risk. Payment system operators should only reject an application for direct participation by a payment service provider if the payment service provider is unable to respect the rules of the system or poses an unacceptably high level of risk.	transfers and direct debits, <u>whereas payment schemes typically include four-party card schemes</u>. To ensure equality of treatment throughout the Union between the different categories of authorised payment service providers it is necessary to clarify the rules concerning access to payment systems <u>and schemes</u>. Such access may be direct or indirect via another participant in that payment system <u>or scheme</u>. Such access should be subject to requirements that ensure integrity and stability of those payment systems <u>and schemes</u>. To that end the payment system operator <u>or the payment scheme operator, as the case may be</u>, should carry out a risk assessment of a payment service provider which applies for direct participation; that risk assessment should examine all relevant risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk. Each payment service provider applying for participation in a payment system <u>or scheme</u> should bear the risk of its own choice of system <u>or scheme</u> and provide proof to the payment system <u>or scheme</u> that its internal arrangements are sufficiently robust against those types of risk. Payment system <u>operators and payment schemes</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								operators should only reject an application for direct participation by a payment service provider if the payment service provider is unable to respect the rules of the system or <u>scheme or</u> poses an unacceptably high level of risk. Text Origin: Commission Proposal
Recital 31a								
41a				<u>(31a) To process digital payments online or offline, it is essential that front end payment service providers obtain access to NFC technology on mobile devices. The components of such technology include, in particular but not exclusively, NFC antennas and the so-called secure elements of mobile devices (e.g.: Universal Integrated Circuit Card (UICC), embedded SE (eSE), and microSD etc). It is therefore necessary to ensure that, whenever needed to provide payment services, original equipment manufacturers of mobile devices or electronic communications service providers do not refuse access to NFC antennas and secure elements. To that end, in the digital economy, providers of front-end payment services should be entitled to store software on relevant mobile devices' hardware in order to make</u>				<u>(31a) Payment service providers and technical service providers that provide services to payment service providers should be able to secure interoperability with, and to have access for the purposes of interoperability to hardware and software features provided or controlled by original equipment manufacturers of mobile devices or electronic communications service providers, that are necessary to process and execute payment transactions online or offline in a competitive way. Those technical features include hardware and software that is necessary to manage the transaction flow between the payment method and the acceptance device, such as near filed communication technology (NFC) on mobile devices and the payment terminal kernel, or to ensure that mobile payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>transactions technically possible both online and offline. For that purpose, original equipment manufacturers of mobile devices and electronic communications service providers should be obliged to provide access on fair, reasonable and non-discriminatory terms to all hardware and software components when needed for online and offline transactions. In all instances, such operators should be obliged to provide adequate capacity on relevant hardware and software features in mobile devices to process online payment transactions and for storing funds on mobile devices for offline payment transactions. That obligation should be without prejudice to Article 6(7) of Regulation (EU) 2022/1925 of the European Parliament and of the Council¹, which obliges gatekeepers to provide, free of charge, effective interoperability with, and access for the purposes of interoperability to, the operating system, hardware or software features of mobile devices and which is applicable to existing and new digital means of payments.</u> <u>1. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending</u>				<u>applications run in a secure environment that protects cryptographic keys and algorithms, the customer PIN code or biometric data, such as the so-called secure elements of mobile devices (e.g.: Universal Integrated Circuit Card (UICC), embedded SE (eSE), and microSD etc). Original equipment manufacturers of mobile devices and electronic communications service providers should be obliged to enable interoperability with, and provide access to all hardware and software features that are necessary to process and execute online and offline transactions on fair, reasonable and non-discriminatory terms.</u> <u>That obligation should be without prejudice to Article 6(7) of Regulation (EU) 2022/1925 of the European Parliament and of the Council¹, which obliges gatekeepers to provide, free of charge, effective interoperability with, and access for the purposes of interoperability to, the operating system, hardware or software features of mobile devices and which is applicable to existing and new digital means of payments.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), (OJ L 265, 12.10.2022, p. 1, http://data.europa.eu/eli/reg/2022/1925/oj).</u>		
Recital 32				
42	(32) Payment system operators should have in place rules and procedures on access which are proportionate objective non-discriminatory and transparent. Payment system operators should not discriminate against payment institutions as regards participation if the system rules can be respected and there is no unacceptable risk to the system. Such systems include, amongst others, those designated under Directive 98/26/EC of the European Parliament and of the Council¹. In cases where the payment system in question is already subject to oversight by the European System of Central Banks under Regulation of the European Central Bank (EU) No 795/2014², the central bank or banks exercising that oversight should monitor respect of those rules in the framework of their oversight. In cases of other payment systems, Member States should designate national competent authorities to ensure that payment system infrastructure operators respect such requirements. ¹. Directive 98/26/EC of the European	(32) Payment system operators should have in place rules and procedures on access which are proportionate objective non-discriminatory and transparent. Payment system operators should not discriminate against payment institutions as regards participation if the system rules can be respected and there is no unacceptable risk to the system. Such systems include, amongst others, those designated under Directive 98/26/EC of the European Parliament and of the Council¹. In cases where the payment system in question is already subject to oversight by the European System of Central Banks under Regulation of the European Central Bank (EU) No 795/2014², the central bank or banks exercising that oversight should monitor respect of those rules in the framework of their oversight. In cases of other payment systems, Member States should designate national competent authorities to ensure that payment system infrastructure operators respect such requirements. ¹. Directive 98/26/EC of the European	(32) Payment system operators should have in place rules and procedures on access which are proportionate objective non-discriminatory and transparent. Payment system operators should not discriminate against payment institutions as regards participation if the system rules can be respected and there is no unacceptable risk to the system. Such systems include, amongst others, those designated under Directive 98/26/EC of the European Parliament and of the Council¹. In cases where the payment system in question is already subject to oversight by the European System of Central Banks under Regulation of the European Central Bank (EU) No 795/2014², the central bank or banks exercising that oversight should monitor respect of those rules in the framework of their oversight. In cases of other payment systems, Member States should designate national competent authorities to ensure that payment system infrastructure operators respect such requirements. ¹. Directive 98/26/EC of the European	(32) Payment system operators <u>and operators of payment schemes</u> should have in place rules and procedures on access which are proportionate, objective, non-discriminatory and transparent. Payment system operators <u>and operators of payment schemes</u> should not discriminate against payment institutions as regards participation if the system <u>or scheme</u> rules can be respected and there is no unacceptable risk to the system <u>or scheme</u>. Such systems include, amongst others, those designated under Directive 98/26/EC of the European Parliament and of the Council¹. In cases where the payment system in question is already subject to oversight by the European System of Central Banks under Regulation ~~of the European Central Bank (EU) No 795/2014²~~ <u>(EU) No 2025/1355</u>, the central bank or banks exercising that oversight should monitor <u>the</u> respect of those rules in the framework of their oversight. In cases of other payment systems <u>or schemes</u>, Member States should designate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
		Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45). 2. Regulation of the European Central Bank (EU) No 795/2014 of 3 July 2014 on oversight requirements for systemically important payment systems (OJ L 217, 23.7.2014, p. 16).		Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45). 2. Regulation of the European Central Bank (EU) No 795/2014 of 3 July 2014 on oversight requirements for systemically important payment systems (OJ L 217, 23.7.2014, p. 16).		Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45). 2. Regulation of the European Central Bank (EU) No 795/2014 of 3 July 2014 on oversight requirements for systemically important payment systems (OJ L 217, 23.7.2014, p. 16).		national competent authorities to ensure that payment system infrastructure operators <u>and operators of payment schemes</u> respect such requirements, <u>if those requirements are not enforced under the oversight of the operations of those other payment systems or schemes by the Eurosystem or central banks of non euro area Member States</u>. 1. Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45). ~~2. Regulation of the European Central Bank (EU) No 795/2014 of 3 July 2014 on oversight requirements for systemically important payment systems (OJ L 217, 23.7.2014, p. 16).~~ Text Origin: Commission Proposal
	Recital 32a							
G	42a					(32a) Ensuring proper transparency and notification periods in fees charged to all business parts involved in card transactions will reduce uncertainty and improve competition in the market. It is therefore necessary to introduce and reinforce enhanced transparency requirements on payment card scheme operators,		<u>(32a) Higher costs for payment service providers providing acquiring services of card-based payment transactions and merchants result from the lack of transparency of pricing applied by operators of payment card schemes and processing entities - for instance because acquirers and merchants are not aware of the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						payment service providers providing acquiring services and processing entities in their dealings with each other. To ensure compliance, payment card schemes, payment service providers providing acquiring services and processing entities should be required to disclose their fees in a transparent and consistent manner. Regulation (EU) 2015/751 (IFR) and this Regulation already lays down transparency requirements between acquirers and payees. However, the enhanced requirements laid down in this Regulation would be complementary and focus on improving how information is provided by payment card schemes and processing entities towards payment service providers providing acquiring services, and ultimately to the end-users. From the payment industry perspective and in the interests of payment users, such as merchants, the transparency of card schemes' fees and rules and processing fees is essential. Detailed criteria for what constitutes a transparent and consistent disclosure of fees and rules should be laid down in regulatory technical standards developed by the EBA, in close		<u>actions to take to avoid behavioural fees, or which service is optional, or how to opt out of an optional service. This ultimately harms consumers due to the pass-through by merchants of their increased card-acceptance costs, resulting in higher retail prices. Since consumers are likely to decrease their consumption as a result, merchants' turnover is negatively impacted, unless merchants absorb these costs, thereby decreasing their profit margin. Scheme fees and processing fees should therefore be transparent, but also able to be compared, to allow providers of acquiring services to maximise the efficiency of scheme and processing services they source and supply, creating the conditions for efficiency gains to trickle down to merchants, via lower merchant service charges for the acceptance of card-based payments, and to consumers, via lower retail prices. At the same time, providers of acquiring services and merchants can only make truly informed choices of scheme and processing service if they are promptly informed about any new scheme and processing fees or any change to fees.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			cooperation with the ECB.	<u>Regulation (EU) 2015/751 on interchange fees for card-based payment transactions lays down transparency requirements that acquirers are subject to vis-à-vis payees they contract with. Acquirers should ensure that the level of transparency of the information that they are provided with regarding scheme and processing services and the corresponding fees is shared with merchants, when fulfilling their obligations under Regulation (EU) 2015/751. Due to the complex nature of the payment card schemes' and processing entities' billing system, and for the transparency requirements to be effective and proportionate, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to further specify the information to be disclosed to payment service providers providing acquiring services regarding scheme and processing services and the corresponding fees.</u>
	Recital 33			
6	43 (33) To ensure fair competition between payment service providers, a participant in a payment system	(33) To ensure fair competition between payment service providers, a participant in a payment system	(33) To ensure fair competition between payment service providers, a participant in a payment system	(33) To ensure fair competition between payment service providers, a participant in a payment system

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	which provides services in relation to such a system to an authorised or registered payment service provider should also, when requested to do so, grant access to such services in an objective, proportionate and non-discriminatory manner to any other authorised or registered payment service provider.	which provides services in relation to such a system to an authorised or registered payment service provider should also, when requested to do so, grant access to such services in an objective, proportionate and non-discriminatory manner to any other authorised or registered payment service provider.	which provides services in relation to such a system to an authorised or registered payment service provider should also, when requested to do so, grant access to such services in an objective, proportionate and non-discriminatory manner to any other authorised or registered payment service provider.	which provides services in relation to such a system to an authorised or registered payment service provider should also, when requested to do so, grant access to such services in an objective, proportionate and non-discriminatory manner to any other authorised or registered payment service provider. Text Origin: Commission Proposal
Recital 34				
44	(34) The provisions relating to access to payment systems should not apply to systems set up and operated by a single payment service provider. Such payment systems can operate either in direct competition to other payment systems or, more typically, in a market niche not covered by other payment systems. Such systems include three-party schemes, including three-party card schemes, to the extent that those schemes never operate as de facto four-party card schemes, including by relying upon licensees, agents or co-branding partners. Such systems also typically include payment services offered by telecommunication providers where the scheme operator is the payment service provider both to the payer and to the payee, and internal	(34) The provisions relating to access to payment systems should not apply to systems set up and operated by a single payment service provider. Such payment systems can operate either in direct competition to other payment systems or, more typically, in a market niche not covered by other payment systems. Such systems include three-party schemes, including three-party card schemes, to the extent that those schemes never operate as de facto four-party card schemes, including by relying upon licensees, agents or co-branding partners. Such systems also typically include payment services offered by telecommunication providers where the scheme operator is the payment service provider both to the payer and to the payee, and internal	(34) The provisions relating to access to payment systems should not apply to systems set up and operated by a single payment service provider. Such payment systems can operate either in direct competition to other payment systems or, more typically, in a market niche not covered by other payment systems. Such systems include three-party schemes, including three-party card schemes, to the extent that those schemes never operate as de facto four-party card schemes, including by relying upon licensees, agents or co-branding partners. Such systems also typically include payment services offered by telecommunication providers where the scheme operator is the payment service provider both to the payer and to the payee, and internal	(34) The provisions relating to access to payment systems <u>and schemes</u> should not apply to systems <u>and schemes</u> set up and operated by a single payment service provider. Such payment systems <u>and schemes</u> can operate either in direct competition to other payment systems <u>or schemes</u> or, more typically, in a market niche not covered by other payment systems <u>or schemes</u> . <u>Such schemes</u> . ~~Such systems~~ include three-party schemes, including three-party card schemes, to the extent that those schemes never operate as de facto four-party card schemes, including by relying upon licensees, agents or co-branding partners. Such systems also typically include payment services offered by telecommunication providers where the ~~scheme~~ <u>system</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	systems of banking groups. To stimulate the competition that can be provided by such closed payment systems to established mainstream payment systems, access to those closed proprietary payment systems should not be granted to third parties. However, such closed systems should always be subject to Union and national competition rules which may require that access be granted to the schemes in order to maintain effective competition in payments markets.	systems of banking groups. To stimulate the competition that can be provided by such closed payment systems to established mainstream payment systems, access to those closed proprietary payment systems should not be granted to third parties. However, such closed systems should always be subject to Union and national competition rules which may require that access be granted to the schemes in order to maintain effective competition in payments markets.	systems of banking groups. To stimulate the competition that can be provided by such closed payment systems to established mainstream payment systems, access to those closed proprietary payment systems should not be granted to third parties. However, such closed systems should always be subject to Union and national competition rules which may require that access be granted to the schemes in order to maintain effective competition in payments markets.	operator is the payment service provider both to the payer and to the payee, and internal systems of banking groups. To stimulate the competition that can be provided by such closed payment systems <u>and schemes</u> to established mainstream payment systems <u>and schemes</u> , access to those closed proprietary payment systems <u>and schemes</u> should not be granted to third parties. However, such closed systems <u>and schemes</u> should always be subject to Union and national competition rules which may require that access be granted to the <u>systems or</u> schemes in order to maintain effective competition in payments markets. Text Origin: Commission Proposal
Recital 35				
45	(35) Payment institutions need to be able to open and maintain an account with a credit institution to meet their licensing requirements as regards safeguarding of customer funds. However, as evidenced in particular by the EBA in its Opinion of 5 January 2022, ¹ despite the provisions on payment institution accounts with a commercial bank laid down in Directive (EU) 2015/2366, some payment	(35) Payment institutions need to be able to open and maintain an account with a credit institution to meet their licensing requirements as regards safeguarding of customer funds. However, as evidenced in particular by the EBA in its Opinion of 5 January 2022, ¹ despite the provisions on payment institution accounts with a commercial bank laid down in Directive (EU) 2015/2366, some payment	(35) Payment institutions need to be able to open and maintain an account with a credit institution to meet their licensing requirements as regards safeguarding of customer funds. However, as evidenced in particular by the EBA in its Opinion of 5 January 2022, ¹ despite the provisions on payment institution accounts with a commercial bank laid down in Directive (EU) 2015/2366, some payment institutions or companies	(35) Payment institutions need to be able to open and maintain an account with a credit institution to meet their licensing requirements as regards safeguarding of ~~customer~~ <u>payment service users'</u> funds. <u>Payment institutions should also endeavour not to safeguard all payment service users' funds with one credit institution in order to avoid, where appropriate, concentration</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	institutions or companies applying for a payment institution license still face practices from some credit institutions which either refuse to open an account for them or close an account where one exists, based on perceived higher risk of money laundering or terrorism financing. Those so-called ‘de-risking’ practices create significant competitive challenges for payment institutions. 1. European Banking Authority, EBA/Op/2022/01.	institutions or companies applying for a payment institution license still face practices from some credit institutions which either refuse to open an account for them or close an account where one exists, based on perceived higher risk of money laundering or terrorism financing. Those so-called ‘de-risking’ practices create significant competitive challenges for payment institutions. 1. European Banking Authority, EBA/Op/2022/01.	applying for a payment institution license still face practices from some credit institutions which either refuse to open an account for them or close an account where one exists, based on perceived higher risk of money laundering or terrorism financing. Those so-called ‘de-risking’ practices create significant competitive challenges for payment institutions. 1. European Banking Authority, EBA/Op/2022/01.	<u>risk</u>. However, as evidenced in particular by the EBA in its Opinion of 5 January 2022,¹ despite the provisions on payment institution accounts with a commercial bank laid down in Directive (EU) 2015/2366, some payment institutions or companies applying for a payment institution license still face practices from some credit institutions which either refuse to open an account for them or close an account where one exists, based on perceived higher risk of money laundering or terrorism financing. Those so-called ‘de-risking’ practices create significant competitive challenges for payment institutions. 1. European Banking Authority, EBA/Op/2022/01. Text Origin: Commission Proposal
Recital 36				
46	(36) Credit institutions should therefore provide a payment account to payment institutions, and to applicants for a license as a payment institution, as well as to their agents and distributors, except in exceptional cases where there are serious grounds to refuse access. It is necessary to include applicants for a license as a payment institution in	(36) Credit institutions should therefore provide a payment account to payment institutions, and to applicants for a license as a payment institution, as well as to their agents and distributors, except in exceptional cases where there are serious grounds to refuse access. It is necessary to include applicants for a license as a payment institution in	(36) Credit institutions should therefore provide a payment account to payment institutions, and to applicants for a license as a payment institution, as well as to their agents and distributors, except in exceptional cases where there are serious grounds to refuse access. It is	(36) Credit institutions should therefore provide, <u>on an objective, non-discriminatory and proportionate basis, access to</u> a payment account to payment institutions, and to applicants for a license as a payment institution, as well as to their agents ~~and distributors, except in exceptional cases where there are serious~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	that provision, given the fact that a bank account where clients' funds can be safeguarded is a prerequisite to obtain a payment institution license. The grounds for refusal should include serious grounds for suspicion of illegal activities being pursued by or via the payment institution, or a business model or risk profile which causes serious risks or excessive compliance costs for the credit institution. For instance, business models where payment institutions use a vast network of agents may generate significant anti-money laundering and combating the financing of terrorism (AML/CFT) compliance costs. A payment institution should have the right of appeal against a refusal by a credit institution to a competent authority designated by a Member State. In order to facilitate the exercise of that appeal right, credit institutions should motivate in writing and in detail any refusal to provide an account, or a subsequent closure of an account. That motivation should refer to specific elements relating to the payment institution in question, not to general or generic considerations. To facilitate treatment by competent authorities of appeals against account refusal or withdrawal and motivation thereof, the EBA should	that provision, given the fact that a bank account where clients' funds can be safeguarded is a prerequisite to obtain a payment institution license. The grounds for refusal should include serious grounds for suspicion of illegal activities being pursued by or via the payment institution, or a business model or risk profile which causes serious risks or excessive compliance costs for the credit institution. For instance, business models where payment institutions use a vast network of agents may generate significant anti-money laundering and combating the financing of terrorism (AML/CFT) compliance costs. A payment institution should have the right of appeal against a refusal by a credit institution to a competent authority designated by a Member State. In order to facilitate the exercise of that appeal right, credit institutions should motivate in writing and in detail any refusal to provide an account, or a subsequent closure of an account. That motivation should refer to specific elements relating to the payment institution in question, not to general or generic considerations. To facilitate treatment by competent authorities of appeals against account refusal or withdrawal and motivation thereof, the EBA should	necessary to include applicants for a license as a payment institution in that provision, given the fact that a bank account where clients' funds can be safeguarded is a prerequisite to obtain a payment institution license. ~~The grounds for refusal~~ Credit institutions should include serious grounds for suspicion of illegal activities being pursued by or via the not be required to provide or continue providing the services of a payment account to a payment institution, or a business model or risk profile which causes serious risks or excessive compliance costs for or its agents, where this would result in an infringement of Regulation (EU) 2024/1624 of the European Parliament and of the Council . That Regulation prohibits the provision of services in situations where the credit institution is unable to comply with certain customer due diligence obligations. An infringement of that Regulation may also arise when the policies, controls and procedures adopted for the purposes of mitigating and managing money. For instance, business models where payment institutions use a vast network of agents may generate significant anti-money laundering and combating the terrorist financing risks do not	~~grounds to refuse access.~~ It is necessary to include applicants for a ~~license~~ <u>authorisation</u> as a payment institution in that provision, given ~~the fact that a bank~~ <u>that an</u> account <u>with a credit institution</u> where clients' funds can be safeguarded is a prerequisite to obtain a payment institution ~~license.~~ <u>The grounds for refusal</u> ~~authorisation.~~ <u>Credit institutions should include be able to refuse access to payment accounts only in exceptional cases where there are serious grounds for suspicion of illegal activities being pursued by or via the to do so. Credit institutions should be able to refuse to open or be able to close a payment account for a payment institution, or a business model or risk profile which causes serious risks or excessive compliance costs for the credit its agents or an applicant for an authorisation as a payment</u> ~~institution. For instance, business models where payment this would result in an infringement of Regulation (EU) 2024/1624 of the European Parliament and of the Council. Credit institutions use a vast network of~~ <u>should also be able to refuse such access in cases where relevant information or documents have not been received from the applicant to open an account as this may impede, inter</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	develop implementing technical standards harmonising the presentation of such motivations.	develop implementing technical standards harmonising the presentation of such motivations.	adequately mitigate the risks associated with a specific business relationship. To that end, credit institutions should be able to refuse the provision of a payment account when the money laundering or terrorist financing risks associated with an existing or prospective customer exceed the risks that the credit institution would be able to manage. The credit institution should also be able to refuse in cases where insufficient relevant information or documents have been received from the applicant to open an account. For instance, when a credit institution cannot perform its customer due diligence obligations due to a lack of information or documents. When requesting information or documents the credit institution should take into account the proportionality principle of terrorism (AML/CFT) compliance costs. A payment institution should have the right of appeal against a refusal by a credit institution to a competent authority designated by a Member State. In order to facilitate the exercise of that appeal right, credit institutions should motivate in writing and in detail any refusal to provide an account, or a subsequent closure of an account to the	<u>alia, their ability to perform customer due diligence obligations. A payment institution or its agents may generate significant anti-money laundering and combating the financing of terrorism (AML/CFT) compliance costs or an applicant for authorisation as</u> a payment institution should have the right of appeal against a refusal by a credit institution to a competent authority designated by a Member State. In order to facilitate the exercise of that appeal right, credit institutions should ~~motivate~~ <u>give reasons</u> in writing and in detail <u>for</u> any refusal to provide an account, or a subsequent closure of an account. ~~That motivation~~ <u>Those reasons</u> should refer to specific elements relating to the payment institution in question, not to general or generic considerations. <u>Where the payment account is refused on grounds that opening or maintaining such an account would result in infringement of Regulation (EU) 2024/1624 of the European Parliament and of the Council, the justification provided to the client or the applicant should not lead to the disclosure of information protected under Article 73 of that Regulation.</u> To facilitate treatment by competent authorities of appeals against account refusal or

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						payment institution, its agents or the applicant for a license as a payment institution. That motivation should refer to specific elements relating to the payment institution in question, not to general or generic considerations. Where the payment account is refused on grounds that it would infringe provisions of Regulation (EU) of the European Parliament and of the Council , the justification provided to the client or applicant should not lead to the explicit or implicit disclosure of information protected under Article 73 of that Regulation. To that effect, credit institutions should not disclose the details of the anti-money laundering reasons for refusal. To facilitate treatment by competent authorities of appeals against account refusal or withdrawal and motivation thereof, the EBA should develop implementing technical standards harmonising the presentation of such motivations. It is necessary that the EBA issues guidelines on the meaning of ‘substantive breach of contract’. The closing of the payment account held by the payment institution should be subject to the finalisation of the clients’ reimbursements. The clients’ funds should be disbursed before		withdrawal and ~~motivation~~<u>reasons</u> thereof, the EBA should develop implementing technical standards harmonising the presentation of such ~~motivations~~<u>reasons</u>.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			the closing of the account.	
Recital 37				
47	(37) To make well-informed choices and to be able to choose their payment service provider easily within the Union, payment service users should receive comparable and clear information about payment services. To ensure that necessary, sufficient and comprehensible information is given to payment service users with regard to the payment service contract and payment transactions, it is necessary to specify and to harmonise the obligations on payment service providers as regards the provision of information to payment service users.	(37) To make well-informed choices and to be able to choose their payment service provider easily within the Union, payment service users should receive comparable and clear information about payment services. To ensure that necessary, sufficient and comprehensible information is given to payment service users with regard to the payment service contract and payment transactions, it is necessary to specify and to harmonise the obligations on payment service providers as regards the provision of information to payment service users.	(37) To make well-informed choices and to be able to choose their payment service provider easily within the Union, payment service users should receive comparable ~~and clear~~ information about payment services in a clear, neutral and comprehensible manner . To ensure that necessary, sufficient and comprehensible information is given to payment service users with regard to the payment service contract and payment transactions, it is necessary to specify and to harmonise the obligations on payment service providers as regards the provision of information to payment service users.	(37) To make well-informed choices and to be able to choose their payment service provider easily within the Union, payment service users should receive comparable ~~and clear~~ information about payment services. ~~To ensure that necessary, sufficient~~ in a clear, neutral and comprehensible manner. To ensure that such information is given to payment service users with regard to the payment service contract and payment transactions, it is necessary to specify and to harmonise the obligations on payment service providers as regards the provision of information to payment service users.
Recital 38				
48	(38) When providing the required information to payment service users, payment service providers should take into account the needs of payment service users and practical aspects and cost-efficiency depending on the respective payment service contract. Payment service providers should either actively communicate at the appropriate time without any prompting by the payment service user, or they should make the information available to	(38) When providing the required information to payment service users, payment service providers should take into account the needs of payment service users and practical aspects and cost-efficiency depending on the respective payment service contract. Payment service providers should either actively communicate at the appropriate time without any prompting by the payment service user, or they should make the information available to	(38) When providing the required information to payment service users, payment service providers should take into account the needs of payment service users and practical aspects and cost-efficiency depending on the respective payment service contract. Payment service providers should either actively communicate at the appropriate time without any prompting by the payment service user, or they should make the information available to	(38) When providing the required information to payment service users, payment service providers should take into account the needs of payment service users and practical aspects and cost-efficiency depending on the respective payment service contract. Payment service providers should either actively communicate at the appropriate time without any prompting by the payment service user, or they should make the information available to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service users request. In the second situation, payment service users should take active steps to obtain the information, including requesting that information explicitly from payment service providers, logging into a bank account mailbox or inserting a bank card into a printer for account statements. For those purposes, the payment service providers should ensure that access to the information is possible, and that the information is available to payment service users.	payment service users request. In the second situation, payment service users should take active steps to obtain the information, including requesting that information explicitly from payment service providers, logging into a bank account mailbox or inserting a bank card into a printer for account statements. For those purposes, the payment service providers should ensure that access to the information is possible, and that the information is available to payment service users.	payment service users request. In the second situation, payment service users should take active steps to obtain the information, including requesting that information explicitly from payment service providers, logging into a bank account mailbox or inserting a bank card into a printer for account statements. For those purposes, the payment service providers should ensure that access to the information is possible, and that the information is available to payment service users.	payment service users <u>at those users'</u> request. In the second situation, payment service users ~~should~~ <u>need to</u> take active steps to obtain the information, including requesting that information explicitly from payment service providers, logging into a bank account mailbox or inserting a bank card into a printer for account statements. For those purposes, the payment service providers should ensure that access to the information is possible, and that the information is available to payment service users. Text Origin: Commission Proposal
Recital 39				
49	(39) As consumers and undertakings are not in the same position of vulnerability, they do not need the same level of protection. While it is important to guarantee consumer rights by provisions from which it is not possible to derogate by contract, it is reasonable to let undertakings and organisations agree otherwise when they are not dealing with consumers. Micro-enterprises, as defined in Commission Recommendation 2003/361/EC, ¹ may be treated in the same way as consumers. Certain rules should always apply, irrespective of the	(39) As consumers and undertakings are not in the same position of vulnerability, they do not need the same level of protection. While it is important to guarantee consumer rights by provisions from which it is not possible to derogate by contract, it is reasonable to let undertakings and organisations agree otherwise when they are not dealing with consumers. <u>Such agreements could govern whether or not strong customer authentication (SCA) is applied.</u> Micro-enterprises, as defined in Commission Recommendation 2003/361/EC, ¹	(39) As consumers and undertakings are not in the same position of vulnerability, they do not need the same level of protection. While it is important to guarantee consumer rights by provisions from which it is not possible to derogate by contract, it is reasonable to let undertakings and organisations agree otherwise when they are not dealing with consumers. Micro-enterprises, as defined in Commission Recommendation 2003/361/EC, ¹ may be treated in the same way as consumers. Certain rules should always apply, irrespective of the	(39) As consumers and undertakings are not in the same position of vulnerability, they do not need the same level of protection. While it is important to guarantee consumer rights by provisions from which it is not possible to derogate by contract, it is reasonable to let undertakings and organisations agree otherwise when they are not dealing with consumers. <u>Such agreements with undertakings and organisations who are not consumers could govern whether or not strong customer authentication (SCA) is applied.</u> Micro-enterprises,

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	status of the user. 1. OJ L 124, 20.05.2003, p. 36-41.	may be treated in the same way as consumers. Certain rules should always apply, irrespective of the status of the user. 1. OJ L 124, 20.05.2003, p. 36-41.	status of the user. 1. OJ L 124, 20.05.2003, p. 36-41.	as defined in Commission Recommendation 2003/361/EC,¹ ~~may~~could be treated in the same way as consumers. Certain rules should always apply, irrespective of the status of the user. 1. OJ L 124, 20.05.2003, p. 36-41. Text Origin: EP Mandate
Recital 39a				
49a			(39a) ATM deployers should display to their customers in a clear, neutral, and comprehensible manner, information on any charges before the customer authorises the withdrawal and carries out the withdrawal for example by displaying their charges digitally on the terminal. When the transaction is completed, the information on charges should be documented, at the simple request of the customer, on a receipt or another durable medium.	<u>(39a) Payment service providers, including ATM deployers, should display to their customers in a clear, neutral, and comprehensible manner, information on any charges both before the customer initiates the withdrawal and while carrying out the withdrawal for example by displaying their charges digitally on the terminal. When the transaction is completed, the information on charges should be documented, at the simple request of the customer, on paper or another durable medium.</u> Text Origin: Council Mandate
Recital 40				
50	(40) To maintain a high level of consumer protection, consumers should have the right to receive information on services conditions and prices free of charge before being bound by any payment service	(40) To maintain a high level of consumer protection, consumers should have the right to receive information on services conditions and prices free of charge before being bound by any payment service	(40) To maintain a high level of consumer protection, consumers should have the right to receive information on services conditions and prices free of charge before being bound by any payment service	(40) To maintain a high level of consumer protection, consumers should have the right to receive information on services conditions and prices free of charge before being bound by any payment service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	contract. To enable consumers to compare the services and conditions offered by payment service providers and, in the case of a dispute, to verify their contractual rights and obligations, consumers should be able to request that information and the framework contract on paper, free of charge and at any time during the contractual relationship.	contract. To enable consumers to compare the services and conditions offered by payment service providers and, in the case of a dispute, to verify their contractual rights and obligations, consumers should be able to request that information and the framework contract on paper, free of charge and at any time during the contractual relationship.	contract. To enable consumers to compare the services and conditions offered by payment service providers and, in the case of a dispute, to verify their contractual rights and obligations, consumers should be able to request that information and the framework contract on paper, free of charge and at any time during the contractual relationship.	contract. To enable consumers to compare the services and conditions offered by payment service providers and, in the case of a dispute, to verify their contractual rights and obligations, consumers should be able to request that information and the framework contract on paper <u>or on another durable medium</u> , free of charge and at any time during the contractual relationship. Text Origin: Commission Proposal
Recital 41				
51	(41) To increase the level of transparency, payment service providers should provide basic information on executed payment transactions at no additional charge to the consumer. In the case of a single payment transaction, the payment service provider should not charge separately for that information. Similarly, payment service providers should provide free of charge and on a monthly basis subsequent information on payment transactions under a framework contract. However, considering the importance of transparency in pricing and differing customer needs, the parties to the contract should be able to agree on charges	(41) To increase the level of transparency, payment service providers should provide basic information on executed payment transactions at no additional charge to the consumer. In the case of a single payment transaction, the payment service provider should not charge separately for that information. Similarly, payment service providers should provide free of charge and on a monthly basis subsequent information on payment transactions under a framework contract. However, considering the importance of transparency in pricing and differing customer needs, the parties to the contract should be able to agree on charges	(41) To increase the level of transparency, payment service providers should provide basic information on executed payment transactions at no additional charge to the consumer. In the case of a single payment transaction, the payment service provider should not charge separately for that information. Similarly, payment service providers should provide free of charge and on a monthly basis subsequent information on payment transactions under a framework contract. However, considering the importance of transparency in pricing and differing customer needs, the parties to the contract should be able to agree on charges	(41) To increase the level of transparency, payment service providers should provide basic information on executed payment transactions at no additional charge to the consumer. In the case of a single payment transaction, the payment service provider should not charge separately for that information. Similarly, payment service providers should provide free of charge and on a monthly basis subsequent information on payment transactions under a framework contract. However, considering the importance of transparency in pricing and differing customer needs, the parties to the contract should be able to agree on charges

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	for more frequent or additional information.	for more frequent or additional information.	for more frequent or additional information.	for more frequent or additional information. Text Origin: Commission Proposal
Recital 42				
52	(42) Low-value payment instruments should be a cheap and easy-to-use alternative in the case of low-priced goods and services and should not be overburdened by excessive requirements. The relevant information requirements and rules on their execution should therefore be limited to essential information, also considering the technical capabilities that can justifiably be expected from instruments dedicated to low-value payments. Despite the lighter regime, payment service users should have adequate protection, having regard to the limited risks posed by those payment instruments, in particular as concerns prepaid payment instruments.	(42) Low-value payment instruments should be a cheap and easy-to-use alternative in the case of low-priced goods and services and should not be overburdened by excessive requirements. The relevant information requirements and rules on their execution should therefore be limited to essential information, also considering the technical capabilities that can justifiably be expected from instruments dedicated to low-value payments. Despite the lighter regime, payment service users should have adequate protection, having regard to the limited risks posed by those payment instruments, in particular as concerns prepaid payment instruments.	(42) Low-value payment instruments should be a cheap and easy-to-use alternative in the case of low-priced goods and services and should not be overburdened by excessive requirements. The relevant information requirements and rules on their execution should therefore be limited to essential information, also considering the technical capabilities that can justifiably be expected from instruments dedicated to low-value payments. Despite the lighter regime, payment service users should have adequate protection, having regard to the limited risks posed by those payment instruments, in particular as concerns prepaid payment instruments.	(42) Low-value payment instruments should be a cheap and easy-to-use alternative in the case of low-priced goods and services and should not be overburdened by excessive requirements. The relevant information requirements and rules on their execution should therefore be limited to essential information, also considering the technical capabilities that can justifiably be expected from instruments dedicated to low-value payments. Despite the lighter regime, payment service users should have adequate protection, having regard to the limited risks posed by those payment instruments, in particular as concerns prepaid payment instruments. Text Origin: Commission Proposal
Recital 43				
53	(43) In single payment transactions, the essential information should always be given at the payment service providers' own initiative. As payers are usually present when	(43) In single payment transactions, the essential information should always be given at the payment service providers' own initiative. As payers are usually present when	(43) In single payment transactions, the essential information should always be given at the payment service providers' own initiative, based on the information the	(43) In single payment transactions, the essential information should always be given at the payment service providers' own initiative. As payers are usually present when

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	giving the payment order, it should not be necessary that information be always provided on paper or on another durable medium. Payment service providers should be able to give information orally or make it otherwise easily accessible, including by keeping the conditions on a notice board on the premises. Information should also be given on where to find other, more detailed, information, including on the website. However, where the consumer so requests, the essential information should also be given by payment service providers on paper or on another durable medium.	giving the payment order, it should not be necessary that information be always provided on paper or on another durable medium. Payment service providers should be able to give information orally or make it otherwise easily accessible, including by keeping the conditions on a notice board on the premises. Information should also be given on where to find other, more detailed, information, including on the website. However, where the consumer so requests, the essential information should also be given by payment service providers on paper or on another durable medium.	payment service provider possesses, without the need for further research. As payers are usually present when giving the payment order, it should not be necessary that information be always provided on paper or on another durable medium. Payment service providers should be able to give information orally or make it otherwise easily accessible, including by keeping the conditions on a notice board on the premises. Information should also be given on where to find other, more detailed, information, including on the website. However, where the consumer so requests, the essential information should also be given by payment service providers on paper or on another durable medium.	giving the payment order, it should not be necessary that information be always provided on paper or on another durable medium. Payment service providers should be able to give information orally or make it otherwise easily accessible, including by keeping the conditions on a notice board on the premises. Information should also be given on where to find other, more detailed, information, including on the website. However, where the consumer so requests, the essential information should also be given by payment service providers on paper or on another durable medium. Text Origin: Commission Proposal
Recital 44				
54	(44) The information required should be proportionate to the needs of users. The information requirements for a single payment transaction should be different from the information requirements for a framework contract which provides for a series of payment transactions.	(44) The information required should be proportionate to the needs of users. The information requirements for a single payment transaction should be different from the information requirements for a framework contract which provides for a series of payment transactions.	(44) The information required should be proportionate to the needs of users. The information requirements for a single payment transaction should be different from the information requirements for a framework contract which provides for a series of payment transactions.	(44) The information required should be proportionate to the needs of users. The information requirements for a single payment transaction should be different from the information requirements for a framework contract which provides for a series of payment transactions. Text Origin: Commission Proposal
Recital 45				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
55	(45) To be able to make an informed choice payment service users should be able to compare Automatic Teller Machine (ATM) charges with those of other providers. To increase the transparency of ATM charges for the payment service user payment service providers should provide payment service users with information on all applicable charges for domestic ATM withdrawals in different situations, depending on the ATM from which the payment service users withdraw cash.	(45) To be able to make an informed choice payment service users should be able to compare Automatic Teller Machine (ATM) charges with those of other providers. To increase the transparency of ATM charges for the payment service user payment service providers should provide payment service users with information on all applicable charges <u>at the initiation of a transaction for Union~~for domestic~~ ATM</u> withdrawals in different situations, depending on the ATM from which the payment service users withdraw cash. <u>Specifically, ATMs operated by credit institutions should display in monetary form any fixed fees that a user will be expected to pay upon withdrawal of cash from that credit institution's ATM. That fixed fee should be displayed at or before the point at which the user inserts or taps their card against the ATM to initiate the process of withdrawal of cash. More transparency also means better information from the payment service provider as regards the currency exchange, if applicable.</u>	(45) To be able to make an informed choice payment service users should be able to compare Automatic Teller Machine (ATM) charges with those of other providers. To increase the transparency of ATM charges for the payment service user payment service providers should provide payment service users with information on all applicable charges for domestic ATM withdrawals in different situations, depending on the ATM from which the payment service users withdraw cash.	(45) To be able to make an informed choice payment service users should be able to compare Automatic Teller Machine (ATM) charges with those of other providers. To increase the transparency of ATM charges for the payment service user, payment service providers should provide payment service users with information, <u>on paper or on another durable medium</u> , on all applicable charges for domestic ATM withdrawals in different situations, depending on the ATM from which the payment service users withdraw cash. <u>For ATM withdrawals denominated in euro, any charges payable by payment service users to their payment service provider, including where withdrawals are made at ATMs operated by independent ATM deployers, should be subject to the principle of equality of charges, as set out in Article 3 of Regulation (EU) 2021/1230. That Regulation should be amended accordingly.</u>
Recital 46				
56	(46) Framework contracts and the payment transactions covered by those contracts are more common	(46) Framework contracts and the payment transactions covered by those contracts are more common	(46) Framework contracts and the payment transactions covered by those contracts are more common	(46) Framework contracts and the payment transactions covered by those contracts are more common

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and economically significant than single payment transactions. If there is a payment account or a specific payment instrument, a framework contract is required. Therefore, the requirements for prior information on framework contracts should be comprehensive and information should always be provided on paper or on another durable medium. However, payment service providers and payment service users should be able to agree in the framework contract on the manner in which subsequent information on executed payment transactions is to be given.	and economically significant than single payment transactions. If there is a payment account or a specific payment instrument, a framework contract is required. Therefore, the requirements for prior information on framework contracts should be comprehensive and information should always be provided on paper or on another durable medium. However, payment service providers and payment service users should be able to agree in the framework contract on the manner in which subsequent information on executed payment transactions is to be given.	and economically significant than single payment transactions. If there is a payment account or a specific payment instrument, a framework contract is required. Therefore, the requirements for prior information on framework contracts should be comprehensive and information should always be provided on paper or on another durable medium. However, payment service providers and payment service users should be able to agree in the framework contract on the manner in which subsequent information on executed payment transactions is to be given.	and economically significant than single payment transactions. If there is a payment account or a specific payment instrument, a framework contract is required. Therefore, the requirements for prior information on framework contracts should be comprehensive and information should always be provided on paper or on another durable medium. However, payment service providers and payment service users should be able to agree in the framework contract on the manner in which subsequent information on executed payment transactions is to be given. Text Origin: Commission Proposal
Recital 47				
57	(47) Contractual provisions should not discriminate against consumers who are legally resident in the Union on the grounds of their nationality or place of residence. Where a framework contract provides for the right to block a payment instrument for objectively justified reasons, the payment service provider should not be able to invoke that right merely because the payment service user has changed his or her place of residence within the Union.	(47) Contractual provisions should not discriminate against consumers who are legally resident in the Union on the grounds of their nationality or place of residence. Where a framework contract provides for the right to block a payment instrument for objectively justified reasons, the payment service provider should not be able to invoke that right merely because the payment service user has changed his or her place of residence within the Union.	(47) Contractual provisions should not discriminate against consumers who are legally resident in the Union on the grounds of their nationality or place of residence. Where a framework contract provides for the right to block a payment instrument for objectively justified reasons, the payment service provider should not be able to invoke that right merely because the payment service user has changed his or her place of residence within the Union.	(47) Contractual provisions should not discriminate against consumers who are legally resident in the Union on the grounds of their nationality or place of residence. Where a framework contract provides for the right to block a payment instrument for objectively justified reasons, the payment service provider should not be able to invoke that right merely because the payment service user has changed his or her place of residence within the Union. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 48				
58	(48) To ensure a high level of consumer protection, Member States should, in the interest of the consumer, be able to maintain or introduce restrictions or prohibitions on unilateral changes in the conditions of a framework contract, for instance if there is no justified reason for such a change.	(48) To ensure a high level of consumer protection, Member States should, in the interest of the consumer, be able to maintain or introduce restrictions or prohibitions on unilateral changes in the conditions of a framework contract, for instance if there is no justified reason for such a change.	(48) To ensure a high level of consumer protection, Member States should, in the interest of the consumer, be able to maintain or introduce restrictions or prohibitions on unilateral changes in the conditions of a framework contract, for instance if there is no justified reason for such a change. This is without prejudice to Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.	<i>deleted</i> <i>25.02: corresponding recital deleted.</i>
Recital 49				
59	(49) To facilitate payment service users' mobility, users should be able to terminate a framework contract without incurring charges. However, for contracts terminated by the payment service users less than 6 months after their entry into force, payment service providers should be allowed to apply charges in line with the costs incurred due to the termination of the framework contract by the user. Where, under a framework contract, payment services are offered jointly with technical services supporting the provision of payment services, such as the rental of terminals used for payment services, payment service users should not be locked in with	(49) To facilitate payment service users' mobility, users should be able to terminate a framework contract without incurring charges. However, for contracts terminated by the payment service users less than 6 months after their entry into force, payment service providers should be allowed to apply charges in line with the costs incurred due to the termination of the framework contract by the user. Where, under a framework contract, payment services are offered jointly with technical services supporting the provision of payment services, such as the rental of terminals used for payment services, payment service users should not be locked in with	(49) To facilitate payment service users' mobility, users should be able to terminate a framework contract without incurring charges. However, for contracts terminated by the payment service users less than 6 months after their entry into force, payment service providers should be allowed to apply charges in line with the costs incurred due to the termination of the framework contract by the user. Where, under a framework contract, payment services are offered jointly with technical services supporting the provision of payment services, such as the rental of terminals used for payment services, payment service users should not be locked in with	(49) To facilitate payment service users' mobility, users should be able to terminate a framework contract without incurring charges. However, for contracts terminated by the payment service users less than ~~6~~ ³ months after their entry into force, payment service providers should be allowed to apply charges in line with the costs incurred due to the termination of the framework contract by the user. Where, under a framework contract, payment services are offered jointly with technical services supporting the provision of payment services, such as the rental of terminals used for payment services, payment service users should not be locked in with

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	their payment service provider via more onerous terms set in the contractual clauses governing the technical services. To preserve competition, such contractual terms should be subject to the framework contract requirements on termination fees. For consumers, the period of notice agreed should be no longer than 1 month, and for payment service providers no shorter than 2 months. Those rules should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national law, such as that on money laundering or financing of terrorism, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.	their payment service provider via more onerous terms set in the contractual clauses governing the technical services. To preserve competition, such contractual terms should be subject to the framework contract requirements on termination fees. For consumers, the period of notice agreed should be no longer than 1 month, and for payment service providers no shorter than 2 months. Those rules should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national law, such as that on money laundering or financing of terrorism, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.	their payment service provider via more onerous terms set in the contractual clauses governing the technical services. To preserve competition, such contractual terms should be subject to the framework contract requirements on termination fees. For consumers, the period of notice agreed should be no longer than 1 month, and for payment service providers no shorter than 2 months. Those rules should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national law, such as that on money laundering or financing of terrorism, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.	their payment service provider via more onerous terms set in the contractual clauses governing the technical services. To preserve competition, such contractual terms should be subject to the framework contract requirements on termination fees. For consumers, the period of notice agreed should ~~not~~ be ~~no~~ longer than 1 month, and for payment service providers, ~~not~~ ~~no~~ shorter than ~~2~~³ months. Those rules should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national law, such as that on money laundering or financing of terrorism, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes. Text Origin: Commission Proposal
Recital 50				
60	(50) To achieve comparability, the estimated currency conversion charges for credit transfers and remittances carried out within the Union and from the Union to a third country should be expressed in the same way, namely as a percentage mark-up over the latest available	(50) To achieve comparability, the estimated currency conversion charges for credit transfers and remittances carried out within the Union and from the Union to a third country should be expressed in the same way, namely as a percentage mark-up over ~~the latest available~~	(50) To achieve comparability, the estimated currency conversion charges for credit transfers and remittances carried out within the Union and from the Union to a third country should be expressed in the same way, namely as a monetary amount in the currency of the	(50) To achieve comparability, the estimated currency conversion charges for credit transfers and remittances carried out within the Union and from the Union to a third country should be expressed in the same way, namely as a <u>monetary amount in the currency of the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	euro foreign exchange reference rates issued by the European Central Bank (ECB). When reference is made to ‘charges’ in this Regulation, it should also cover, where applicable, ‘currency conversion’ charges.	~~euro~~ foreign exchange ~~reference rates issued by~~ <u>benchmark rate which complies with Regulation (EU) 2016/1011 of the European Central Bank (ECB) Parliament and of the Council¹, and the resultant currency conversion charge shown as a monetary amount in the currency used by the customer to initiate the currency conversion. The accuracy and integrity of such benchmarks, which is ensured by the regime for benchmark administrators introduced by that Regulation, protects the interests of customers of payment service providers and parties providing currency conversion services. A payment service provider should use the same benchmark consistently and for exchanges made in both directions.</u> When reference is made to ‘charges’ in this Regulation, it should also cover, where applicable, ‘currency conversion’ charges. <u>1. Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1, http://data.europa.eu/eli/reg/2016/1011/oj).</u>	payer’s account and as a percentage mark-up over the latest available ~~euro foreign~~ <u>an aggregated mid-market</u> exchange reference rates issued by the European Central Bank (ECB) <u>rate that accurately reflects the market. To ensure that the exchange rate used is reliable and accurately reflects the market, it should be provided by a trusted administrator who meets applicable governance and control requirements, such as the IOSCO Principles for Financial Benchmarks.</u> When reference is made to ‘charges’ in this Regulation, it should also cover, where applicable, ‘currency conversion’ charges.	<u>payer’s account and as a</u> percentage mark-up over ~~the latest available~~ <u>euro foreign</u> <u>an aggregated mid-market</u> exchange <u>rate that accurately reflects the market. To ensure that the exchange rate used is reliable and accurately reflects the market, it should be provided by a trusted administrator who meets applicable governance and control requirements, such as the IOSCO Principles for Financial Benchmarks. A payment service provider should use the same</u> reference ~~rates issued by the European Central Bank (ECB)~~ <u>benchmark consistently and for exchanges made in both directions.</u> When reference is made to ‘charges’ in this Regulation, it should also cover, where applicable, ‘currency conversion’ charges.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Recital 50a								
G	60a					(50a) The time for the funds of credit transfers and money remittance transactions to be received by the payment service provider of the payee located outside the Union should be an estimation. The payment service provider of the payer should make the payer aware that this is not an exact timing, since this could depend on different factors, sometimes out of control of the payer's payment service provider.		<u>(50a) The payment service provider of the payer should provide an estimate of the time for the funds of credit transfers and money remittance transactions to be received by the payment service provider of the payee located outside the Union. The payment service provider of the payer should make the payer aware that this is not an exact timing, since this could depend on different factors, sometimes out of control of the payer's payment service provider.</u> Text Origin: Council Mandate
Recital 50b								
G	60b					(50b) The payment service provider can only provide or make available the name of the payee to the payer if this is possible, which is not the case for money remittances. When executing a money remittance as a single payment transaction, the payment service provider of the payer is unaware of the name of the payee, unless it is provided by the payer. Therefore, in such cases the payment service provider of the payer should not be required to provide or make available such information to the payer.		<u>(50b) Since a payment service provider can provide or make available the name of the payee to the payer only where such information is available to it, this requirement cannot be applied in circumstances where it is not feasible to do so. This is generally the case for money remittances executed as a single payment transaction, where the payer's payment service provider does not have access to the name of the payee unless it is provided by the payer. It is therefore appropriate that, in such cases, the payer's payment service provider is not</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>required to provide or make available the payee's name to the payer.</u>
Recital 51				
61	(51) Experience has shown that the sharing of charges between a payer and a payee is the most efficient system since it facilitates the straight-through processing of payments. Provision should therefore be made for charges to be levied directly on the payer and the payee by their respective payment service providers. The amount of any charges levied may also be zero as the rules should not affect the practice whereby a payment service provider does not charge consumers for crediting their accounts. Similarly, depending on the contract terms, a payment service provider may charge only the payee for the use of the payment service, in which case no charges are imposed on the payer. It is possible that the payment systems impose charges by way of a subscription fee. The provisions on the amount transferred or any charges levied have no direct impact on pricing between payment service providers or any intermediaries.	(51) Experience has shown that the sharing of charges between a payer and a payee is the most efficient system since it facilitates the straight-through processing of payments. Provision should therefore be made for charges to be levied directly on the payer and the payee by their respective payment service providers. The amount of any charges levied may also be zero as the rules should not affect the practice whereby a payment service provider does not charge consumers for crediting their accounts. Similarly, depending on the contract terms, a payment service provider may charge only the payee for the use of the payment service, in which case no charges are imposed on the payer. It is possible that the payment systems impose charges by way of a subscription fee. The provisions on the amount transferred or any charges levied have no direct impact on pricing between payment service providers or any intermediaries.	(51) Experience has shown that the sharing of charges between a payer and a payee is the most efficient system since it facilitates the straight-through processing of payments. Provision should therefore be made for charges to be levied directly on the payer and the payee by their respective payment service providers. The amount of any charges levied may also be zero as the rules should not affect the practice whereby a payment service provider does not charge consumers for crediting their accounts. Similarly, depending on the contract terms, a payment service provider may charge only the payee for the use of the payment service, in which case no charges are imposed on the payer. It is possible that the payment systems impose charges by way of a subscription fee. The provisions on the amount transferred or any charges levied have no direct impact on pricing between payment service providers or any intermediaries.	(51) Experience has shown that the sharing of charges between a payer and a payee is the most efficient system since it facilitates the straight-through processing of payments. Provision should therefore be made for charges to be levied directly on the payer and the payee by their respective payment service providers. The amount of any charges levied ~~may~~<u>might</u> also be zero as the rules should not affect the practice whereby a payment service provider does not ~~charge consumers for crediting their accounts~~<u>levy any charges on the payer or the payee.</u> Similarly, <u>without prejudice to Union competition rules and to Regulation [IFR] and</u> depending on the contract terms, ~~at the~~ payment service provider ~~may~~<u>of the payee might</u> charge only the payee for the use of the payment service, ~~in which case~~ <u>no where such charge includes a compensation to the payment service provider of the payer and the payer's payment service provider is not imposing</u> charges ~~are imposed~~ on the payer. It is possible that ~~the~~ payment systems impose

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				charges by way of a subscription fee. The provisions on the amount transferred or any charges levied have no direct impact on pricing <u>or compensation</u> between payment service providers or any intermediaries. Text Origin: Commission Proposal
Recital 52				
62	(52) A surcharge is a charge by merchants to consumers that is added on top of the requested price for goods and services when a certain payment method is used by the consumer. One of the reasons for surcharging is to direct consumers to cheaper or more efficient payment instruments, hence fostering competition between alternative payment methods. Under the regime introduced by Directive (EU) 2015/2366, payees were prevented from requesting charges for the use of payment instruments for which interchange fees are regulated under Chapter II of Regulation (EU) 2015/751, i.e. for consumer debit and credit cards issued under four-party card schemes, and for those payment services to which Regulation (EU) No 260/2012 of the European Parliament and of the Council¹ applies, i.e. credit transfer	(52) A surcharge is a charge by merchants to consumers that is added on top of the requested price for goods and services when a certain payment method is used by the consumer. One of the reasons for surcharging is to direct consumers to cheaper or more efficient payment instruments, hence fostering competition between alternative payment methods. Under the regime introduced by Directive (EU) 2015/2366, payees were prevented from requesting charges for the use of payment instruments for which interchange fees are regulated under Chapter II of Regulation (EU) 2015/751, i.e. for consumer debit and credit cards issued under four-party card schemes, and for those payment services to which Regulation (EU) No 260/2012 of the European Parliament and of the Council¹ applies, i.e. credit transfer	(52) A surcharge is a charge by merchants to consumers that is added on top of the requested price for goods and services when a certain payment method is used by the consumer. One of the reasons for surcharging is to direct consumers to cheaper or more efficient payment instruments, hence fostering competition between alternative payment methods. Under the regime introduced by Directive (EU) 2015/2366, payees were prevented from requesting charges for the use of payment instruments for which interchange fees are regulated under Chapter II of Regulation (EU) 2015/751, i.e. for consumer debit and credit cards issued under four-party card schemes, and for those payment services to which Regulation (EU) No 260/2012 of the European Parliament and of the Council¹ applies, i.e. credit transfer	(52) A surcharge is a charge by merchants to consumers that is added ~~on top of~~ the requested price for goods and services when a certain payment method is used by the consumer. One of the reasons for surcharging is to direct consumers to cheaper or more efficient payment instruments, hence fostering competition between alternative payment methods. Under the regime introduced by Directive (EU) 2015/2366, payees were prevented from requesting charges for the use of payment instruments for which interchange fees are regulated under Chapter II of Regulation (EU) 2015/751, i.e. for consumer debit and credit cards issued under four-party card schemes, and for those payment services to which Regulation (EU) No 260/2012 of the European Parliament and of the Council¹ applies, i.e. credit transfer

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and direct debit transactions denominated in euro within the Union. Member States were allowed under Directive (EU) 2015/2366 to further prohibit or limit the right of the payee to request charges, taking into account the need to encourage competition and promote the use of efficient payment instruments. 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	and direct debit transactions denominated in euro within the Union. Member States were allowed under Directive (EU) 2015/2366 to further prohibit or limit the right of the payee to request charges, taking into account the need to encourage competition and promote the use of efficient payment instruments. <u><i>It is necessary to harmonise that approach in order to foster a level playing field in the Union, and therefore to enact a complete ban on surcharging across the Union.</i></u> 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	and direct debit transactions denominated in euro within the Union. Member States were allowed under Directive (EU) 2015/2366 to further prohibit or limit the right of the payee to request charges, taking into account the need to encourage competition and promote the use of efficient payment instruments. 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	and direct debit transactions denominated in euro within the Union. Member States were allowed under Directive (EU) 2015/2366 to further prohibit or limit the right of the payee to request charges, taking into account the need to encourage competition and promote the use of efficient payment instruments. 1. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).
Recital 53				
63	(53) Evidence gathered during the review of Directive (EU) 2015/2366 shows that the current rules on charges are appropriate and had a positive impact. There is no compelling need for further alignment of charging practices between Member States, as the existing surcharging ban already applies to a very large share of payments in the Union. It is estimated that 95% of card payments are subject to the existing	~~(53) Evidence gathered during the review of Directive (EU) 2015/2366 shows that the current rules on charges are appropriate and had a positive impact. There is no compelling need for further alignment of charging practices between Member States, as the existing surcharging ban already applies to a very large share of payments in the Union. It is estimated that 95% of card payments are subject to the existing~~	(53) Evidence gathered during the review of Directive (EU) 2015/2366 shows that the current rules on charges are appropriate and had a positive impact. There is no compelling need for further alignment of charging practices between Member States, as the existing surcharging ban already applies to a very large share of payments in the Union. It is estimated that 95% of card payments are subject to the existing	(53) Evidence gathered during the review of Directive (EU) 2015/2366 shows that the current rules on charges are appropriate and had a positive impact. There is no compelling need for further alignment of charging practices between Member States, as the existing surcharging ban already applies to a very large share of payments in the Union. It is estimated that 95% of card payments are subject to the existing

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	surcharging ban. In addition, when a surcharge is applied, it is capped at the actual cost incurred by the merchant. However, in its review of Directive (EU) 2015/2366, the Commission identified different interpretations concerning the payment instruments covered by the surcharging ban. It is therefore necessary to explicitly extend the surcharging ban to all credit transfers and direct debits and not just to those covered by Regulation (EU) No 260/2012, as was the case under Directive (EU) 2015/2366.	~~surcharging ban. In addition, when a surcharge is applied, it is capped at the actual cost incurred by the merchant. However,~~ In its review of Directive (EU) 2015/2366, the Commission identified <u>a lack of harmonisation that allows surcharging for payment instruments and</u> different interpretations concerning the payment instruments covered by the surcharging ban. It is therefore necessary to explicitly extend the surcharging ban to all credit transfers and direct debits and not just to those covered by Regulation (EU) No 260/2012, as was the case under Directive (EU) 2015/2366.	surcharging ban. In addition, when a surcharge is applied, it is capped at the actual cost incurred by the merchant. However, in its review of Directive (EU) 2015/2366, the Commission identified different interpretations concerning the payment instruments covered by the surcharging ban. It is therefore necessary to explicitly extend the surcharging ban to all credit transfers and direct debits and not just to those covered by Regulation (EU) No 260/2012, as was the case under Directive (EU) 2015/2366.	surcharging ban. In addition, when a surcharge is applied, it is capped at the actual cost incurred by the merchant. However, in its review of Directive (EU) 2015/2366, the Commission identified different interpretations concerning the payment instruments covered by the surcharging ban. It is therefore necessary to explicitly extend the surcharging ban to all credit transfers and direct debits and not just to those covered by Regulation (EU) No 260/2012, as was the case under Directive (EU) 2015/2366. Text Origin: Commission Proposal
Recital 54				
64	(54) Account information services and payment initiation services, often collectively known as ‘open banking services’, are payment services involving access to the data of a payment service user by payment service providers which do not hold the account holder’s funds nor service a payment account. Account information services allow the aggregation of a user’s data, at the request of the payment service user, with different account servicing payment service providers in one single place. Payment initiation services allow the initiation	(54) Account information services and payment initiation services, often collectively known as ‘open banking services’, are payment services involving access to the data of a payment service user by payment service providers which do not hold the account holder’s funds nor service a payment account. Account information services allow the aggregation of a user’s data, at the request of the payment service user, with different account servicing payment service providers in one single place. Payment initiation services allow the initiation	(54) Account information services and payment initiation services, often collectively known as ‘open banking services’, are payment services involving access to the payment account data of a payment service user by payment service providers which do not hold the account holder’s funds nor service a payment account. Account information ~~services~~service providers provide a service that aims to allow the aggregation of a user’s data, at the request of the payment service user, with different account servicing payment service	(54) Account information services and payment initiation services, often collectively known as ‘open banking services’, are payment services involving access to the <u>payment account</u> data of a payment service user by payment service providers which do not hold the account holder’s funds nor service a payment account. Account information ~~services~~<u>service providers provide a service that aims to</u> allow the aggregation of a user’s data, at the request of the payment service user, with different account servicing payment service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of a payment from the user's account, such as a credit transfer or a direct debit, in a convenient way for the user and the payee without the use of an instrument such as a payment card.	of a payment from the user's account, such as a credit transfer or a direct debit, in a convenient way for the user and the payee without the use of an instrument such as a payment card.	providers in one single place. The account information service provider need not be the one that provides this service to the payment service user. It could also transmit the payment account data obtained to a third party who in turn would provide a service to the payment service user leveraging on that data, possibly with value added services on top. Payment initiation services allow the initiation of a payment from the user's account, such as a credit transfer or a direct debit, in a convenient way for the user and the payee without the use of an instrument such as a payment card. A payment initiation service necessitates obtaining the mandate of the payer to access the payment account and is therefore by its nature always provided to the payer and never exclusively to a payee. However, as also acknowledged in the AML Regulation, some payment initiation services also establish a business relationship with the payee and therefore, the definition of payment initiation service reflects that the providers of such services may offer payment initiation services not only to the payer, but in certain cases, also to the payee.	providers in one single place. <u><i>The account information service provider could also transmit the payment account data obtained to a third party who in turn would provide a service to the payment service user leveraging on that data, possibly with additional value added services.</i></u> Payment initiation services allow the initiation of a payment from the user's account, such as a credit transfer ~~or a direct debit~~, in a convenient way for the user and the payee without the use of an instrument such as a payment card. <u><i>A payment initiation service necessitates obtaining the mandate of the payer to access the payment account and is therefore by its nature always provided to the payer and never exclusively to a payee. However, as also acknowledged in Regulation (EU) 2024/1624, some payment initiation services also establish a business relationship with the payee and therefore, the definition of payment initiation service reflects that the providers of such services may offer payment initiation services not only to the payer, but in certain cases, also to the payee. The provision of a pass-through digital wallet enabling the user to initiate a payment from the user's payment account, provided that no funds are stored in the</i></u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>digital wallet, that the digital wallet provider never enters into possession of such funds and that the wallet provider operates under contractual arrangements with the payment service providers servicing the payer's account, should not be considered a payment initiation service.</u> TM 11.11: Council wants to delete reference to "direct debit" to align with line 524.
Recital 55				
65	(55) Account servicing payment service providers should allow access by account information and payment initiation service providers to payment account data if the payment account can be accessed by the payment service user online and if the payment service user has granted permission for such access. Directive (EU) 2015/2366 was based on the principle of access to payment account data without a need for a contractual relationship between the account servicing payment service provider and the account information and payment initiation service providers, which had the effect that charging for access to data was in practice not possible. Access to data under open banking has been taking place on such a non-contractual	(55) Account servicing payment service providers should allow access by account information and payment initiation service providers to payment account data if the payment account can be accessed by the payment service user online and if the payment service user has granted permission for such access. Directive (EU) 2015/2366 was based on the principle of access to payment account data without a need for a contractual relationship between the account servicing payment service provider and the account information and payment initiation service providers, which had the effect that charging for access to data was in practice not possible. Access to data under open banking has been taking place on such a non-contractual	(55) Account servicing payment service providers should allow access by account information and payment initiation service providers to payment account data if the payment account can be accessed by the payment service user online and if the payment service user has granted permission for such access. Directive (EU) 2015/2366 was based on the principle of access to payment account data without a need for a contractual relationship between the account servicing payment service provider and the account information and payment initiation service providers, which had the effect that charging for access to data was in practice not possible. Access to data under open banking has been taking place on such a non-contractual	(55) Account servicing payment service providers should allow access by account information and payment initiation service providers to payment account data if the payment account can be accessed by the payment service user online and if the payment service user has granted ~~permission~~<u>consent</u> for such access. Directive (EU) 2015/2366 was based on the principle of access to payment account data without a need for a contractual relationship between the account servicing payment service provider and the account information and payment initiation service providers, which had the effect that charging for access to data was in practice not possible. Access to data under open banking has been taking place on

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	basis, and without charging, since the application of Directive (EU) 2015/2366. If regulated data access services were to be subjected to a charge, where there was no charge hitherto, the impact on the continued provision of those services, and therefore on competition and innovation in payment markets, could be very significant. That principle should therefore be maintained. Maintaining that approach is in line with Chapters III and IV of the proposal of a Regulation on harmonised rules on fair access to and use of data (Data Act)¹, in particular Article 9(3) of that proposal on compensation, to which this Regulation is without prejudice. The Commission's proposal for a Regulation on Financial Data Access (FIDA) provides for a possible compensation for data access which will be covered by FIDA. Such regime would thus be different from the one governed by the present Regulation. This difference of treatment is justified by the fact that, unlike for payment account data access, which is regulated by Union law since the entry into force of Directive (EU) 2015/2366, access to other financial data has not yet been subject to Union regulation. There is therefore no risk of disruption as, unlike	basis, and without charging, since the application of Directive (EU) 2015/2366. If regulated data access services were to be subjected to a charge, where there was no charge hitherto, the impact on the continued provision of those services, and therefore on competition and innovation in payment markets, could be very significant. That principle should therefore be maintained. Maintaining that approach is in line with Chapters III and IV of the proposal of a Regulation on harmonised rules on fair access to and use of data (Data Act)¹, in particular Article 9(3) of that proposal on compensation, to which this Regulation is without prejudice. The Commission's proposal for a Regulation on Financial Data Access (FIDA) provides for a possible compensation for data access which will be covered by FIDA. Such regime would thus be different from the one governed by the present Regulation. This difference of treatment is justified by the fact that, unlike for payment account data access, which is regulated by Union law since the entry into force of Directive (EU) 2015/2366, access to other financial data has not yet been subject to Union regulation. There is therefore no risk of disruption as, unlike	basis, and without charging, since the application of Directive (EU) 2015/2366. If regulated data access services were to be subjected to a charge, where there was no charge hitherto, the impact on the continued provision of those services, and therefore on competition and innovation in payment markets, could be very significant. That principle should therefore be maintained. Maintaining that approach is in line with Chapters III and IV of the proposal of a Regulation on harmonised rules on fair access to and use of data (Data Act)¹, in particular Article 9(3) of that proposal on compensation, to which this Regulation is without prejudice. The Commission's proposal for a Regulation on Financial Data Access (FIDA) provides for a possible compensation for data access which will be covered by FIDA. Such regime would thus be different from the one governed by the present Regulation. This difference of treatment is justified by the fact that, unlike for payment account data access, which is regulated by Union law since the entry into force of Directive (EU) 2015/2366, access to other financial data has not yet been subject to Union regulation. There is therefore no risk of disruption as, unlike	such a non-contractual basis, and without charging, since the application of Directive (EU) 2015/2366. If regulated data access services were to be subjected to a charge, where there was no charge hitherto, the impact on the continued provision of those services, and therefore on competition and innovation in payment markets, could be very significant. That principle should therefore be maintained. Maintaining that approach is in line with Chapters III and IV of ~~the proposal of a~~ Regulation (EU) 2023/2854 on harmonised rules on fair access to and use of data (Data Act)¹, in particular Article 9(3) of that proposal on compensation, to which this Regulation is without prejudice. ~~The Commission's proposal for a Regulation on Financial Data Access (FIDA) provides for a possible compensation for data access which will be covered by FIDA. Such regime would thus be different from the one governed by the present Regulation. This difference of treatment is justified by the fact that, unlike for payment account data access, which is regulated by Union law since the entry into force of Directive (EU) 2015/2366, access to other financial data has not yet been subject to~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	access to payment account data, this market is emerging and will be regulated for the first time with FIDA. 1. Proposal for a Regulation on harmonised rules on fair access to and use of data (Data Act). COM/2022/68 final	access to payment account data, this market is emerging and will be regulated for the first time with FIDA. 1. Proposal for a Regulation on harmonised rules on fair access to and use of data (Data Act). COM/2022/68 final	access to payment account data, this market is emerging and will be regulated for the first time with FIDA. 1. Proposal for a Regulation on harmonised rules on fair access to and use of data (Data Act). COM/2022/68 final	~~Union regulation. There is therefore no risk of disruption as, unlike access to payment account data, this market is emerging and will be regulated for the first time with FIDA.~~ 1. Proposal for a Regulation on harmonised rules on fair access to and use of data (Data Act). COM/2022/68 final Text Origin: Commission Proposal
Recital 56				
66	(56) Account servicing payment service providers and account information and payment initiation service providers may establish a contractual relationship, including in the context of a multilateral contractual arrangement (e.g. a scheme), with possible compensation, for access to payment account data and provision of open banking services other than those required by this Regulation. An example of such value-added services offered via so-called ‘premium’ Application Programming Interfaces (APIs) is the possibility to schedule future variable recurring payments. Any compensation for such services would have to be in line with Chapters III and IV of the proposed Data Act after its date of application,	(56) Account servicing payment service providers and account information and payment initiation service providers may establish a contractual relationship, including in the context of a multilateral contractual arrangement (e.g. a scheme), with possible compensation, for access to payment account data and provision of open banking services other than those required by this Regulation. An example of such value-added services offered via so-called ‘premium’ Application Programming Interfaces (APIs) is the possibility to schedule future variable recurring payments. Any compensation for such services would have to be in line with Chapters III and IV of the proposed Data Act after its date of application,	(56) Account servicing payment service providers and account information and payment initiation service providers may establish a contractual relationship, including in the context of a multilateral contractual arrangement (e.g. a scheme), with possible compensation, for access to payment account data and provision of open banking services other than those required by this Regulation. An example of such value-added services offered via so-called ‘premium’ Application Programming Interfaces (APIs) is the possibility to schedule future variable recurring payments. Any compensation for such services would have to be in line with Chapters III and IV of the proposed Data Act after its date of application,	(56) Account servicing payment service providers and account information and payment initiation service providers may establish a contractual relationship, including in the context of a multilateral contractual arrangement (e.g. a scheme), with possible compensation, for access to payment account data and provision of open banking services other than those required by this Regulation. An example of such value-added services offered via so-called ‘premium’ Application Programming Interfaces (APIs) is the possibility to schedule future variable recurring payments. Any compensation for such services would have to be in line with Chapters III and IV of ~~the proposed Data Act~~ <u>Regulation (EU)</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	in particular as regards its articles 9(1) and 9(2) on compensation. Access by account information and payment initiation service providers to payment account data regulated under this Regulation without a requirement of a contractual relationship, and thus without charging, should always be possible even in cases where a multilateral contractual arrangement (e.g. a scheme) is in place and where the same data is also available as part of the said multilateral contractual arrangement.	in particular as regards its articles 9(1) and 9(2) on compensation. Access by account information and payment initiation service providers to payment account data regulated under this Regulation without a requirement of a contractual relationship, and thus without charging, should always be possible even in cases where a multilateral contractual arrangement (e.g. a scheme) is in place and where the same data is also available as part of the said multilateral contractual arrangement.	in particular as regards its articles 9(1) and 9(2) on compensation. Access by account information and payment initiation service providers to payment account data regulated under this Regulation without a requirement of a contractual relationship, and thus without charging, should always be possible even in cases where a multilateral contractual arrangement (e.g. a scheme) is in place and where the same data is also available as part of the said multilateral contractual arrangement.	2023/2854 after its date of application, in particular as regards its articles 9(1) and 9(2) on compensation. Access by account information and payment initiation service providers to payment account data regulated under this Regulation without a requirement of a contractual relationship, and thus without charging, should always be possible even in cases where a multilateral contractual arrangement (e.g. a scheme) is in place and where the same data is also available as part of the said multilateral contractual arrangement. Text Origin: Commission Proposal
Recital 57				
67	(57) To guarantee a high level of security in data access and exchange, access to payment accounts and the data therein should, barring specific circumstances, be provided to account information and payment initiation service providers via an interface designed and dedicated for ‘open banking’ purposes, such as an API. To that end, the account servicing payment service provider should set up a secure communication with account information and payment initiation service providers. To avoid any	(57) To guarantee a high level of security in data access and exchange, access to payment accounts and the data therein should, barring specific circumstances, be provided to account information and payment initiation service providers via an interface designed and dedicated for ‘open banking’ purposes, such as an API. To that end, the account servicing payment service provider should set up a secure communication with account information and payment initiation service providers. To avoid any	(57) To guarantee a high level of security in data access and exchange, access to payment accounts and the data therein should, ~~barring specific circumstances~~ , be provided to account information and payment initiation service providers via an interface designed and dedicated for ‘open banking’ purposes, such as an API. To that end, the account servicing payment service provider should set up a secure communication with account information and payment initiation service providers. To avoid any	(57) To guarantee a high level of security in data access and exchange, access to payment accounts and the data therein should, ~~barring specific circumstances~~ , be provided to account information and payment initiation service providers via an interface designed and dedicated for ‘open banking’ purposes, such as an API. To that end, the account servicing payment service provider should set up a secure communication with account information and payment initiation service providers. To avoid any

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	uncertainty as to who is accessing the payment service user's data, the dedicated interface should enable account information and payment initiation service providers to identify themselves to the account servicing payment service provider, and to rely on all the authentication procedures provided by the account servicing payment service provider to the payment service user. Account information and payment initiation service providers should as a general rule use the interface dedicated for their access and therefore should not use the customer interface of an account servicing payment service provider for the purpose of data access, except in cases of failure or unavailability of the dedicated interface in the conditions laid down in this Regulation. In such circumstances their business continuity would be endangered by their incapacity to access the data for which they have been granted a permission. It is indispensable that account information and payment initiation service providers be at all times able to access the data indispensable for them to service their clients.	uncertainty as to who is accessing the payment service user's data, the dedicated interface should enable account information and payment initiation service providers to identify themselves to the account servicing payment service provider, and to rely on all the authentication procedures provided by the account servicing payment service provider to the payment service user. Account information <u>service providers</u> and payment initiation service providers should as a general rule use the interface dedicated for their access and therefore should not use the customer interface of an account servicing payment service provider for the purpose of data access, except in cases of failure or unavailability of the dedicated interface in the conditions laid down in this Regulation. In such circumstances their business continuity would be endangered by their incapacity to access the data for which they have been granted a permission. It is indispensable that account information and payment initiation service providers be at all times able to access the data indispensable for them to service their clients.	uncertainty as to who is accessing the payment service user's data, the dedicated interface should enable account information and payment initiation service providers to identify themselves to the account servicing payment service provider, and to rely on all the authentication procedures provided by the account servicing payment service provider to the payment service user. Account information and payment initiation service providers should ~~as a general rule~~ use the interface dedicated for their access and therefore should not use the customer interface of an account servicing payment service provider for the purpose of data access, ~~except in cases of failure or unavailability of the dedicated interface in the conditions laid down in this Regulation.~~ In such circumstances their business continuity would be endangered by their incapacity to access the data for which they have been granted a permission. It is ~~indispensable~~ essential that account information and payment initiation service providers be at all times able to access the data indispensable for them to service their clients. Therefore, planned unavailability of the dedicated interface, in order to allow the account servicing payment service providers to	uncertainty as to who is accessing the payment service user's data, the dedicated interface should enable account information and payment initiation service providers to identify themselves to the account servicing payment service provider, and to rely on all the authentication procedures provided by the account servicing payment service provider to the payment service user. Account information and payment initiation service providers should ~~as a general rule~~ <u>be able to choose which authentication method they offer to the payment service user, in order to offer the least burdensome option.</u> Account information and payment initiation service providers <u>should</u> use the interface dedicated for their access ~~and therefore should not use the customer interface of an account servicing payment service provider for the purpose of data access, except.~~ In cases of failure or <u>unplanned</u> unavailability of the dedicated interface ~~in the conditions laid down in this Regulation.~~ In such ~~circumstances~~ their business continuity would be endangered by their incapacity to access the data for which they have been granted ~~a permission~~ <u>consent</u>. It is ~~indispensable~~ <u>essential</u> that account information and payment initiation service providers be at all times able

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						update or make changes to the dedicated interface, should normally occur between 00:00 and 06:00. The normal procedure of system maintenance foresees the upgrade of the system during the night between 00:00 and 06:00. However, sometimes very large maintenance procedure could take longer than several hours. The timing referred to is expressed in the local time of the account servicing payment service provider. The account servicing payment service provider should as a rule, except for emergency changes, also duly inform payment service providers making use of the dedicated interface at least one month in advance of any planned unavailability and its duration.		to access the data indispensable for them to service their clients. <u>Therefore, planned unavailability of the dedicated interface, to allow the account servicing payment service providers to update or make changes to the dedicated interface, should normally occur between 00:00 and 06:00. The normal procedure of system maintenance foresees the upgrade of the system during the night between 00:00 and 06:00. However, sometimes very large maintenance procedure could take longer than several hours. The timing referred to is expressed in the local time of the account servicing payment service provider. The account servicing payment service provider should as a rule, except for emergency changes, also duly inform payment service providers making use of the dedicated interface at least one month in advance of any planned unavailability and its duration.</u>
Recital 57a								
G	67a			<u>(57a) Account servicing payment service providers should not be required to offer an alternative interface where the dedicated interface is unavailable other than the interface that the account servicing payment service provider uses for authentication and</u>				deleted

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>communication with its users to access payment account data.</u>		
Recital 58				
68	(58) To facilitate the smooth use of the dedicated interface, its technical specifications should be adequately documented and a summary be made publicly available by the account servicing payment service provider. To enable the open banking service providers to adequately prepare their future access and to solve any possible technical problems, the account servicing payment service provider should enable account information and payment initiation service providers to test an interface prior to the date on which the interface will be activated. Only authorised account information and payment initiation service providers should access payment account data via that interface, although applicants for authorisation as account information and payment initiation service providers should be able to consult the technical specifications. To ensure the interoperability of different technological communication solutions, the interface should use standards of communication which are developed by international or European standardisation organisations including the	(58) To facilitate the smooth use of the dedicated interface, its technical specifications should be adequately documented and a summary be made publicly available by the account servicing payment service provider. To enable the open banking service providers to adequately prepare their future access and to solve any possible technical problems, the account servicing payment service provider should enable account information and payment initiation service providers to test an interface prior to the date on which the interface will be activated. Only authorised account information and payment initiation service providers should access payment account data via that interface, although applicants for authorisation as account information and payment initiation service providers should be able to consult the technical specifications. To ensure the interoperability of different technological communication solutions, the interface should use standards of communication which are developed by international or European standardisation organisations including the	(58) To facilitate the smooth use of the dedicated interface, its technical specifications should be adequately documented and a summary be made publicly available by the account servicing payment service provider. To enable the open banking service providers to adequately prepare their future access and to solve any possible technical problems, the account servicing payment service provider should enable account information and payment initiation service providers to test an interface prior to the date on which the interface will be activated. Only authorised account information and payment initiation service providers should access payment account data via that interface, although applicants for authorisation as account information and payment initiation service providers should be able to consult the technical specifications. To ensure the interoperability of different technological communication solutions, the interface should use standards of communication which are developed by international or European standardisation organisations including the	(58) To facilitate the smooth use of the dedicated interface, its technical specifications should be adequately documented and a summary be made publicly available by the account servicing payment service provider. To enable the open banking service providers to adequately prepare their future access and to solve any possible technical problems, the account servicing payment service provider should enable account information and payment initiation service providers to test an interface prior to the date on which the interface will be activated. Only authorised account information and payment initiation service providers should access payment account data via that interface, although applicants for authorisation as account information and payment initiation service providers should be able to consult the technical specifications. To ensure the interoperability of different technological communication solutions, the interface should use standards of communication which are developed by international or European standardisation organisations including the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	European Committee for Standardization (CEN) or the International Organization for Standardization (ISO).	European Committee for Standardization (CEN) or the International Organization for Standardization (ISO).	European Committee for Standardization (CEN) or the International Organization for Standardization (ISO).	European Committee for Standardization (CEN) or the International Organization for Standardization (ISO) <u>or other widely recognised standards offering an equivalent level of security, which would allow account servicing payment service providers to benefit from a wide range of technological solutions without compromising security or relying on niche standards that would be difficult for third-party providers to implement.</u> TM 25.2 cf line 507 Text Origin: Commission Proposal
Recital 59				
69	(59) For account information and payment initiation service providers to ensure at all times their business continuity and to be able to provide high quality services to their clients, the dedicated interface that they are expected to use must meet high level requirements in terms of performance and functionalities. It should at a minimum ensure ‘data parity’ with the customer interface provided to its users by the account servicing payment service provider, therefore including the payment account data which is also available	(59) For account information and payment initiation service providers to ensure at all times their business continuity and to be able to provide high quality services to their clients, the dedicated interface that they are expected to use must meet high level requirements in terms of performance and functionalities. It should at a minimum ensure ‘data parity’ with the customer interface provided to its users by the account servicing payment service provider, therefore including the payment account data which is also available	(59) For account information and payment initiation service providers to ensure at all times their business continuity and to be able to provide high quality services to their clients, the dedicated interface that they are expected to use must meet high level requirements in terms of performance and functionalities. It should at a minimum ensure ‘data parity’ with the customer interface provided to its users by the account servicing payment service provider, therefore including the payment account data which is also available	(59) <u>In order</u> for account information and payment initiation service providers to ensure at all times their business continuity and to be able to provide high quality services to their clients, the dedicated interface that they are ~~expected~~ <u>required</u> to use ~~must~~ <u>meet</u> <u>should enable a straightforward and seamless user experience by meeting</u> high level requirements in terms of performance and functionalities. It should at a minimum ensure ‘data parity’ with the customer interface

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to the payment service users in the interface provided to them by the account servicing payment service provider. With regard to payment initiation services, the dedicated interface should allow not only the initiation of single payments but of standing orders and direct debits. More detailed requirements for dedicated interfaces should be laid down in Regulatory Technical Standards developed by the EBA.	to the payment service users in the interface provided to them by the account servicing payment service provider. With regard to payment initiation services, the dedicated interface should allow not only the initiation of single payments but of standing orders and direct debits. More detailed requirements for dedicated interfaces should be laid down in Regulatory Technical Standards developed by the EBA.	to the payment service users in the interface provided to them by the account servicing payment service provider. With regard to payment initiation services, the dedicated interface should allow not only the initiation of single payments but of standing orders ~~and direct debits~~ . More detailed requirements for dedicated interfaces should be laid down in Regulatory Technical Standards developed by the EBA.	provided to its users by the account servicing payment service provider, therefore including the payment account data which is also available to the payment service users in the interface provided to them by the account servicing payment service provider. With regard to payment initiation services, the dedicated interface should allow not only the initiation of single payments but of standing orders ~~and direct debits~~ . More detailed requirements for dedicated interfaces should be laid down in Regulatory Technical Standards developed by the EBA. Text Origin: Council Mandate
Recital 59a				
69a				<u>(59a) For the purpose of effective verification prior to payment initiation, account servicing payment service providers should ensure that payment initiation service providers can verify the full name of the account holder via the dedicated interface, and should therefore not provide partial or abbreviated names.</u> TM 25/2 ref line 530
Recital 60				
70	(60) Given the dramatic impact that a prolonged unavailability of a	(60) Given the dramatic impact that a prolonged unavailability of a	(60) Given the dramatic impact that a prolonged unplanned	(60) Given the dramatic impact that a prolonged <u>unplanned</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	dedicated interface would have on account information and payment initiation service providers' business continuity, account servicing payment service providers should remedy such unavailability without delay. Account servicing payment service providers should inform account information and payment initiation service providers of any such unavailability of their dedicated interface and of the measures taken to remedy them without delay. In case of unavailability of a dedicated interface, and where no effective alternative solution is offered by the account servicing payment service provider, account information and payment initiation service providers should be able to preserve their business continuity. They should be allowed to request their national competent authority to make use of the interface provided to its users by the account servicing payment service provider until the dedicated interface is again available. The competent authority should, upon receiving the request, take its decision without delay. Pending the decision from the authority the requesting account information and payment initiation service providers should be allowed to temporarily use the interface provided to its users by the account servicing payment	dedicated interface would have on account information and payment initiation service providers' business continuity, account servicing payment service providers should remedy such unavailability without delay. Account servicing payment service providers should inform account information and payment initiation service providers of any such unavailability of their dedicated interface and of the measures taken to remedy them without delay. In case of unavailability of a dedicated interface, and where no effective alternative solution is offered by the account servicing payment service provider, account information and payment initiation service providers should be able to preserve their business continuity. They should be allowed to request their national competent authority to make use of the interface provided to its users by the account servicing payment service provider until the dedicated interface is again available. The competent authority should, upon receiving the request, take its decision without delay. Pending the decision from the authority the requesting account information and payment initiation service providers should be allowed to temporarily use the interface provided to its users by the account servicing payment	unavailability of a dedicated interface would have on account information and payment initiation service providers' business continuity, account servicing payment service providers should remedy such unavailability without delay and should ensure an optimal recovery time of the dedicated interface. Account servicing payment service providers should inform account information and payment initiation service providers of any such unavailability of their dedicated interface and of the measures taken to remedy them without delay. ~~In case of unavailability of a dedicated interface, and where no effective alternative solution is offered by the account servicing payment service provider, account information and payment initiation service providers should be able to preserve their business continuity. They should be allowed to request their national competent authority to make use of the interface provided to its users by the account servicing payment service provider until the dedicated interface is again available. The competent authority should, upon receiving the request, take its decision without delay. Pending the decision from the authority the requesting account information and~~	unavailability of a dedicated interface would have on account information and payment initiation service providers' business continuity, account servicing payment service providers should <u>use their best efforts to prevent any unplanned unavailability or underperformance of that interface.</u> <u>Underperformance should be understood as performance falling below that of the interface used by the account servicing payment service provider for authentication and communication with its payment service users.</u> <u>Account servicing payment service providers should</u> remedy <u>any</u> such unavailability <u>or underperformance</u> without <u>undue</u> delay <u>and ensure an optimal recovery time for the dedicated interface.</u> Account servicing payment service providers should inform account information and payment initiation service providers of any such unavailability of their dedicated interface and of the measures taken to remedy them without delay. ~~In case of unavailability of a dedicated interface, and where no effective alternative solution is offered by the account servicing payment service provider, account information and~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	service provider. The relevant competent authority should set a deadline to the account servicing payment service provider to restore the full functioning of the dedicated interface, with the possibility of sanctions in case of failure to do so by the deadline. All account information and payment initiation service providers, not just those which introduced the request, should be allowed to access the data they need to ensure their business continuity.	service provider. The relevant competent authority should set a deadline to the account servicing payment service provider to restore the full functioning of the dedicated interface, with the possibility of sanctions in case of failure to do so by the deadline. All account information and payment initiation service providers, not just those which introduced the request, should be allowed to access the data they need to ensure their business continuity.	~~payment initiation service providers should be allowed to temporarily use the interface provided to its users by the account servicing payment service provider. The relevant competent authority should set a deadline to the account servicing payment service provider to restore the full functioning~~ Given the paramount importance of full availability and functionality of the dedicated interface, ~~with the possibility of sanctions in case of failure to do so by the deadline. All~~ for the business models of account information and payment initiation service providers, ~~not just those which introduced the request,~~ the dedicated interface should ensure availability and performance that equals at least that of the interface that the account servicing payment service provider uses for authentication and communication with its users. The EBA should be allowed to access the data they need to ensure mandated to clarify, in the draft regulatory technical standards, the requirements related to the quarterly statistics on the availability and performance of dedicated interfaces and, for comparison purposes, of the interfaces that the account servicing payment service provider makes available to its	~~payment initiation service providers should be able to preserve their business continuity. They should be allowed to request their national competent authority to make use of the interface provided to its users by the account servicing payment service provider until the dedicated interface is again available. The competent authority should, upon receiving the request, take its decision without delay. Pending the decision from the authority the requesting account information and payment initiation service providers should be allowed to temporarily use the interface provided to its users by the account servicing payment service provider. The relevant competent authority should set a deadline to the account servicing payment service provider to restore the full functioning~~ <u>Given the paramount importance of full availability and functionality</u> of the dedicated interface, ~~with the possibility of sanctions in case of failure to do so by the deadline. All~~ <u>for the business models of</u> account information and payment initiation service providers, ~~not just those which introduced the request,~~ <u>the dedicated interface should ensure availability and performance that equals at least that of the interface that the account servicing payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						payment service users for directly accessing their business continuity payment account online and the publication thereof on the website of the account servicing payment service provider and the standards establishing an optimal recovery time in case of dedicated interface unplanned unavailability, based on the severity of the incident. Said severity should take into account, among others, the number of customers impacted and types of functionality affected of account information and payment initiation service providers.		<u>service provider uses for authentication and communication with its users. The EBA should be ~~allowed to access the data they need to ensure~~ mandated to clarify, in the draft regulatory technical standards, the requirements related to the quarterly statistics on the availability and performance of dedicated interfaces and, for comparison purposes, of the interfaces that the account servicing payment service provider makes available to its payment service users for directly accessing their ~~business continuity~~ payment account online and the publication thereof on the website of the account servicing payment service provider and the standards establishing an optimal recovery time in case of dedicated interface unplanned unavailability, based on the severity of the incident. That severity should take into account, among others, the number of customers impacted and types of functionality of account information and payment initiation service providers affected.</u>
Recital 61								
61		(61) Such temporary direct access should have no negative effect on consumers. Account information and payment initiation service providers		(61) Such temporary direct access should have no negative effect on consumers. Account information and payment initiation service providers		(61) ~~Such temporary direct access should have no negative effect on consumers.~~ Account information and payment initiation service providers		(61) ~~Such temporary direct access should have no negative effect on consumers.~~ Account information and payment initiation service providers

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	should therefore always duly identify themselves and respect all their obligations, such as the limits of the permission which was granted to them, and should in particular access only the data that they need to meet their contractual obligations and provide the regulated service. Access to payments account data without proper identification (so-called ‘screen-scraping’) should, in any circumstances, never be performed.	should therefore always duly identify themselves and respect all their obligations, such as the limits of the permission which was granted to them, and should in particular access only the data that they need to meet their contractual obligations and provide the regulated service. Access to payments account data without proper identification (so-called ‘screen-scraping’) should, in any circumstances, never be performed.	should ~~therefore~~ always duly identify themselves and respect all their obligations, such as the limits of the permission which was granted to them, and should in particular access only the data that they need to meet their contractual obligations and provide the regulated service. Access to payments account data without proper identification (so-called ‘screen-scraping’) should, in any circumstances, never be performed.	should ~~therefore~~ always duly identify themselves and respect all their obligations, such as the limits of the ~~permission~~ <u>consent</u> which was granted to them, and should in particular access only the data that they need to meet their contractual obligations and provide the regulated service. Access to payments account data without proper identification (so-called ‘screen-scraping’) should, in any circumstances, never be performed. Text Origin: Council Mandate
Recital 62				
72	(62) Given the fact that setting up a dedicated interface could, for certain account servicing payment service providers, be deemed disproportionately burdensome, a national competent authority should be able to exempt an account servicing payment service provider, on its request, from the obligation to have in place a dedicated data access interface, and to either offer payment data access only via its ‘customer interface’ or not to offer any open banking data access interface at all. Data access via the customer interface (with no dedicated interface) may be appropriate in the case of a very small account servicing payment service provider	(62) Given the fact that setting up a dedicated interface could, for certain account servicing payment service providers, be deemed disproportionately burdensome, a national competent authority should be able to exempt an account servicing payment service provider, on its request, from the obligation to have in place a dedicated data access interface, and to either offer payment data access only via its ‘customer interface’ or not to offer any open banking data access interface at all. Data access via the customer interface (with no dedicated interface) may be appropriate in the case of a very small account servicing payment service provider	(62) Given the fact that setting up or maintaining a dedicated interface could, for certain account servicing payment service providers, be deemed disproportionately burdensome, a national competent authority should be able to exempt an account servicing payment service provider, on its request, from the obligation to have in place a dedicated data access interface, and to either offer payment data access only via its ‘customer interface’ provided this interface is already an API endpoint or not to offer any open banking data access interface at all. Where appropriate according to the specificities of the Member State, for national central banks	(62) Given the fact that setting up <u>or maintaining</u> a dedicated interface could, for certain account servicing payment service providers, be deemed disproportionately burdensome, a national competent authority should be able to exempt an account servicing payment service provider, on its request, from the obligation to have in place a dedicated data access interface, and to either offer payment data access only via its ‘customer interface’, <u>provided this interface is already an API endpoint, meaning a specific, secure digital connection point that allows automated,</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	for which a dedicated interface would be a significant financial and resource burden. Being exempted from the obligation to maintain any ‘open banking’ data access interface may be justified where the account servicing payment service provider has a specific business model, for example where open banking services would present no relevance to its customers. Detailed criteria for granting such different types of exemption decisions should be laid down in regulatory technical standards developed by the EBA.	for which a dedicated interface would be a significant financial and resource burden. Being exempted from the obligation to maintain any ‘open banking’ data access interface may be justified where the account servicing payment service provider has a specific business model, for example where open banking services would present no relevance to its customers. Detailed criteria for granting such different types of exemption decisions should be laid down in regulatory technical standards developed by the EBA.	not acting in their capacity as monetary authority or other public authorities, the exemption from the obligation to have in place a dedicated interface may be granted by the Member State. Data access via the customer interface (with no dedicated interface) may be appropriate where this interface is already an API, such as in B2B business cases where no mobile applications or website interfaces are used between in the case of a very small account servicing payment service provider for which and its customer, and where a dedicated interface would be a significant financial and resource burden for the account servicing payment service provider. Being exempted from the obligation to maintain any ‘open banking’ data access interface may be justified where the account servicing payment service provider has a specific business model, for example where open banking services would present no relevance to its customers. Detailed criteria for granting such different types of exemption decisions should be laid down in regulatory technical standards developed by the EBA, taking into account inter alia the size, annual turnover and payments volume of the account	<u>machine-to-machine communication and data exchange</u> , or not to offer any open banking data access interface at all. <u>Where appropriate, according to the specificities of the Member State, for national central banks not acting in their capacity as monetary authority or other public authorities, the exemption from the obligation to have in place a dedicated interface may be granted by the Member State.</u> Data access via the customer interface (with no dedicated interface) may be appropriate <u>where that interface is already an API, such as in B2B cases where no mobile applications or website interfaces are used between in the case of a very small account servicing payment service provider for which and its customer, or where a dedicated interface would be a significant financial and resource burden for the account servicing payment service provider, such as for very small payment service providers.</u> Being exempted from the obligation to maintain any ‘open banking’ data access interface may be justified where the account servicing payment service provider has a specific business model, for example, where open banking

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			servicing payment service provider. It should be noted that such an exemption, once granted, cannot be perpetuated if the circumstances which led to the exemption changed significantly.	services would ~~present~~ ^{be of} no relevance to its customers. Detailed criteria for granting such ~~different types of~~ exemption decisions should be laid down in regulatory technical standards developed by the EBA, <u>taking into account inter alia the size, annual turnover and payments volume of the account servicing payment service provider. Such exemptions, once granted, should not be perpetuated if the circumstances which led to the exemption changes significantly.</u> TM 25/26 Feb
Recital 63				
73	(63) To fully reap the potential of open banking in the Union, it is essential to prevent any discriminatory treatment of account information and payment initiation service providers by account servicing payment service providers. Where the payment service user has decided to make use of the services of an account information service provider or a payment initiation service provider, the account servicing payment service provider should treat that order in the same way as it would treat such a request if made by the payment service user directly in its ‘customer interface’, unless the account servicing	(63) To fully reap the potential of open banking in the Union, it is essential to prevent any discriminatory treatment of account information and payment initiation service providers by account servicing payment service providers. Where the payment service user has decided to make use of the services of an account information service provider or a payment initiation service provider, the account servicing payment service provider should treat that order in the same way as it would treat such a request if made by the payment service user directly in its ‘customer interface’, unless the account servicing	(63) To fully reap the potential of open banking in the Union, it is essential to prevent any discriminatory treatment of account information and payment initiation service providers by account servicing payment service providers. Where the payment service user has decided to make use of the services of an account information service provider or a payment initiation service provider, the account servicing payment service provider should treat that order in the same way as it would treat such a request if made by the payment service user directly in its ‘customer interface’, unless the account servicing	(63) To fully reap the potential of open banking in the Union, it is essential to prevent any discriminatory treatment of account information and payment initiation service providers by account servicing payment service providers. Where the payment service user has decided to make use of the services of an account information service provider or a payment initiation service provider, the account servicing payment service provider should treat that order in the same way as it would treat such a request if made by the payment service user directly in its ‘customer interface’, unless the account servicing

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment provider has objective reasons to treat the request to access the account differently, including serious suspicions of fraud.	payment provider has objective reasons to treat the request to access the account differently, including serious suspicions of fraud.	payment provider has objective reasons to treat the request to access the account differently, including serious suspicions of fraud.	payment provider has objective reasons to treat the request to access the account differently, including serious suspicions of fraud. Text Origin: Commission Proposal
Recital 64				
74	(64) For the provision of payment initiation services, the account servicing payment service provider should provide the payment initiation service provider with all information accessible to it regarding the execution of the payment transaction immediately after the payment order has been received. Sometimes more information becomes available to the account servicing payment service provider after it has received the payment order, but before it has executed the payment transaction. Where relevant for the payment order and the execution of the payment transaction, the account servicing payment service provider should provide that information to the payment initiation service provider. The payment initiation service provider should benefit from the information necessary to assess the risks of non-execution of the initiated transaction. That information is indispensable to	(64) For the provision of payment initiation services, the account servicing payment service provider should provide the payment initiation service provider with all information accessible to it regarding the execution of the payment transaction immediately after the payment order has been received. Sometimes more information becomes available to the account servicing payment service provider after it has received the payment order, but before it has executed the payment transaction. Where relevant for the payment order and the execution of the payment transaction, the account servicing payment service provider should provide that information to the payment initiation service provider. The payment initiation service provider should benefit <u>only</u> from the information necessary to assess the risks of non-execution of the initiated transaction. That information is indispensable to	(64) For the provision of payment initiation services, the account servicing payment service provider should provide the payment initiation service provider with all information accessible to it regarding the execution of the payment transaction immediately after the payment order has been received. Sometimes more information becomes available to the account servicing payment service provider after it has received the payment order, but before it has executed the payment transaction. Where relevant for the payment order and the execution of the payment transaction, the account servicing payment service provider should provide that information to the payment initiation service provider. The payment initiation service provider should benefit from the information necessary to assess the risks of non-execution of the initiated transaction. That information is indispensable to	(64) For the provision of payment initiation services, the account servicing payment service provider should provide the payment initiation service provider with all information accessible to it regarding the execution of the payment transaction immediately after the payment order has been received, <u>and on an ongoing basis, at the request of a payment initiation service provider.</u> Sometimes more information becomes available to the account servicing payment service provider after it has received the payment order, but before it has executed the payment transaction. Where relevant for the payment order and the execution of the payment transaction, the account servicing payment service provider should provide that information to the payment initiation service provider. The payment initiation service provider should ~~benefit from~~ <u>have access to</u> the information necessary

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	enable the payment initiation service provider to offer to a payee on behalf of whom it initiates the transaction a service whose quality can compete with other means of electronic payments available to the payee, including payment cards.	enable the payment initiation service provider to offer to a payee on behalf of whom it initiates the transaction a service whose quality can compete with other means of electronic payments available to the payee, including payment cards.	enable the payment initiation service provider to offer to a payee on behalf of whom it initiates the transaction a service whose quality can compete with other means of electronic payments available to the payee, including payment cards.	to assess the risks of non-execution of the initiated transaction. That information is indispensable to enable the payment initiation service provider to offer to a payee, on behalf of whom it initiates the transaction, a service whose quality can compete with other means of electronic payments available to the payee, including payment cards. COM: to align with line 560. Added reference to ongoing basis.
Recital 65				
75	(65) To increase trust in open banking, it is essential that payment service users who use account information and payment initiation services be in full control of their data and have access to clear information on the data access permissions that those payment service users have granted to payment service providers, including the purpose of permission and the categories of payment account data concerned, including identity data of the account, transaction and account balance. Account servicing payment service providers should therefore make available to payment service users who use such services a ‘dashboard’, for monitoring and withdrawing or re-establishing data	(65) To increase trust in open banking, it is essential that payment service users who use account information and payment initiation services be in full control of their data and have access to clear information on the data access permissions that those payment service users have granted to payment service providers, including the purpose of permission and the categories of payment account data concerned, including identity data of the account, transaction and account balance. Account servicing payment service providers should therefore make available to payment service users who use such services a ‘dashboard’, for monitoring and withdrawing ~~or re-establishing~~ data	(65) To increase trust in open banking, it is essential that payment service users who use account information and payment initiation services be in full control of their data and have access to clear information on the data access permissions that those payment service users have granted to payment service providers, including the purpose of permission and the categories of payment account data concerned, including identity data of the account, transaction and account balance. Account servicing payment service providers should therefore make available to payment service users who use such services a ‘dashboard’, for monitoring and withdrawing or re-establishing (for	(65) To increase trust in open banking, it is essential that payment service users who use account information and payment initiation services be in full control of their data and have access to clear information on the data access ~~permissions~~ <u>consents</u> that those payment service users have granted to payment service providers, including the purpose of ~~permission~~ <u>the consent</u> and the categories of payment account data concerned, ~~including~~ <u>such as</u> identity data of the account, transaction and account balance. Account servicing payment service providers should therefore make available to payment service users who use such services a ‘dashboard’, for

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	access granted to ‘open banking’ services providers. Permissions for initiation of one-off payments should not feature on that dashboard. A dashboard may not allow a payment service user to establish new data access permissions with an account information or payment initiation service provider to which no previous data access has been given. Account servicing payment service providers should inform account information and payment initiation service providers promptly of any withdrawal of data access. Account information and payment initiation service providers should inform account servicing payment service providers promptly of new and re-established data access permissions granted by payment service users, including the duration of validity of the permission and its purpose (in particular whether the consolidation of data is for the benefit of the user or for transmission to a third party). An account servicing payment service provider should not encourage, in any manner, a payment service user to withdraw the permissions given to account information and payment initiation service providers. The dashboard should warn the payment service user in a standard way of the risk of possible contractual consequences of	access granted to ‘open banking’ services providers. Permissions for initiation of one-off payments should not feature on that dashboard. A dashboard may not allow a payment service user to establish new data access permissions with an account information or payment initiation service provider to which no previous data access has been given. Account servicing payment service providers should inform account information and payment initiation service providers promptly of any withdrawal of data access. Account information and payment initiation service providers should inform account servicing payment service providers promptly of new and re-established data access permissions granted by payment service users, including the duration of validity of the permission and its purpose (in particular whether the consolidation of data is for the benefit of the user or for transmission to a third party). An account servicing payment service provider should not encourage, in any manner, a payment service user to withdraw the permissions given to account information and payment initiation service providers. The dashboard should warn the payment service user in a standard way of the risk of possible contractual consequences of	example, in case of errors made) data access granted to ‘open banking’ services providers. The dashboards should not contain any deterring or discouraging language that might dissuade the payment service user from making use of the services of a payment initiation service provider or account information service provider. Permissions for initiation of one-off payments should not feature on that dashboard. A dashboard may not allow a payment service user to establish new data access permissions with an account information or payment initiation service provider to which no previous data access has been given. Account servicing payment service providers should ~~inform promptly~~ make information available to account information and payment initiation service providers ~~promptly~~ of any withdrawal of data access. Account information and payment initiation service providers should inform account servicing payment service providers promptly of new and re-established data access permissions granted by payment service users, including the duration of validity of the permission and its purpose (in particular whether the consolidation of data is for the benefit of the user or for	monitoring and withdrawing or re-establishing data access granted to ‘open banking’ services providers. ~~Permissions~~ <u>The dashboards should not contain any deterring or discouraging language that might dissuade the payment service user from making use of the services of a payment initiation service provider or account information service provider.</u> <u>Consent</u> for initiation of one-off payments should not feature on that dashboard. A dashboard ~~may~~ <u>should</u> not allow a payment service user to establish new data access ~~permissions~~ <u>consents</u> with an account information or payment initiation service provider to which no previous data access has been given. Account servicing payment service providers should ~~inform promptly~~ <u>make information available to</u> account information and payment initiation service providers ~~promptly~~ of any withdrawal of data access. Account information and payment initiation service providers should inform account servicing payment service providers promptly of new and re-established data access ~~permissions~~ <u>consents</u> granted by payment service users, including the duration of validity of the ~~permission~~ <u>consent</u> and its purpose (in particular whether the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	withdrawal of data access to an open banking service provider, since the dashboard does not manage the contractual relationship between the user and an ‘open banking’ provider, but it is for the payment service user to verify that risk. A permissions dashboard should empower customers to manage their permissions in an informed and impartial manner and give customers a strong measure of control over how their personal and non-personal data is used. A permissions dashboard should take into account, where appropriate, the accessibility requirements under Directive (EU) 2019/882 of the European Parliament and of the Council.	withdrawal of data access to an open banking service provider, since the dashboard does not manage the contractual relationship between the user and an ‘open banking’ provider, but it is for the payment service user to verify that risk. A permissions dashboard should empower customers to manage their permissions in an informed and impartial manner and give customers a strong measure of control over how their personal and non-personal data is used. A permissions dashboard should take into account, where appropriate, the accessibility requirements under Directive (EU) 2019/882 of the European Parliament and of the Council.	transmission to a third party). An account servicing payment service provider should not encourage, in any manner, a payment service user to withdraw the permissions given to account information and payment initiation service providers. The dashboard should warn the payment service user in a standard way of the risk of possible contractual consequences of withdrawal of data access to an open banking service provider, since the dashboard does not manage the contractual relationship between the user and an ‘open banking’ provider, but it is for the payment service user to verify that risk. A permissions dashboard should empower customers to manage their permissions in an informed and impartial manner and give customers a strong measure of control over how their personal and non-personal data is used. A permissions dashboard should take into account, where appropriate, the accessibility requirements under Directive (EU) 2019/882 of the European Parliament and of the Council.	consolidation of data is for the benefit of the user or for transmission to a third party). An account servicing payment service provider should not encourage, in any manner, a payment service user to withdraw the ~~permissions~~<u>consents</u> given to account information and payment initiation service providers. The dashboard should warn the payment service user in a standard way of the risk of possible contractual consequences of withdrawal of data access to an open banking service provider, since the dashboard does not manage the contractual relationship between the user and an ‘open banking’ provider, but it is for the payment service user to verify that risk. A ~~permissions~~<u>consent</u> dashboard should empower customers to manage their ~~permissions~~<u>consents</u> in an informed and impartial manner and give customers a strong measure of control over how their personal and non-personal data is used. A ~~permissions~~<u>consent</u> dashboard should take into account, where appropriate, the accessibility requirements under Directive (EU) 2019/882 of the European Parliament and of the Council.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Recital 65a								
G	75a			<u><i>(65a) The term ‘permission’ in this Regulation should not be understood as meaning the same as the term ‘consent’ under Regulation (EU) 2016/679 to which the requirements of that Regulation apply. Permission under this Regulation refers to the authorisation by a payment service user for the execution of a payment transaction or for access to account information data. That requirement is without prejudice to the application of Regulation (EU) 2016/679 and of Directive 2005/29/EC of the European Parliament of the Council¹.</i></u> <u><i>1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) (OJ L 149, 11.6.2005, p. 22, http://data.europa.eu/eli/dir/2005/29/oj).</i></u>		(65a) Account information service providers should be able to access information on designated payment accounts and associated payment transactions held by account servicing payment service providers for the purposes of providing the account information service, where the payment service user does not actively request such information, but the payment service user has given his consent. In this case, the payment service user must be informed by the account information service provider, but this information obligation does not have to be fulfilled on an access by access basis, but may be fulfilled by including this information in the framework contract between the account information service provider and the payment service user.		<u><i>(65a) Account information service providers should be able to access information on designated payment accounts and associated payment transactions held by account servicing payment service providers for the purpose of providing the account information service, where the payment service user does not actively request such information, but the payment service user has given their consent. In that case, the payment service user must be informed by the account information service provider, but that information obligation does not have to be fulfilled on an access by access basis, but may be fulfilled by including that information in the framework contract between the account information service provider and the payment service user.</i></u>
Recital 65b								
G	75b			<u><i>(65b) The EBA should develop draft regulatory technical standards setting out a standardised list of categories of information to be</i></u>				<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>disclosed on the dashboard.</u>		
Recital 66				
76	(66) The review of Directive (EU) 2015/2366 has revealed that account information and payment initiation service providers are still exposed to many unjustified obstacles, despite the level of harmonisation achieved and of the prohibition on such obstacles imposed by Article 32(3) of Commission Delegated Regulation (EU) 2018/389¹. Those obstacles still significantly hamper the full potential of open banking in the Union. Those obstacles are regularly reported by account information and payment initiation service providers to supervisors, regulators and the Commission. They were analysed by the EBA in its June 2020 Opinion on “Obstacles to the provision of third-party provider services under the Payment Services Directive”. Despite clarifications efforts made there is still a lot of uncertainty, in the market and with supervisors, as to what constitutes a ‘prohibited obstacle’ to regulated open banking services. It is therefore indispensable to provide a clear and non-exhaustive list of such prohibited open banking obstacles, relying in particular on the work carried out by the EBA.	(66) The review of Directive (EU) 2015/2366 has revealed that account information and payment initiation service providers are still exposed to many unjustified obstacles, despite the level of harmonisation achieved and of the prohibition on such obstacles imposed by Article 32(3) of Commission Delegated Regulation (EU) 2018/389¹. Those obstacles still significantly hamper the full potential of open banking in the Union. Those obstacles are regularly reported by account information and payment initiation service providers to supervisors, regulators and the Commission. They were analysed by the EBA in its June 2020 <u>entitled “Opinion of the European Banking Authority</u> on ~~“obstacles to the provision of third-party provider services~~ under <u>Article 32(3) of the RTS on SCA and CSC</u>~~the Payment Services Directive~~”. Despite clarifications efforts made there is still a lot of uncertainty, in the market and with supervisors, as to what constitutes a ‘prohibited obstacle’ to regulated open banking services. It is therefore indispensable to provide a clear and non-exhaustive list of such prohibited open banking obstacles,	(66) The review of Directive (EU) 2015/2366 has revealed that account information and payment initiation service providers are still exposed to many unjustified obstacles, despite the level of harmonisation achieved and of the prohibition on such obstacles imposed by Article 32(3) of Commission Delegated Regulation (EU) 2018/389¹. Those obstacles still significantly hamper the full potential of open banking in the Union. Those obstacles are regularly reported by account information and payment initiation service providers to supervisors, regulators and the Commission. They were analysed by the EBA in its June 2020 Opinion on ~~“Obstacles to the provision of third-party provider services under the Payment Services Directive~~ Obstacles to the provision of third-party provider services under the Payment Services Directive”. Despite clarifications efforts made there is still a lot of uncertainty, in the market and with supervisors, as to what constitutes a ‘prohibited obstacle’ to regulated open banking services. It is therefore indispensable to provide a clear and non-exhaustive list of such prohibited	(66) The review of Directive (EU) 2015/2366 has revealed that account information and payment initiation service providers are still exposed to many unjustified obstacles, despite the level of harmonisation achieved and ~~of~~ the prohibition on such obstacles imposed by Article 32(3) of Commission Delegated Regulation (EU) 2018/389¹. Those obstacles still significantly hamper the full potential of open banking in the Union. Those obstacles are regularly reported by account information and payment initiation service providers to supervisors, regulators and the Commission. They were analysed by the EBA in its <u>Opinion of 4 June 2020</u> ~~Opinion on “on~~ obstacles ~~to the provision of third-party provider services~~ under <u>Article 32(3) of the RTS on SCA and CSC</u>~~the Payment Services Directive~~”. Despite clarifications efforts made, there is still a lot of uncertainty, in the market and with supervisors, as to what constitutes a ‘prohibited obstacle’ to regulated open banking services. It is therefore indispensable to provide a clear and non-exhaustive list of such

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	1. Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (OJ L 69, 13.3.2018, p. 23).	relying in particular on the work carried out by the EBA. 1. Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (OJ L 69, 13.3.2018, p. 23).	open banking obstacles, relying in particular on the work carried out by the EBA. 1. Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (OJ L 69, 13.3.2018, p. 23).	prohibited open banking obstacles, relying in particular on the work carried out by the EBA. 1. Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (OJ L 69, 13.3.2018, p. 23).
Recital 66a				
76a				<u><i>(66a) The possibility to rely on fraud prevention or compliance with Regulation (EU) 2016/679 should not serve as a general basis to deny, restrict or delay data access by third party providers. Measures taken on those grounds could exceptionally restrict access to open banking services but should be allowed on a case-by-case basis only where duly justified, based on objective and verifiable elements of suspected fraud or on a specific GDPR obligation, and should remain strictly necessary, proportionate and limited in scope and duration. They should not lead to systematic or blanket restrictions to open banking, nor legitimize obstacles to data access which are prohibited</i></u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>under the current Regulation. While account servicing payment service providers may legitimately take measures to mitigate fraud, such measures should not discriminate against the services provided by providers of payment information and account information services. As such, they should be equally applied to such services, as to payment services provided directly or indirectly by the account servicing payment service provider itself, including card- or credit based payment services which are commercially available for payees to use. That principle should apply to both the payer authentication experience and to the rate of certainty that an initiated payment is executed by the account servicing payment service provider.</u> COM: New recital related to Article 44(1a)
Recital 67				
77	(67) The obligation to keep personalised security credentials safe is of the utmost importance to protect the funds of the payment service user and to limit the risks relating to fraud and unauthorised access to payment accounts. However, terms and conditions or	(67) The obligation to keep personalised security credentials safe is of the utmost importance to protect the funds of the payment service user and to limit the risks relating to fraud and unauthorised access to payment accounts. However, terms and conditions or	(67) The obligation to keep personalised security credentials safe is of the utmost importance to protect the funds of the payment service user and to limit the risks relating to fraud and unauthorised access to payment accounts. However, terms and conditions or	(67) The obligation to keep personalised security credentials safe is of the utmost importance to protect the funds of the payment service user and to limit the risks relating to fraud and unauthorised access to payment accounts. However, terms and conditions or

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	other obligations imposed by payment service providers on payment service users in relation to keeping personalised security credentials safe should not be drafted in a way that prevents payment service users from taking advantage of services offered by other payment service providers, including payment initiation services and account information services. Such terms and conditions should not contain any provisions that would make it more difficult, in any way, to use the payment services of other payment service providers authorised or registered pursuant to Directive (EU) XXX (PSD3). Furthermore, it is appropriate to specify that, for the activities of payment initiation service providers and account information service providers, the name of the account owner and the account number do not constitute sensitive payment data.	other obligations imposed by payment service providers on payment service users in relation to keeping personalised security credentials safe should not be drafted in a way that prevents payment service users from taking advantage of services offered by other payment service providers, including payment initiation services and account information services. Such terms and conditions should not contain any provisions that would make it more difficult, in any way, to use the payment services of other payment service providers authorised or registered pursuant to Directive (EU) XXX (PSD3). Furthermore, it is appropriate to specify that, for the activities of payment initiation service providers and account information service providers, the name of the account owner and the account number do not constitute sensitive payment data.	other obligations imposed by payment service providers on payment service users in relation to keeping personalised security credentials safe should not be drafted in a way that prevents payment service users from taking advantage of services offered by other payment service providers, including payment initiation services and account information services. Such terms and conditions should not contain any provisions that would make it more difficult, in any way, to use the payment services of other payment service providers authorised or registered pursuant to Directive (EU) XXX (PSD3). Furthermore, it is appropriate to specify that, for the activities of payment initiation service providers and account information service providers, the name of the account owner and the account number do not constitute sensitive payment data.	other obligations imposed by payment service providers on payment service users in relation to keeping personalised security credentials safe should not be drafted in a way that prevents payment service users from taking advantage of services offered by other payment service providers, including payment initiation services and account information services. Such terms and conditions should not contain any ~~provisions~~<u>provision</u> that would make it more difficult, in any way, to use the payment services of other payment service providers authorised or registered pursuant to Directive (EU) XXX (PSD3). Furthermore, it is appropriate to specify that, for the activities of payment initiation service providers and account information service providers, the name of the account owner and the ~~account number~~<u>unique identifier</u> do not constitute sensitive payment data. COM: Line 539b refers to the “unique identifier of the account”. Text Origin: Commission Proposal
Recital 68				
78	(68) To be fully successful, ‘open banking’ requires a robust and	(68) To be fully successful, ‘open banking’ requires a robust and	(68) To be fully successful, ‘open banking’ requires a robust and	(68) To be fully successful, ‘open banking’ requires a robust and

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	effective enforcement of the rules that regulate that activity. As there exists no single authority at the level of the Union to enforce ‘open banking’ rights and duties, national competent authorities are the first level of open banking enforcement. It is essential that national competent authorities proactively and rigorously ensure the respect of the Union ‘open banking’ regulated framework. Insufficient enforcement by the relevant authorities is regularly presented by open banking operators as being one of the reasons for its still limited take-up in the Union. National competent authorities should have the appropriate resources to perform their enforcement tasks effectively and efficiently. National competent authorities should promote and broker a smooth and regular dialogue between the various actors of the ‘open banking’ ecosystem. Account servicing payment service providers and account information and payment initiation service providers which do not comply with their obligations should be subjected to appropriate sanctions. Regular monitoring of the ‘open banking’ market in the Union by competent authorities, coordinated by the EBA, should facilitate enforcement, and collection of data on the ‘open	effective enforcement of the rules that regulate that activity. As there exists no single authority at the level of the Union to enforce ‘open banking’ rights and duties, national competent authorities are the first level of open banking enforcement. It is essential that national competent authorities proactively and rigorously ensure the respect of the Union ‘open banking’ regulated framework. Insufficient enforcement by the relevant authorities is regularly presented by open banking operators as being one of the reasons for its still limited take-up in the Union. National competent authorities should have the appropriate resources to perform their enforcement tasks effectively and efficiently. National competent authorities should promote and broker a smooth and regular dialogue between the various actors of the ‘open banking’ ecosystem. Account servicing payment service providers and account information and payment initiation service providers which do not comply with their obligations should be subjected to appropriate sanctions. Regular monitoring of the ‘open banking’ market in the Union by competent authorities, coordinated by the EBA, should facilitate enforcement, and collection of data on the ‘open	effective enforcement of the rules that regulate that activity. As there exists no single authority at the level of the Union to enforce ‘open banking’ rights and duties, national competent authorities are the first level of open banking enforcement. It is essential that national competent authorities ~~proactively and rigorously~~ ensure the respect of the Union ‘open banking’ regulated framework. ~~Insufficient enforcement by the relevant authorities is regularly presented by open banking operators as being one of the reasons for its still limited take-up in the Union.~~ National competent authorities ~~should have the appropriate resources to perform their enforcement tasks effectively and efficiently.~~ National competent authorities ~~should~~ are in a good position to promote and broker a smooth and regular dialogue between the various actors of the ‘open banking’ ecosystem. Account servicing payment service providers and account information and payment initiation service providers which do not comply with their obligations should be subjected to appropriate sanctions. Regular monitoring of the ‘open banking’ market in the Union by competent authorities, coordinated by the EBA, should facilitate enforcement, and	effective enforcement of the rules that regulate that activity. As there exists no single authority at the level of the Union to enforce ‘open banking’ rights and duties, national competent authorities are the first level <u>enforcers</u> of open banking ~~enforcement~~. It is essential that national competent authorities ~~proactively and rigorously~~ <u>deploy their best efforts to</u> ensure the respect of the Union ‘open banking’ regulated framework. ~~Insufficient enforcement by the relevant authorities is regularly presented by open banking operators as being one of the reasons for its still limited take-up in the Union.~~ National competent authorities should have the appropriate resources to perform their enforcement tasks effectively and efficiently. National competent authorities should ~~promote and broker~~ <u>facilitate</u> a smooth and regular dialogue between the various actors of the ‘open banking’ ecosystem. <u>In particular, it must be ensured that account servicing payment service providers comply at all times with their obligations in relation to the dedicated interface.</u> Account servicing payment service providers and account information and payment initiation service providers which do not comply with their obligations should be

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	banking' market will remedy a data gap which currently exists, hampering any effective measurement of the actual take-up of 'open banking' in the Union. Account servicing payment service providers and account information and payment initiation service providers should have access to dispute settlement bodies, pursuant to Article 10 of the Data Act proposal, once that Regulation enters into force.	banking' market will remedy a data gap which currently exists, hampering any effective measurement of the actual take-up of 'open banking' in the Union. Account servicing payment service providers and account information and payment initiation service providers should have access to dispute settlement bodies, pursuant to Article 10 of the Data Act proposal, once that Regulation enters into force.	collection of data on the 'open banking' market will remedy a data gap which currently exists, hampering any effective measurement of the actual take-up of 'open banking' in the Union. Account servicing payment service providers and account information and payment initiation service providers should have access to dispute settlement bodies, pursuant to Article 10 of the ~~Data Act proposal, once that Regulation enters into force~~ (EU) 2023/2854 of the European Parliament and of the Council (Data Act).	~~subjected~~ <u>subject</u> to appropriate sanctions. Regular monitoring of the 'open banking' market in the Union by <u>national</u> competent authorities, coordinated by the EBA, should facilitate enforcement, and collection of data on the 'open banking' market ~~will~~ <u>should</u> remedy a data gap which currently exists, hampering any effective measurement of the actual take-up of 'open banking' in the Union. Account servicing payment service providers and account information and payment initiation service providers should have access to dispute settlement bodies, pursuant to Article 10 of ~~the Data Act proposal, once that Regulation enters into force~~ <u>(EU) 2023/2854 on harmonised rules on fair access to and use of data (Data Act)</u> . TM 26.2. COM addition ref line 641
Recital 68a				
78a				<u>(68a) The dedicated interface should be the primary access point for AIS and PIS. Besides, some ASPSPs might have additional interfaces for other application contexts, which are technically able to provide the same services for AISP and PISP as the dedicated interface. AISP and PISP should be able to use those additional</u>

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				<u>interfaces with the permission of the ASPSP. However, that possibility must not be interpreted as an obligation for the ASPSP to grant access through anything else than the dedicated interface, nor does it stipulate any right for AISP and PISPs (or other unregulated entities) to demand such access. The additional interfaces can only be used if the participants want to do so on their own accord, with agreement by ASPSPs and under the same security conditions (identification and secure communication) that also apply for the dedicated interface and if the additional interfaces use widely accepted and interoperable standards.</u> TM 26/2
Recital 69				
79	(69) The parallel use of the term ‘explicit consent’ in Directive (EU) 2015/2366 and Regulation (EU) 2016/679 of the European Parliament and of the Council¹ has led to misinterpretations. The object of the explicit consent under Article 94 (2) of Directive (EU) 2015/2366 is the permission to obtain access to those personal data, to be able to process and store these personal data that are necessary for the purpose of	(69) The parallel use of the term ‘explicit consent’ in Directive (EU) 2015/2366 and Regulation (EU) 2016/679 of the European Parliament and of the Council¹ has led to misinterpretations. The object of the explicit consent under Article 94 (2) of Directive (EU) 2015/2366 is the permission to obtain access to those personal data, to be able to process and store these personal data that are necessary for the purpose of	(69) ~~The parallel use of the term¹~~ The notion of consent under this Regulation is without prejudice to the rules on lawful processing of personal data, including provisions on ‘consent’ and ‘explicit consent’, laid out in ~~Directive (EU) 2015/2366 and Regulation (EU) 2016/679 of the European Parliament and of the Council¹ has led to misinterpretations. The object of the~~	(69) The ~~parallel use of the term~~ notion of consent under this Regulation is without prejudice to the rules on lawful processing of personal data, including provisions on ‘consent’ and ‘explicit consent’, laid out in ~~Directive (EU) 2015/2366 and Regulation (EU) 2016/679 of the European Parliament and of the Council¹ has led to misinterpretations. The object of the explicit consent under Article~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	providing the payment service. Therefore, a clarification should be made to increase legal certainty and have a clear differentiation with data protection rules. Where the term ‘explicit consent’ was used in Directive (EU) 2015/2366, the term ‘permission’ should be used in the present Regulation. When reference is made to ‘permission’ that reference should be without prejudice to obligations of payment service providers under Article 6 of Regulation (EU) 2016/679. Therefore, permission should not be construed exclusively as ‘consent’ or ‘explicit consent’ as defined in Regulation (EU) 2016/679. 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	providing the payment service. Therefore, a clarification should be made to increase legal certainty and have a clear differentiation with data protection rules. Where the term ‘explicit consent’ was used in Directive (EU) 2015/2366, the term ‘permission’ should be used in the present Regulation. When reference is made to ‘permission’ that reference should be without prejudice to obligations of payment service providers under Article 6 of Regulation (EU) 2016/679. Therefore, permission should not be construed exclusively as ‘consent’ or ‘explicit consent’ as defined in Regulation (EU) 2016/679. 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	~~explicit consent under Article 94 (2) of Directive (EU) 2015/2366 is the permission to obtain access to those personal data, to be able to process and store these. Where processing of personal data that are necessary for the purpose of providing the payment service. Therefore, a clarification should be made to increase is involved, it is the responsibility of the data controller to assess the appropriate legal certainty and have a clear differentiation with data protection rules. Where the term ‘explicit consent’ was used in Directive (EU) 2015/2366, the term ‘permission’ should be used in the present Regulation. When reference is made to ‘permission’ that reference should be without prejudice to obligations of payment service providers basis under Article 6 of Regulation (EU) 2016/679. Therefore, permission should not be construed exclusively as ‘consent’ or ‘explicit consent’ as defined in and ensure that all conditions for this legal basis laid out in that Regulation (EU) 2016/679 are met.~~ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC	~~94 (2) of Directive (EU) 2015/2366 is the permission to obtain access to those personal data, to be able to process and store these. Where processing of personal data that are necessary for the purpose of providing the payment service. Therefore, a clarification should be made to increase is involved, it is the responsibility of the data controller to assess the appropriate legal certainty and have a clear differentiation with data protection rules. Where the term ‘explicit consent’ was used in Directive (EU) 2015/2366, the term ‘permission’ should be used in the present Regulation. When reference is made to ‘permission’ that reference should be without prejudice to obligations of payment service providers basis under Article 6 of Regulation (EU) 2016/679. Therefore, permission should not be construed exclusively as ‘consent’ or ‘explicit consent’ as defined in and ensure that all conditions for that legal basis laid out in that Regulation (EU) 2016/679 are met.~~ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						(General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).		~~119, 4.5.2016, p. 1).~~ TM 20.10: if we use consent in the enacting provision. Sometimes the legal basis under art. 6 is performance of contract; not necessarily consent. Text Origin: Council Mandate
Recital 69a								
6	79a					(69a) Where a payment service user denies having authorised an executed payment transaction or claims that the payment transaction was not correctly executed, the use of a payment instrument in the form agreed by the payment service provider and the payment service user, is in itself not necessarily sufficient to prove that the payment transaction was authorised by the payer. This means that the authentication or the use of the strong customer authentication recorded by the payment service provider, including the payment initiation service provider as appropriate, should in itself not necessarily be sufficient to prove either that the payment transaction was authorised by the payer or that the payer acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under		<i>deleted</i> COM: [ok to keep but should be moved down to line 86a to clarify Art 55(2)]

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						Article 52.		
	Recital 69b							
G	79b					(69b) A payment transaction or a series of payment transactions should be assessed as authorised only if the payer has given its consent for the execution of the payment transaction in a manner agreed on between the payer and the account servicing payment service provider. It should not be deemed to be authorised where the transaction was initiated or modified by a third party who is acting without the consent of the payment service user, e.g. where the third party is using the personal security credentials of the payment service user fraudulently obtained.		<u>(69b) A payment transaction or a series of payment transactions should be considered as authorised only if the payer has given its consent for the execution of the payment transaction in a manner agreed on between the payer and the account servicing payment service provider. It should not be considered to be authorised where the transaction was initiated or modified by a third party who is acting without the consent of the payment service user. Instances of payment transactions initiated or modified by a third party acting without the consent of the payment service user include situations where that third party is using the payment service user's personal security credentials fraudulently obtained.</u> COM: Text origin: Council text + draft proposal to include illustrative examples for clarifying situations of personalized security credentials fraudulently obtained TM 26.2 4/3 examples removed.
	Recital 69c							
G	79c					(69c) The payment service		G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						provider's decisions shall be based on "objectively justified reasons" based on the data acquired through the transaction monitoring mechanism, and should take into account the risks of frauds that could jeopardize the safety of the payment instrument and the interest of the payment service user. Examples for "objectively justified reasons" might include suspicion of unauthorized use, suspicion of fraudulent transactions, security of payment instrument, risk of deception regarding financial activity and large distance transactions in unjustifiably short timeframe.		<i>deleted</i> COM: [ok to keep but should be moved down to line 83bb to accompany Article 51(2)/ line 671]
	Recital 69d							
6	79d					(69d) Given that fraud is a criminal activity in accordance with Article 2, point (1), of Directive (EU) 2018/1673, and is therefore considered a predicate offence for the purposes of Regulation (EU) 2024/1624, the obligations laid down in that Regulation regarding the reporting of suspicions to the Financial Intelligence Unit and the obligation to refrain from executing a suspicious transaction apply in cases where a payment service provider suspects that a		<i>deleted</i> COM: [accompanies article 65; covered in recital 86b/ line 96]
								6

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						payment transaction is fraudulent. This also applies where the payer's payment service provider has reasonable grounds to suspect that the transaction is related to criminal activity, for example where the payer's payment service provider has reasonable grounds to suspect that the transaction that the payer is attempting to carry out is the result of fraud, and that the payer may therefore be a victim of fraud.		
Recital 69e								
G	79e					(69e) It is important to ensure that payment service providers' transaction monitoring mechanisms are effective in preventing fraud, while mitigating the impact on legitimate payment transactions and customer detriment deriving from delays in the execution of legitimate payment transactions or the blocking of such transactions. For the purpose of this Regulation, the fact that a payment order is unusual should not automatically constitute grounds for suspecting that the payment transaction is fraudulent, nor should it by itself constitute reasonable grounds to suspect fraud. However, any unusual transaction could constitute an early indication of		deleted COM: <i>ibid</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						fraud, which should alert the payment service provider and should be further investigated. In assessing whether there are reasonable grounds to suspect fraud in relation to a payment transaction, the payment service provider should take into account the specific circumstances of the individual transaction, together with the payment service provider's wider assessment of evolving fraud risk based on the payment service provider's transaction monitoring or on any relevant information available to the payment service provider. Where the payment service provider has duly justified and reasonable grounds to suspect fraud, a refusal in good faith to execute or a decision to postpone a payment transaction or to block a payment instrument should not involve the payment service provider in liability. Where a decision to refuse or suspend the execution of a payment order is based solely on automated processing, such decision would be permissible only where suitable measures have been applied in order to safeguard the rights, freedoms and legitimate interests of the payment service user.		

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Recital 69f								
79f						(69f) Where based on transaction monitoring the payer's payment service provider suspects that the transaction is fraudulent, the payer's payment service provider should without undue delay notify the payer, in an agreed manner, of any information or action needed from the payer to enable the payment service provider to decide whether there are reasonable grounds to suspect fraud and should make all reasonable efforts to communicate with the payer in an expeditious manner to avoid any delays in the execution of legitimate payment transactions. To that end, the payment service provider should ensure that appropriate means are available at all times to enable the payer to contact the payment service provider where additional information is requested by the payment service provider to assess whether there are reasonable grounds to suspect fraud. In such cases, in line with Article 73 of Regulation (EU) 2024/1624, the payment service provider should not disclose that information is being or will be transmitted to the Financial Intelligence Unit.		<i>deleted</i> COM: <i>ibid.</i>
Recital 69g								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
79g			(69g) Given that, in the case of instant credit transfers, it would not be possible for the payer's payment service provider to conduct the aforementioned checks with the payer before executing the instant credit transfer, the requirement to notify the payer before the execution of the payment transaction should not apply in the case of instant credit transfers. This is without prejudice to the obligation of the payer's payment service provider to have robust transaction monitoring mechanisms in place to prevent fraud, and to carry out transaction monitoring under this Regulation before executing the payment transaction, which for instant credit transfers, means in real-time and other checks that the payer's payment service provider is required to conduct before a payment transaction is executed, including regarding verification of the payee.	<i>deleted</i> COM: <i>ibid.</i>
Recital 70				
80	(70) Security of credit transfers is fundamental for increasing the confidence of payment service users in such services and ensuring their use. Payers intending to send a credit transfer to a given payee may, as a result of fraud or error, provide a	(70) Security of credit transfers is fundamental for increasing the confidence of payment service users in such services and ensuring their use. Payers intending to send a credit transfer to a given payee may, as a result of fraud or error, provide a	(70) Security of credit transfers is fundamental for increasing the confidence of payment service users in such services and ensuring their use. Payers intending to send a credit transfer to a given payee may, as a result of fraud or error, provide a	(70) Security of credit transfers is fundamental for increasing the confidence of payment service users in such services and ensuring their use. Payers intending to send a credit transfer to a given payee may, as a result of fraud or error, provide a

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	unique identifier which does not correspond to an account held by that payee. To contribute to the reduction of fraud and errors, payment service users should benefit from a service which would verify whether there is any discrepancy between the unique identifier of the payee and the name of the payee provided by the payer and, should any such discrepancies be detected, notify the payer thereof. Such services, in the countries where they exist, have had a substantial positive impact on the level of fraud and errors. Given the importance of that service for the prevention of fraud and errors, such service should be available free of charge to consumers. To avoid undue frictions or delays in the processing of the transaction, the payment service provider of the payer should provide such notification within no more than a few seconds from the moment the payer has entered the payee information. To enable the payer to decide whether to proceed with the intended transaction, the payment service provider of the payer should provide such notification before the payer authorises the transaction. Certain credit transfer initiation solutions may be available to payers allowing them to place a payment order without inserting themselves	unique identifier which does not correspond to an account held by that payee. To contribute to the reduction of fraud and errors, payment service users should benefit from a service which would verify whether there is any discrepancy between the unique identifier of the payee and the name, <u>or other identifier such as a fiscal number, a European unique identifier as referred to in Article 16(1), second subparagraph, of Directive (EU) 2017/1132 of the European Parliament and of the Council¹, or a legal entity identifier (LEI), that unambiguously identifies</u> of the payee provided by the payer and, should any such discrepancies be detected, notify the payer thereof. <u>The unique identifier does not have to be the international bank account number (IBAN).</u> Such services, in the countries where they exist, have had a substantial positive impact on the level of fraud and errors. Given the importance of that service for the prevention of fraud and errors, such service should be available free of charge to consumers. To avoid undue frictions or delays in the processing of the transaction, the payment service provider of the payer should provide such notification within no more than a few seconds from the moment	unique identifier which does not correspond to an account held by that payee. To contribute to the reduction of fraud and errors, payment service users should benefit from a service which would verify whether there is any discrepancy between the unique identifier of the payee and the name of the payee provided by the payer and, should any such discrepancies be detected, notify the payer thereof. Such services, in the countries where they exist, have had a substantial positive impact on the level of fraud and errors. Given the importance of that service for the prevention of fraud and errors, such service should be available free of charge to consumers. To avoid undue frictions or delays in the processing of the transaction, the payment service provider of the payer should provide such notification within no more than a few seconds from the moment the payer has entered the payee information. To enable the payer to decide whether to proceed with the intended transaction, the payment service provider of the payer should provide such notification before the payer authorises the transaction. Certain credit transfer initiation solutions may be available to payers allowing them to place a payment order without inserting themselves	unique identifier which does not correspond to an account held by that payee. To contribute to the reduction of fraud and errors, payment service users should benefit from a service which ~~would verify~~ <u>verifies</u> whether ~~there is any discrepancy between~~ the unique identifier of the payee and the name of the payee, <u>as</u> provided by the payer, <u>match</u> and, should ~~any such discrepancies~~ <u>a mismatch</u> be detected, ~~notify~~ <u>notifies</u> the payer thereof. <u>Where the payee is a legal person, this service could be carried out by verifying a match between the unique identifier of the payee and another data element, such as a fiscal number, a European unique identifier as referred to in Article 16(1), second subparagraph, of Directive (EU) 2017/1132 of the European Parliament and of the Council¹, or a legal entity identifier (LEI), that unambiguously identifies the payee, if the payer is allowed to submit such data element via a payment initiation channel of the payer's payment service provider and such data element is available in the internal systems of payee's payment service provider. Where the payment account of the payee is not identified by IBAN, other type of unique identifier</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the unique identifier. Instead, such data elements are provided by the provider of that initiation solution. In such cases, there is no need for a service verifying the match between the unique identifier and the name of the payee since the risk of fraud or errors is significantly reduced.	the payer has entered the payee information. To enable the payer to decide whether to proceed with the intended transaction, the payment service provider of the payer should provide such notification before the payer authorises the transaction. Certain credit transfer initiation solutions may be available to payers allowing them to place a payment order without inserting themselves the unique identifier. Instead, such data elements are provided by the provider of that initiation solution. In such cases, there is no need for a service verifying the match between the unique identifier and the name of the payee since the risk of fraud or errors is significantly reduced. <u>1. Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (codification) (OJ L 169, 30.6.2017, p. 46, http://data.europa.eu/eli/dir/2017/1132/oj).</u>	the unique identifier. Instead, such data elements are provided by the provider of that initiation solution. In such cases, there is no need for a service verifying the match between the unique identifier and the name of the payee since the risk of fraud or errors is significantly reduced.	<u>should be used to unambiguously identify the payment account of the payee.</u> Such services, in the countries where they exist, have had a substantial positive impact on the level of fraud and errors. Given the importance of that service for the prevention of fraud and errors, such service should be available free of charge to ~~consumers~~<u>payment service users</u>. To avoid undue frictions or delays in the processing of the transaction, the payment service provider of the payer should provide such notification within no more than a few seconds from the moment the payer has entered the payee information. To enable the payer to decide whether to proceed with the intended transaction, the payment service provider of the payer should provide such notification before the payer authorises the transaction. Certain credit transfer initiation solutions may be available to payers allowing them to place a payment order without inserting themselves ~~the unique identifier. Instead, such data elements are provided by the provider of that initiation solution. In such cases, there is no need for a service verifying the match between~~<u>both</u> the unique identifier and the name of the payee. <u>In such cases, the payment service provider should ensure that the payee to</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>whom the payer intends to send a credit transfer is identified correctly since the risk of fraud or errors is significantly reduced.</u> <u>1 Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (codification) (OJ L 169, 30.6.2017, p. 46, http://data.europa.eu/eli/dir/2017/1132/oj).</u>
Recital 71				
81	(71) Regulation (EU) XXX amending Regulation (EU) No 260/2012 provides for a service verifying the match between the unique identifier and the name of the payee to be offered to users of instant credit transfers in euro. To achieve a coherent framework for all credit transfers whilst avoiding any undue overlap, the verification service referred to in the present Regulation should only apply to credit transfers which are not covered by Regulation (EU) XXX amending Regulation (EU) No 260/2012.	(71) Regulation (EU) XXX amending Regulation (EU) No 260/2012 provides for a service verifying the match between the unique identifier and the name <u>or other identifier</u> of the payee to be offered to users of instant credit transfers in euro. To achieve a coherent framework for all credit transfers whilst avoiding any undue overlap, the verification service referred to in the present Regulation should only apply to credit transfers which are not covered by Regulation (EU) XXX amending Regulation (EU) No 260/2012.	(71) Regulation (EU) XXX amending Regulation (EU) No 260/2012 provides for a service verifying the match between the unique identifier and the name of the payee to be offered to users of instant credit transfers in euro. To achieve a coherent framework for all credit transfers whilst avoiding any undue overlap, the verification service referred to in the present Regulation should only apply to credit transfers which are not covered by Regulation (EU) XXX amending Regulation (EU) No 260/2012.	(71) Regulation (EU) ~~XXX~~2024/886 amending Regulation (EU) No 260/2012 provides for a service verifying the match between the unique identifier and the name of the payee <u>or another data element</u> to be offered to users of <u>credit transfers in euro, including</u> instant credit transfers in euro. To achieve a coherent framework for all credit transfers whilst avoiding any undue overlap, the verification service referred to in the present Regulation should only apply to credit transfers which are not covered by Regulation (EU) ~~XXX~~2024/886 amending Regulation (EU) No 260/2012 <u>and should be aligned with the verification service provided for by Regulation (EU) 260/2012.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 72				
82	(72) Some attributes of the name of the payee to whose account the payer wishes to make a credit transfer may increase the likelihood of a discrepancy being detected by the payment service provider, including the presence of diacritics or different possible transliterations of names in different alphabets, differences between habitually used names and names indicated on formal identification documents in case of natural persons, or differences between commercial and legal names in case of legal persons. To avoid undue frictions in the processing of credit transfers and facilitate the payer's decision on whether to proceed with the intended transaction, payment service providers should indicate the degree of such discrepancy by indicating in the notification where there is no match or a 'close' match.	(72) Some attributes of the name of the payee to whose account the payer wishes to make a credit transfer may increase the likelihood of a discrepancy being detected by the payment service provider, including the presence of diacritics or different possible transliterations of names in different alphabets, differences between habitually used names and names indicated on formal identification documents in case of natural persons, or differences between commercial and legal names in case of legal persons. To avoid undue frictions in the processing of credit transfers and facilitate the payer's decision on whether to proceed with the intended transaction, payment service providers should indicate the degree of such discrepancy by indicating in the notification where there is no match or a 'close' match.	(72) Some attributes of the name of the payee to whose account the payer wishes to make a credit transfer may increase the likelihood of a discrepancy being detected by the payment service provider, including the presence of diacritics or different possible transliterations of names in different alphabets, differences between habitually used names and names indicated on formal identification documents in case of natural persons, or differences between commercial and legal names in case of legal persons. To avoid undue frictions in the processing of credit transfers and facilitate the payer's decision on whether to proceed with the intended transaction, payment service providers should indicate the degree of such discrepancy by indicating in the notification where there is no match or a 'close' match.	(72) Some attributes of the name of the payee to whose account the payer wishes to make a credit transfer may increase the likelihood of a discrepancy being detected by the payment service provider, including the presence of diacritics or different possible transliterations of names in different alphabets, differences between habitually used names and names indicated on formal identification documents in case of natural persons, or differences between commercial and legal names in case of legal persons. To avoid undue frictions in <u>situations where the name of the payee provided by the payer and the name associated with the IBAN or, where IBAN is not used to identify the payment account, another type of unique identifier, which was provided by the payer, do not match exactly but nevertheless almost match and to</u>~~the processing of credit transfers and~~ facilitate the payer's decision on whether to proceed with the intended transaction, payment service providers should indicate <u>to the payer the name of the payee associated with the IBAN or another type of unique identifier provided by the payer</u>~~the degree of such discrepancy by indicating~~ in

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				the ~~notification where there is no match or a 'close' match~~<u>manner which ensures compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council.</u> Text Origin: Commission Proposal
Recital 73				
83	(73) Authorising a payment transaction despite the matching verification service having detected a discrepancy and notified that discrepancy to the payment service user can result in the funds being transferred to an unintended payee. Payment service providers should inform payment service users about the possible consequences of their choice to ignore the notified discrepancy and proceed with the execution of the transaction. Payment service users should be able to opt out from using such a service at any time during their contractual relationship with the payment service provider. After opting out, payment service users should be able to avail again of the service.	(73) Authorising a payment transaction despite the matching verification service having detected a discrepancy and notified that discrepancy to the payment service user can result in the funds being transferred to an unintended payee. Payment service providers should inform payment service users about the possible consequences of their choice to ignore the notified discrepancy and proceed with the execution of the transaction. Payment service users should be able to opt out from using such a service at any time during their contractual relationship with the payment service provider. After opting out, payment service users should be able to avail again of the service.	(73) Authorising a payment transaction despite the matching verification service having detected a discrepancy and notified that discrepancy to the payment service user can result in the funds being transferred to an unintended payee. Payment service providers should inform payment service users about the possible consequences of their choice to ignore the notified discrepancy and proceed with the execution of the transaction. Payment service users should be able to opt out from using such a service at any time during their contractual relationship with the payment service provider. After opting out, payment service users should be able to avail again of the service.	(73) Authorising a payment transaction despite the matching verification service having detected a ~~discrepancy~~<u>mismatch</u> and notified that ~~discrepancy~~<u>mismatch</u> to the payment service user can result in the funds being transferred to an unintended payee. Payment service providers should inform payment service users about the possible consequences of their choice to ignore the notified ~~discrepancy~~<u>mismatch</u> and proceed with the execution of the transaction. Payment service users <u>that are not consumers</u> should be able to opt out from ~~using such a~~<u>receiving the</u> service ~~at any time during their contractual relationship with the~~<u>ensuring verification of payee when submitting payment orders via payment initiation channels that are based on automated dedicated processes or protocols and that are</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>only made available to</u> payment service ~~provider~~<u>users that are not consumers</u>. After opting out, <u>such</u> payment service users should be able to avail again of the service. <u>Moreover, in order to allow for a more smooth integration of the service ensuring verification in payment management processes of such payment service users, payment service providers should offer them the possibility of agreeing in the framework contract that the service ensuring verification with respect to payment orders placed via such payment initiation channels is provided after authorisation of those orders and that, in case of certain specific outcomes of the service ensuring verification, the payer's payment service provider executes those orders without any further input from the payment service user. Regulation 260/2012 should be amended accordingly.</u> COM comment: This part is redrafted to clarify that the opt out is possible only for corporates and that corporates and PSPs may agree on a different way to implement the VoP. Text Origin: Commission Proposal
Recital 73a				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
83a						(73a) In the Regulation there is a new requirement for both the payment service provider and the payment service user to embrace a good-faith cooperation with the aim of mitigating the impact of the escalating fraudulent payment transactions, moreover to ensure that the payment service user has additional means to protect itself at the level of the tools used. The payment service user is expected to adopt a preventive conduct and to exercise alertness in its relation to the payment service provider. In spite of the payment service provider and the payment service user having distinct roles in the prevention there are security measures to be taken jointly. The payment service user is dependent on the supplementary services provided by the payment service provider. In the event of a fraudulent payment transaction, the payment service provider is obliged to investigate the fraud event in accordance with the data obtained from its own information technology resources and the information provided by the payment service user.		<i>deleted</i> COM: [NA, doesn't correspond to any provision]
Recital 73b								
83b						(73b) In order to allow the payment service user to protect		<u>(73b) In order to allow the payment service user to protect itself, the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						itself, the payment service provider and the payment service user should agree in the framework contract on a limit of a maximum amount that can be sent for each means of payment, including credit transfers, and for each payment instrument. Furthermore, it should be possible for the payment service user to set different limits for each means of payment and each payment instrument. This should be agreed upon between the payment service user and the payment service provider in the framework contract. Limits agreed initially in the framework contract should be the same for different types of credit transfers, so that payment services users are not unknowingly prevented from having the same access to instant credit transfers as to other types of credit transfers. Subsequently, payment services users should be able to modify such limits.		<u>payment service provider should offer the payment service user the possibility to set, in the framework contract, a limit of a maximum amount that can be transferred via a payment method or a payment instrument. Furthermore, it should be possible for the payment service user to set limits which differ for each means of payment and each payment instrument and which are expressed, at the sole discretion of the payment service user, on a transaction basis or within a set timeframe, such as a day or a week. Where the payment service provider proposes a limit for credit transfers to be set by the payment service user, the proposed limit should be the same for different types of credit transfers, so that the payment services user is not unknowingly prevented from having the same access to instant credit transfers as to other types of credit transfers. Payment services users should also be able to modify limits that have been previously set in the framework contract.</u> TM 18.11: proposal by Council. COM: Council's recital needs to be modified, bc it does not correspond with the text agreed in Article 51.
Recital 73c								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
83c								<u>(73c) To ensure the effectiveness of the spending limits, it is important that any increase in the limits that is requested by the payment service user through a remote channel take effect only after a delay period. If such a delay period is not in place a fraudster could convince a victim to adjust the victims' spending limits and then immediately be able to defraud a victim of a much higher value. A delay period would give the payment service user time to realise that they have been contacted and manipulated by a fraudster. The delay period should by default be set at 4 hours by the payment service provider. The payment service user should be able to adjust the delay period upwards or downwards or opt out of the application of such a delay period with such actions being subject to the delay period in place. The application of strong customer authentication should be required when the payment service user requests an increase in spending limit through a remote channel.</u> TM 18.11: proposal by Council. COM: Modified to align with the agreed text in Articles 51 and 85(1)(d).
Recital 73d								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
83d								<u>(73d) The payment service provider's decision to block the payment instrument should be based on objectively justified reasons based on the data acquired through the transaction monitoring mechanism, and should take into account the risks of frauds that could jeopardize the safety of the payment instrument and the interest of the payment service user. Examples of objectively justified reasons might include suspicion of unauthorised use, suspicion of fraudulent transactions, security of payment instrument, risk of deception regarding financial activity and transactions carried out at long distances from each other in an unjustifiably short timeframe.</u> COM: Better placed here, as it accompanies Art 51(2) [from line 79c]
Recital 73e								
83e					(73c) As payment services become increasingly digital, many payment service providers are offering payment service users the possibility of using mobile applications to initiate payment services. While these mobile applications are useful and beneficial to payment service users, they also pose a fraud risk. To prevent this risk, the process of			<u>(73e) As payment services become increasingly digital, many payment service providers are offering payment service users the possibility of using mobile applications to initiate payment services. While these mobile applications are useful and beneficial to payment service users, they also pose a fraud risk. To prevent this risk, the process of activating a mobile application on a</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						activating a mobile application on a new device should require the use of different communication channels and the application of strong customer authentication. The payment service provider and the payment service user should agree on a delay for the activation of the application to take effect in order to allow the payment service user to intervene if they are not the one activating the mobile application. The payment service user should have the right to adjust or opt out of the application of such a delay period, in which case the application of strong customer authentication should be required. The payment service provider should also notify the payment service user in a secure manner, and through different communication channels, of the activation of a mobile application linked to their payment account on a new device. The purpose of the notification is to increase the vigilance of the payment service user and should enable the payment service user to alert the payment service provider if they have not installed the mobile application themselves. In that case, the payment service provider should ensure that the intended mobile application does not allow		<u>device should require the use of different communication channels, where there is an existing customer relationship between the payment service user and the payment service provider, and the application of strong customer authentication. When establishing the customer relationship, the payment service provider and the payment service user should agree on a delay for the activation of a subsequent mobile application to take effect in order to allow the payment service user to intervene if they are not the one activating the mobile application. To allow for a convenient process of establishing a customer relationship, also known as onboarding, this delay period should specifically not apply when the mobile application is used to establish the customer relationship between the payment service user and the payment service provider. The payment service provider should set a delay period of 4 hours. The payment service user should afterwards have the right to adjust or opt out of the application of such a delay period, in which case the application of strong customer authentication should be required. Any adjustment of the timeframe of the delay period requested by the payment service user should itself</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						access to the payment account of the payment service user or the initiation of payment transactions. This should not apply to the activation of a mobile application on a new device of the payment service user, if done by the payment service provider at its physical premises.		<u>be subject to the delay period proposed by the payment service provider, and could be upwards or downwards from the period of 4 hours. The payment service provider should also notify the payment service user in a secure manner, and through different communication channels, of the activation of a mobile application linked to their payment account on a device if there is an existing customer relationship between the payment service provider and the payment service user. The purpose of the notification is to increase the vigilance of the payment service user and should enable the payment service user to alert the payment service provider if they have not installed the mobile application themselves. In that case, the payment service provider should ensure that the mobile application does not allow access to the payment account of the payment service user or the initiation of payment transactions. This should not apply to the activation of a mobile application on a device of the payment service user, if done by the payment service provider at its physical premises, and it should not apply to the initial establishment of the customer relationship between the payment service provider and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>the payment service user because no funds nor a payment account of the payment service user are available through the payment service provider at the point of establishing the customer relationship and because it would not be possible for the payment service provider to contact the specific payment service user, given that, at the point of onboarding, the payment service provider has not yet verified contact information for the payment service user.</u> TM 18.11 COM: Text origin: Council mandate. Modifications introduced to align with Article 51(1).
Recital 73f								
G	83f							<u>(73f) Payment service providers should ensure, in their communications with their customers, that any information which, if unduly intercepted, might result in the compromise of the security of the payment instrument or security payment credentials is transmitted to the customer through safe and efficient communication channels.</u> COM: EC new proposal, following ITM request in line 685a

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 74				
84	(74) The payment service user should inform the payment service provider as soon as possible about any contestations concerning allegedly unauthorised, incorrectly executed payment transactions or authorised credit transfers where there was a malfunctioning of the matching verification service, provided that the payment service provider has fulfilled its information obligations. If the notification deadline has been met by the payment service user, the payment service user should be able to pursue those claims subject to national limitation periods. That should not affect other claims between payment service users and payment service providers.	(74) The payment service user should inform the payment service provider as soon as possible about any contestations concerning allegedly unauthorised, incorrectly executed payment transactions or authorised credit transfers where there was a malfunctioning of the matching verification service, provided that the payment service provider has fulfilled its information obligations. If the notification deadline has been met by the payment service user, the payment service user should be able to pursue those claims subject to national limitation periods. That should not affect other claims between payment service users and payment service providers.	(74) The payment service user should inform the payment service provider as soon as possible about any contestations concerning allegedly unauthorised, incorrectly executed payment transactions or authorised credit transfers where there was a malfunctioning of the matching verification service, provided that the payment service provider has fulfilled its information obligations. If the notification deadline has been met by the payment service user, the payment service user should be able to pursue those claims subject to national limitation periods. That should not affect other claims between payment service users and payment service providers.	<i>deleted</i> COM: This recital accompanies Article 54(1) which has reference to Article 57, however, Article 57 has been modified and does not include anymore notification obligation/procedure for the payer (in line with provisions of IPR on VOP liability). Article 54(1) to be modified to remove reference to Article 57. Text Origin: Commission Proposal
Recital 75				
85	(75) Provision should be made for the allocation of losses in the case of unauthorised payment transactions or of specific authorised credit transfers. Different provisions may apply to payment service users who are not consumers, since such users are normally in a better position to assess the risk of fraud and take countervailing measures. To ensure a high level of consumer protection, payers should always be entitled to	(75) Provision should be made for the allocation of losses in the case of unauthorised payment transactions or of specific authorised credit transfers. Different provisions may apply to payment service users who are not consumers, since such users are normally in a better position to assess the risk of fraud and take countervailing measures. To ensure a high level of consumer protection, payers should always be entitled to	(75) Provision should be made for the allocation of losses in the case of unauthorised payment transactions or of specific authorised credit transfers. Different provisions may apply to payment service users who are not consumers, since such users are normally in a better position to assess the risk of fraud and take countervailing measures. To ensure a high level of consumer protection, payers should always be entitled to	(75) Provision should be made for the allocation of losses in the case of unauthorised payment transactions or of specific authorised credit transfers. Different provisions may apply to payment service users who are not consumers, since such users are normally in a better position to assess the risk of fraud and take countervailing measures. To ensure a high level of consumer protection, payers should always be entitled to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	address their claim to a refund to their account servicing payment service provider, even where a payment initiation service provider is involved in the payment transaction. That should be without prejudice to the allocation of liability between the payment service providers.	address their claim to a refund to their account servicing payment service provider, even where a payment initiation service provider is involved in the payment transaction. That should be without prejudice to the allocation of liability between the payment service providers.	address their claim to a refund to their account servicing payment service provider, even where a payment initiation service provider is involved in the payment transaction. That should be without prejudice to the allocation of liability between the payment service providers.	address their claim ~~to~~ <i>for</i> a refund to their account servicing payment service provider, even where a payment initiation service provider is involved in the payment transaction. That should be without prejudice to the allocation of liability between the payment service providers. Text Origin: Commission Proposal
Recital 76				
86	(76) In the case of payment initiation services, the allocation of liability between the payment service provider servicing the account and the payment initiation service provider involved in the transaction should compel them to take responsibility for the respective parts of the transaction that are under their control.	(76) In the case of payment initiation services, the allocation of liability between the payment service provider servicing the account and the payment initiation service provider involved in the transaction should compel them to take responsibility for the respective parts of the transaction that are under their control.	(76) In the case of payment initiation services, the allocation of liability between the payment service provider servicing the account and the payment initiation service provider involved in the transaction should compel them to take responsibility for the respective parts of the transaction that are under their control.	(76) In the case of payment initiation services, the allocation of liability between the payment service provider servicing the account and the payment initiation service provider involved in the transaction should compel them to take responsibility for the respective parts of the transaction that are under their control. Text Origin: Commission Proposal
Recital 76a				
86a				<u><i>(76a) Where a payment service user denies having authorised an executed payment transaction or claims that the payment transaction was not correctly executed, the use of a payment instrument in the form agreed by the payment service provider and the payment service</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>user should not in itself necessarily be considered sufficient to prove that the payment transaction was authorised by the payer. The authentication or the use of the strong customer authentication recorded by the payment service provider, including the payment initiation service provider, as appropriate, should not alone necessarily constitute sufficient evidence either that the payment transaction was authorised by the payer or that the payer acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52.</u> COM: Better placed here as it accompanies Article 55(1) [from Council mandate line 79a] COM: [clarification requested for Art 59(4) second subparagraph (line 722) covered in recital 76a]
Recital 76b								
86b				<u>(76a) In order for the payment service user to have an easier access to the payment service provider, the latter should create and serve a communication channel to enable the payment service user to make a notification or to request unblocking of the</u>				<u>(76b) In order for the payment service user to have an easier access to the payment service provider, the latter should create and serve a communication channel to enable the payment service user to make a notification or to request unblocking of the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>payment instrument as provided for in this Regulation. That channel should also make it possible for the payment service user to make a notification about a fraudulent transaction, to receive qualified advice when suspecting to be victim of a fraud attack and to notify problematic issues concerning conducted payments, such as errors of the payment machines during the payments.</u>				<u>payment instrument as provided for in this Regulation. That channel should also make it possible for the payment service user to make a notification about a fraudulent transaction. Payment service providers could use the channel to provide advice to a customer that suspects they are a victim of a fraud attack and for payment service users to notify problematic issues concerning conducted payments, such as errors of relevant devices during execution of the payments.</u> TM 26/2 cf line 683 Text Origin: EP Mandate
Recital 76c								
86c								<u>(76c) Given the increasing complexity and rapidly changing patterns of fraud, it is appropriate to ensure that, before a payment service provider concludes that a payment service user acted fraudulently or with intent or gross negligence and therefore refuses a refund to that payment service user in accordance with this Regulation, that payment service user should be given the possibility to provide to their payment service provider, in support of their claim, any relevant information or evidence concerning the circumstances of the disputed</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>payment transaction or series of payment transactions. In that context, where a payment service user denies having authorised one or a series of payment transactions, or where a payment service user who is a consumer claims that one or a series of payment transactions were the result of fraud involving the impersonation of the payment service provider within the meaning of this Regulation, the payment service provider should not conclude that that payment service user, or consumer, as applicable, acted fraudulently or with intent or gross negligence, without previously having invited proactively and unambiguously that payment service user to provide any such information or evidence, and without having duly considered it in its assessment. The obligation of the payment service provider to enable the payment service user to supply relevant evidence or information in support of their claims should be construed as a right of the payment service user to have all relevant information concerning the circumstances of the disputed payment transaction or series of payment transactions duly assessed by the payment service provider. That should not be construed as a ground for the payment service</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>provider to conclude that the payment service user acted fraudulently or with intent or gross negligence where the payment service user does not provide evidence that they cannot reasonably be expected to have such as, for example, voice call recordings, or where the payment service user does not provide any evidence or information.</u> COM proposal TM 26/2 Linked to line 695a.
Recital 77								
87		(77) In the case of an unauthorised payment transaction, the payment service provider should immediately refund the amount of that transaction to the payer. However, where there is a high suspicion of an unauthorised transaction resulting from fraudulent behaviour by the payer and where that suspicion is based on objective grounds which are communicated to the relevant national authority by the payment service provider, the payment service provider should be able to conduct an investigation before refunding the payer. The payment service provider should, within 10 business days after noting or being		(77) In the case of an unauthorised payment transaction, the payment service provider should immediately refund the amount of that transaction to the payer. However, where there is a high suspicion of an unauthorised transaction resulting from fraudulent behaviour by the payer and where that suspicion is based on objective grounds which are communicated to the relevant national authority by the payment service provider, the payment service provider should be able to conduct an investigation before refunding the payer. The payment service provider should, within ~~10~~¹⁴ business days after noting or being		(77) In the case of an unauthorised payment transaction, the payment service provider should immediately refund the amount of that transaction to the payer. However, where there is a high suspicion of an unauthorised transaction resulting from fraudulent behaviour by the payer and where that suspicion is based on objective grounds which are communicated to the relevant national authority by the payment service provider, the payment service provider should be able to conduct an investigation before refunding the payer. The payment service provider should, within ~~10~~¹⁵ business days after noting or		(77) In the case of an unauthorised payment transaction, the payment service provider should immediately refund the amount of that transaction to the payer. However, where ~~there is a high suspicion of an~~<u>the payment service provider suspects that such</u> unauthorised transaction ~~resulting~~<u>resulted from the payer failing with intent or gross negligence to fulfil one or more of their obligations with regard to the security of payment instruments and personal security credentials,</u> <u>or</u> from fraudulent behaviour by the payer, and where that suspicion is based on ~~objective grounds which are communicated to the relevant~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	notified of the transaction, either refund the payer the amount of the unauthorised payment transaction or provide the payer the reasons and supporting evidence for refusing the refund and indicate the bodies to which the payer may refer the matter if the payer does not accept the reasons provided. To protect the payer from any disadvantages, the credit value date of the refund should not be later than the date when the amount was debited. To provide an incentive for the payment service user to notify, without undue delay, the payment service provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount unless the payment service user has acted fraudulently or with gross negligence. In that context, an amount of EUR 50 seems to be adequate in order to ensure a harmonised and high-level user protection within the Union. There should be no liability where the payer is not able to become aware of the loss, theft or misappropriation of the payment instrument. Moreover, once a payment service user has notified a payment service provider that his or her payment instrument may have been compromised, the	notified of the transaction, either refund the payer the amount of the unauthorised payment transaction or provide the payer the reasons and supporting evidence for refusing the refund and indicate the bodies to which the payer may refer the matter if the payer does not accept the reasons provided. To protect the payer from any disadvantages, the credit value date of the refund should not be later than the date when the amount was debited. To provide an incentive for the payment service user to notify, without undue delay, the payment service provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount unless the payment service user has acted fraudulently or with gross negligence. In that context, an amount of EUR 50 seems to be adequate in order to ensure a harmonised and high-level user protection within the Union. There should be no liability where the payer is not able to become aware of the loss, theft or misappropriation of the payment instrument. Moreover, once a payment service user has notified a payment service provider that his or her payment instrument may have been compromised, the	being notified of the transaction, either refund the payer the amount of the unauthorised payment transaction or provide the payer the reasons and supporting evidence for refusing the refund and indicate the bodies to which the payer may refer the matter if the payer does not accept the reasons provided. To protect the payer from any disadvantages, the credit value date of the refund should not be later than the date when the amount was debited. To provide an incentive for the payment service user to notify, without undue delay, the payment service provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount unless the payment service user has acted fraudulently or with gross negligence. In that context, an amount of EUR 50 seems to be adequate in order to ensure a harmonised and high-level user protection within the Union. There should be no liability where the payer is not able to become aware of the loss, theft or misappropriation of the payment instrument. Moreover, once a payment service user has notified a payment service provider that his or her payment instrument may have	~~national authority by the payment service provider~~<u>objectively justified reasons</u>, the payment service provider should be able to conduct an investigation before refunding the payer. The payment service provider should, within ~~10~~<u>15</u> business days after noting or being notified of the transaction, either refund the payer the amount of the unauthorised payment transaction or provide the payer the reasons and supporting evidence for refusing the refund and indicate the bodies to which the payer may refer the matter if the payer does not accept the reasons provided. <u>Where the payment service provider refuses the refund after concluding from its investigation that the payer acted fraudulently, the payment service provider should communicate the reasons for that conclusion to the relevant national authority. Member States should provide clear public indication as to the relevant national authority to which such communication by the payment service provider is to be addressed.</u> To protect the payer from any disadvantages, the credit value date of the refund should not be later than the date when the amount was debited. To provide an incentive for the payment service user to notify, without undue delay, the payment

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service user should not be required to cover any further losses stemming from unauthorised use of that instrument. Payment service providers should be responsible for the technical security of their own products.	payment service user should not be required to cover any further losses stemming from unauthorised use of that instrument. Payment service providers should be responsible for the technical security of their own products.	been compromised, the payment service user should not be required to cover any further losses stemming from unauthorised use of that instrument. Payment service providers should be responsible for the technical security of their own products.	service provider of any theft ~~or loss~~, <u>loss or misappropriation</u> of a payment instrument <u>or personalised security credentials</u>, and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount unless the payment service user has acted fraudulently or with gross negligence. In that context, <u>at the date of adoption of this Regulation</u> an amount of EUR 50 ~~seems to be~~ <u>is</u> adequate in order to ensure a harmonised and high-level user protection within the Union. There should be no liability where the payer is not able to become aware of the loss, theft or misappropriation of the payment instrument <u>or personalised security credentials</u>. Moreover, once a payment service user has notified a payment service provider that his or her payment instrument <u>or personalised security credentials</u> may have been compromised, the payment service user should not be required to cover any further losses stemming from unauthorised use of that <u>payment</u> instrument <u>or personalised security credentials</u>. Payment service providers should be responsible for the technical security of their own products. TM 26/2. Ref line 700 NB LL: delegated

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				act power to increase the 50 eur line 734
Recital 78				
88	(78) Liability provisions in the case of authorised credit transfers where there was an incorrect application or malfunctioning of the service detecting discrepancies between the name and unique identifier of a payee would create the right incentives for payment service providers to provide a fully functioning service, with the aim of reducing the risk of ill-informed payment authorisations. If the payer decided to make use of such a service, the payment service provider of the payer should be held liable for the full amount of the credit transfer in cases where that payment service provider failed, whereas it should have done so if properly functioning, to notify the payer of a discrepancy between the unique identifier and the name of the payee provided by the payer and such failure caused a financial damage to the payer. Where the liability of the payment service provider of the payer is attributable to the payment service provider of the payee, the payment service provider of the payee should compensate the payment service provider of the payer for the	(78) Liability provisions in the case of authorised credit transfers where there was an incorrect application or malfunctioning of the service detecting discrepancies between the name <u>or other identifier</u> and unique identifier of a payee would create the right incentives for payment service providers to provide a fully functioning service, with the aim of reducing the risk of ill-informed payment authorisations. If the payer decided to make use of such a service, the payment service provider of the payer should be held liable for the full amount of the credit transfer in cases where that payment service provider failed, whereas it should have done so if properly functioning, to notify the payer of a discrepancy between the unique identifier <u>or any other proxy defined by the EBA</u> and the name of the payee provided by the payer and such failure caused a financial damage to the payer. Where the liability of the payment service provider of the payer is attributable to the payment service provider of the payee, the payment service provider of the payee should compensate the payment service	(78) Liability provisions in the case of authorised credit transfers where there was an incorrect application or malfunctioning of the service detecting discrepancies between the name and unique identifier of a payee would create the right incentives for payment service providers to provide a fully functioning service, with the aim of reducing the risk of ill-informed payment authorisations. If the payer decided to make use of such a service, the payment service provider of the payer should be held liable for the full amount of the credit transfer in cases where that payment service provider failed, whereas it should have done so if properly functioning, to notify the payer of a discrepancy between the unique identifier and the name of the payee provided by the payer and such failure caused a financial damage to the payer. Where the liability of the payment service provider of the payer is attributable to the payment service provider of the payee, the payment service provider of the payee should compensate the payment service provider of the payer for the	(78) Liability provisions in the case of authorised credit transfers where there was an incorrect ~~application~~<u>provision</u> or malfunctioning of the service ~~detecting discrepancies~~<u>verifying the match</u> between the name and unique identifier of a payee would create the right incentives for payment service providers to provide a fully functioning service, with the aim of reducing the risk of ill-informed payment authorisations. ~~If the payer decided to make use of such a service,~~ The payment service provider of the payer should be held liable ~~for~~<u>and without delay should refund the payer</u> the full amount of the ~~defective~~ credit transfer ~~in cases where~~ <u>which results from a failure of</u> that payment service provider ~~failed, whereas it should have done so if properly functioning, to notify~~<u>to provide, or to provide correctly,</u> the payer ~~of a discrepancy between the unique identifier and the name of the~~<u>with the service of</u> payee ~~provided by the payer and such failure caused a financial damage to the payer~~<u>verification</u>. Where the liability of the payment service provider of the payer is attributable

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	financial damage incurred.	provider of the payer for the financial damage incurred. <u><i>This shall be in line with Regulation (EU) [202X/...] of the European Parliament and of the Council of...amending Regulations (EU) No 260/2012 and (EU) 2021/1230 as regards instant credit transfers in euro¹.</i></u> <u><i>1. Regulation (EU) [202X/...] of the European Parliament and of the Council of...amending Regulations (EU) No 260/2012 and (EU) 2021/1230 as regards instant credit transfers in euro (OJ L ...).</i></u>	financial damage incurred.	to the payment service provider of the payee <u><i>or to the payment initiation service provider</i></u> , the payment service provider of the payee <u><i>or, where relevant, the payment initiation service provider</i></u> should compensate the payment service provider of the payer for the financial damage incurred. COM: Text origin: COM text, with modifications to align with final wording in Article 57 (which aligns with IPR)
Recital 78a				
88a		<u><i>(78a) The payment service provider should cooperate at all times with the payment service user in cases where any discrepancies in the payments are to be proven.</i></u>		<u><i>(78a) Payment service providers should cooperate with payment service users and with competent authorities in cases where the correct provision of the verification of payee service is questioned.</i></u> COM: Text origin: EP text. Note that there is no accompanying substantive provision, but the clarification is still useful in the context of handling customer complaints on non-provision or defective provision of VOP service
Recital 79				
89	(79) Consumers should be adequately protected in the context of certain fraudulent payment transactions that they have authorised without knowing these	(79) ~~Consumers~~ <u>Payment service users</u> should be adequately protected in the context of ~~certain~~ ~~fraudulent~~ <u>so-called social engineering fraud, where a</u>	(79) Consumers should be adequately protected in the context of certain fraudulent payment transactions that they have authorised without knowing these	(79) ~~Consumers~~ <u>Payment service users</u> should be adequately protected in the context of ~~certain~~ ~~fraudulent~~ <u>so-called social engineering fraud, where a</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	transactions were fraudulent. The number of ‘social engineering’ cases where consumers are misled into authorising a payment transaction to a fraudster has significantly increased in recent years. ‘Spoofing’ cases where fraudsters pretend to be employees of a customer's payment service provider and misuse the payment service provider's name, mail address or telephone number to gain the customers’ trust and trick them into carrying-out some actions, are unfortunately becoming more widespread in the Union. Those new types of ‘spoofing’ fraud are blurring the difference that existed in Directive (EU) 2015/2366 between authorised and unauthorised transactions. Means through which the consent may be assumed to be granted are also becoming more complex to identify, as fraudsters can take control of the whole consent and authentication process including of the strong customer authentication completion. The conditions under which the customer authorised a transaction by giving his or her permission to it should be taken into due consideration, including by courts, to qualify a transaction as being authorised or unauthorised. A transaction may indeed have been authorised in circumstances where such	<u><i>fraudster manipulates a payment transactions that they have authorised without knowing these transactions were fraudulent service user in performing a certain action, such as initiating a payment transaction, or handing over the payment service user's security credentials to the fraudsters.</i></u> The number <u><i>of such type</i></u> of ‘social engineering’ cases ~~<i>where consumers are misled into authorising a payment transaction to a fraudster</i>~~ has significantly increased in recent years. ‘Spoofing’ cases where fraudsters pretend to be employees of a customer's payment service provider, <u><i>or of a relevant entity which could reasonably be linked to a trusted source of the customer, such as a central bank or government authority,</i></u> and misuse the payment service provider's name, ~~<i>maile-mail</i>~~ address or telephone number to gain the customers’ trust and trick them into carrying-out some actions, are unfortunately becoming more widespread in the Union. Those new types of ‘spoofing’ <u><i>or ‘impersonation’</i></u> fraud are blurring the difference that existed in Directive (EU) 2015/2366 between authorised and unauthorised transactions. ~~<i>Means through which the consent may be assumed to be granted are also becoming more</i>~~	transactions were fraudulent. The number of ‘social engineering’ cases where consumers are misled manipulated into authorising a payment transaction to a fraudster has significantly increased in recent years. ‘Spoofing’ cases where fraudsters pretend to be ~~employees of~~ a customer's payment service provider and misuse communication channels attributed to the consumer's payment service provider, for example the payment service provider's name, ~~maile-mail~~ address or, telephone number, website or mobile application to gain the customers’ trust and trick them into carrying-out some actions, are unfortunately becoming more widespread in the Union. Those new types of ‘spoofing’ fraud are blurring the difference that existed in Directive (EU) 2015/2366 between authorised and unauthorised transactions. Means through which the consent may be assumed to be granted are also becoming more complex to identify, as fraudsters can take control of the whole consent and authentication process including of the strong customer authentication completion. The conditions under which the customer authorised a transaction by giving his or her ~~permission~~ consent to it	<u><i>fraudster manipulates a payment transactions that they have authorised without knowing these transactions were fraudulent service user in performing a certain action, such as initiating a payment transaction, or handing over the payment service user's security credentials to the fraudsters.</i></u> The number <u><i>of such type</i></u> of ‘social engineering’ cases ~~<i>where consumers are misled into authorising a payment transaction to a fraudster</i>~~ has significantly increased in recent years. ~~<i>‘Spoofing’ cases where fraudsters pretend to be employees of a customer's payment service provider and misuse the payment service provider's name, mail address or telephone number to gain the customers’ trust and trick them into carrying-out some actions, are unfortunately becoming more widespread in the Union.</i>~~ Those new types of ~~<i>‘spoofing’</i>~~ fraud are blurring the difference that existed in Directive (EU) 2015/2366 between authorised and unauthorised transactions. Means through which the consent may be assumed to be granted are also becoming more complex to identify, as fraudsters can take control of the whole consent and authentication process including of the strong customer authentication completion. The

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	authorisation was granted on manipulated premises affecting the integrity of the permission. It is therefore no longer possible, as was the case in Directive (EU) 2015/2366, to limit refunds to unauthorised transactions only. It would however be disproportionate and financially very costly to payment services providers to open every fraudulent transaction, authorised or unauthorised, to a systematic refund right. It might also cause moral hazard and a reduction in the customer's vigilance.	~~complex to identify, as fraudsters can take control of the whole consent and authentication process including of the strong customer authentication completion.~~ The conditions under which the customer ~~authorised a transaction by giving~~<u>gave</u> his or her permission ~~to~~<u>for making a payment</u> should be taken into due consideration, including by courts, to qualify a transaction as being authorised or unauthorised. A transaction may indeed have been authorised in circumstances where such authorisation was granted on manipulated premises affecting the integrity of the permission. It is therefore no longer possible, as was the case in Directive (EU) 2015/2366, to limit refunds to unauthorised transactions only. ~~It would however be disproportionate and financially very costly to payment services providers to open every fraudulent transaction, authorised or unauthorised, to a systematic refund right. It might also cause moral hazard and a reduction in the customer's vigilance.~~	should be taken into due consideration, including by courts, to qualify a transaction as being authorised or unauthorised. A transaction may indeed have been authorised in circumstances where such authorisation was granted on manipulated premises affecting the integrity of the ~~permission~~<u>consent</u> . It is therefore no longer possible, as was the case in Directive (EU) 2015/2366, to limit refunds to unauthorised transactions only. It would however be disproportionate and financially very costly to payment services providers to open every fraudulent transaction, authorised or unauthorised, to a systematic refund right. It might also cause moral hazard and a reduction in the customer's vigilance.	conditions under which the customer authorised a transaction by giving his or her ~~permission~~<u>consent</u> to it should be taken into due consideration, including by courts, to qualify a transaction as being authorised or unauthorised. A transaction may indeed have been authorised in circumstances where such authorisation was granted on manipulated premises affecting the integrity of the ~~permission~~<u>consent</u>. It is therefore no longer possible, as was the case in Directive (EU) 2015/2366, to limit refunds to unauthorised transactions only. It would however be disproportionate and financially very costly to payment services providers to open every fraudulent transaction, authorised or unauthorised, to a systematic refund right. It might also cause moral hazard and a reduction in the customer's vigilance. <u>It is therefore necessary to define the conditions under which a payment service user has a right to a refund.</u> COM: Text on spoofing deleted as duplicates recital 80a (for article 59.1) COM: Last 3 sentences: could make more sense as rationale to be included in recital 80a (acc. 59.1) LL: this recital might be better moved

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								up above recital 75 TM 26/2
	Recital 79a							
G	89a			<u>(79a) With regard to the authorisation of payment transactions, permission should express the intention of the payer on the basis of full knowledge of relevant facts including the amount, recipient and purpose of the transaction. The intention of the payer, based on the full knowledge of relevant facts, at the time of transaction, should be assessed pursuant to national law.</u>				deleted COM: N.A.
	Recital 80							
G	90	(80) Payment service providers could be also considered as victims of ‘spoofing’ cases, as their details were usurped. However, payment service providers have more means than consumers to put an end to these fraud cases, through adequate prevention and robust technical safeguards developed with electronic communications services providers such as mobile network operators, internet platforms etc. Cases of bank employee impersonation fraud affect the good reputation of the bank, of the banking sector as a whole and may cause significant financial damages to Union consumers, affecting their		(80) ~~Payment service providers could be also considered as victims of ‘spoofing’ cases, as their details were usurped. However,~~ Payment service providers have more means than consumers to put an end to ~~these fraud~~ cases <u>of ‘spoofing’</u> , through adequate prevention and robust technical safeguards developed with electronic communications services providers such as mobile network operators, internet platforms etc. <u>Those electronic communications service providers should be obliged to cooperate with payment service providers in the fight against fraud.</u>		(80) Payment service providers could be also considered as victims of ‘spoofing’ cases, as their details were usurped. However, payment service providers have more means than consumers to put an end to these fraud cases, through adequate prevention and robust technical safeguards developed with electronic communications services providers such as mobile network operators, internet platforms etc. Cases of bank employee impersonation fraud affect the good reputation of the bank, of the banking sector as a whole and may cause significant financial damages to Union consumers, affecting their		(80) ~~Payment service providers could be also considered as victims of~~ <u>Fraudsters often rely on tools and techniques such as caller ID, electronic mail address, or IP address</u> ‘spoofing’. <u>Such fraud cases are complex, often involving different actors along the fraud scheme chain,</u> ~~as their details were usurped. However,~~ Payment service providers have more means than consumers to put an end to these fraud cases. <u>Both payment service providers and electronic communications services providers can play a critical role in preventing fraud</u> through adequate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	trust in electronic payments and in the banking system. A good-faith consumer who has been the victim of such ‘spoofing’ fraud where fraudsters pretend to be employees of a customer’s payment service provider and misuse the payment service provider’s name, mail address or telephone number should therefore be entitled to a refund of the full amount of the fraudulent payment transaction from the payment service provider, unless the payer has acted fraudulently or with ‘gross negligence’. As soon as the consumer becomes aware that he or she has been a victim of that type of spoofing fraud, the consumer should without undue delay report the incident to the police, preferably via online complaint procedures, where made available by the police, and to his or her payment service provider, providing every necessary supporting evidence. No refund should be granted where those procedural conditions are not fulfilled.	<u><i>If they fail to do so, they should be held jointly responsible in the event of fraud.</i></u> Cases of bank employee impersonation fraud affect the good reputation of the bank, of the banking sector as a whole and may cause significant financial damages to Union consumers, affecting their trust in electronic payments and in the banking system. A good-faith consumer who has been the victim of such ‘spoofing’ fraud where fraudsters pretend to be employees of a customer’s payment service provider and misuse the payment service provider’s name, mail address or telephone number should therefore be entitled to a refund of the full amount of the fraudulent payment transaction from the payment service provider, unless the payer has acted fraudulently or with ‘gross negligence’. As soon as the consumer becomes aware that he or she has been a victim of that type of spoofing fraud, the consumer should without undue delay report the incident to the police, preferably via online complaint procedures, where made available by the police, and to his or her payment service provider, providing every necessary supporting evidence. <i>No refund should be granted where those procedural conditions are not fulfilled.</i>	~~trust in electronic payments and in the banking system. A good-faith consumer who has been the victim of such ‘spoofing’ fraud where~~ Fraudsters pretend to be employees of a customer’s often rely on tools and techniques such as caller ID, e-mail address, or IP address spoofing. Such fraud cases are therefore complex, oftentimes involving different actors along the fraud scheme chain. Payment service provider and misuse ~~the providers and electronic communications services~~ providers can both play a critical role in the prevention of payment service provider’s name, mail address or telephone number should therefore be entitled to a refund of the full amount of the fraudulent payment transaction from the fraud. Providers of electronic communications services such as mobile network operators have specific obligations with regard to the availability, authenticity, integrity, or confidentiality of communications under Directive 2002/58/EC and Directive (EU) 2018/172. It is essential that payment service provider, unless the payer has acted fraudulently or with ‘gross negligence’. As soon as the consumer becomes aware that he or she has been a victim of that type of	prevention and robust technical ~~safeguards developed with electronic communications services~~ <u>measures. Payment service providers such as mobile network operators, internet platforms etc.</u> ~~Cases of bank employee impersonation fraud affect the good reputation of the bank, of the banking sector as a whole and may cause significant~~ <u>are subject to specific obligations under Regulation (EU) 2022/2554 on digital operational resilience for the financial</u> ~~damages to Union consumers, affecting their trust in electronic payments and in the banking system. A good-faith consumer who has been the victim of such ‘spoofing’ fraud where fraudsters pretend to be employees of a customer’s~~ <u>sector which aims at mitigating ICT risks. Regulation (EU) 2022/2554 subjects payment service providers to a comprehensive set of rules on ICT risk management framework, including tools, policies and procedures to protect the confidentiality, integrity and availability of data whether at rest, in use or in transit. For the purpose of complying with those obligations, payment service providers should have in place adequate technical measures and tools to prevent the fraudulent replication and misuse</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						spoofing fraud, the consumer should without undue delay report the incident to the police, preferably via online complaint procedures, where made available by the police, and to his or her providers and electronic communications services providers cooperate closely and combine their respective technical means to prevent payment service provider, providing every necessary supporting evidence. No refund should be granted where those procedural conditions are not fulfilled. fraud, taking into account their respective responsibilities and obligations, notably under the aforementioned regulations.		<u>of the payment service provider's domain name and of the communication channels used for communication between the</u> payment service provider and ~~misuse~~<u>the payment service user, including</u> the payment service provider's ~~name,~~<u>'s electronic</u> mail address ~~or telephone number should therefore be entitled to a refund of the full amount of the fraudulent payment transaction from the payment service provider, unless the payer has acted fraudulently or with 'gross negligence'. As soon as the consumer becomes aware that he or she has been a victim of that type of spoofing fraud, the consumer should without undue delay report the incident to the police, preferably via online complaint procedures, where made available by the police, and to his or her payment service provider, providing every necessary supporting evidence~~<u>and calling line identification.</u> No refund should be granted where those procedural conditions are not fulfilled. COM: Text origin: part Council mandate, part EP mandate (line 880b), plus proposed additional text with examples. TM 26.2
Recital 80a								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
90a						(80a) Cases of bank employee impersonation (spoofing) fraud affect the good reputation of the bank, and of the banking financial sector as a whole and may cause significant financial damages to Union consumers, affecting their trust in electronic payments and in the banking financial system. A consumer who has been the victim of such manipulated transactions, namely ‘spoofing’ fraud, where fraudsters pretend to be a customer's payment service provider and misuse communication channels attributed to the consumer's payment service provider, for example, the payment service provider's name, e-mail address, telephone number, website or mobile application, should therefore be entitled to a refund of the full amount of the fraudulent payment transaction from the payment service provider, unless the payer has acted fraudulently or with ‘gross negligence’. Where the fraud concerns the payment service provider's website or mobile application, the refund right should encompass both cases involving the appropriation of those channels by the fraudster and fraudulently created versions of the website or mobile		<u>(80a) Cases of payment service provider impersonation (spoofing) fraud affect the good reputation of the payment service provider, and of the financial sector as a whole and may cause significant financial damages to Union consumers, affecting their trust in electronic payments and in the financial system. A consumer who has been the victim of such cases of ‘spoofing’ fraud, where fraudsters pretend to be the consumer's payment service provider and misuse the domain name or the communication channels attributed to the consumer's payment service provider, for example, the payment service provider's e-mail address, telephone number, website or mobile application, should therefore be entitled to a refund of the full amount of the fraudulent payment transaction from the payment service provider, unless the payer has acted fraudulently or with ‘gross negligence’. Where the fraud concerns the payment service provider's website or mobile application, the refund right should encompass both cases involving the appropriation of those channels by the fraudster and fraudulently created versions of the website or mobile application that mirror the contents of the real ones. As soon</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			application that mirror the contents of the real ones. As soon as the consumer becomes aware that he or she has been a victim of that type of spoofing fraud manipulation, the consumer should without undue delay report the incident to his or her payment service provider, providing the payment service provider with all the relevant information requested by it, and that the consumer can reasonably be expected to have regarding the events leading to the disputed payment transaction, and to the police, preferably via online complaint procedures, where made available by the police. No refund should be granted where those procedural conditions are not fulfilled. Given that especially vulnerable consumers may have difficulties in reporting the fraud to the police in a timely manner, payment service providers are encouraged to assist the consumer in such reporting, where necessary. Although the payment service provider may have perceived the payment transaction as authorised, the customer was the victim of a fraud, so in order to establish customer protection and maintain trust in the financial system, a damage sharing framework can ensure a real	<u>as the consumer becomes aware that he or she has been a victim of that type of spoofing fraud manipulation, the consumer should without undue delay report the incident to his or her payment service provider, and to the police, preferably via online complaint procedures, where made available by the police. Given that especially vulnerable consumers might have difficulties in reporting the fraud to the police in a timely manner, payment service providers are encouraged to assist the consumer in such reporting, where necessary.</u> 4/3 Council to revert 5/3: reverted back to communication channels attributed to the consumer's PSP

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						balance between the interests of the consumer and the payment service provider in such manipulation cases.		
	Recital 80b							
G	90b							<u>(80b) Payment fraud including the initiation or modification of payment orders without the payer's consent, the theft of sensitive payment data, including personal security credentials, or the manipulation of the payer, including by means of impersonation, frequently involves fraudulent activity of users of services such as interpersonal communication services or hosting services, which allow the storage and, where applicable, dissemination to the public of online content. Depending on the technical characteristics of the service provided, providers of those services have access to different data, and as such, to different types of indications of potentially fraudulent activity. As such, those providers have the capacity to contribute to the collective fight against fraud, including via 'spoofing', by exchanging relevant information with payment service providers, with the aim of preventing and detecting fraudulent uses of interpersonal</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>communication or hosting services. By way of example, relevant information may include the payment account details of traders obtained by providers of online platforms allowing consumers to conclude distance contracts with traders in accordance with Article 30 of Regulation (EU) 2022/2065 related to items of information identified as illegal content by those providers, or information on payment instruments reported as stolen by payment service users to payment service providers. The processing of personal data strictly necessary for the purpose of fraud prevention constitutes a legitimate interest of the interpersonal communication service providers, providers of hosting services, payment service providers and their customers. Providers of interpersonal communication services and of hosting services should be able to exchange personal data with payment service providers to identify fraudulent actors and fraudulent behaviours, where all conditions of Article 6(1)(f) of Regulation (EU) 2016/679 are fulfilled. Furthermore, providers of interpersonal communication services and hosting services should also assist the fight against fraud by</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>exchanging with payment service providers information regarding fraud scenarios, trends and threats identified in relation to the use of their services. In doing so, they may help improve the effectiveness of transaction monitoring mechanisms and the educational campaigns and training on fraud prevention implemented in accordance with this Regulation.</u> COM: new recital 80c [accompanying Art 59a(1)/line 723f, following ITM note].
Recital 81				
91	(81) Given their obligations to safeguard the security of their services in accordance with Directive 2002/58/EC of the European Parliament and of the Council¹, electronic communications services providers have the capacity to contribute to the collective fight against ‘spoofing’ fraud. Therefore, and without prejudice to the obligations laid down in national law implementing that Directive, electronic communications services providers should cooperate with payment service providers with a view to preventing further occurrences of that type of fraud, including by acting promptly to ensure that appropriate	(81) Given their obligations to safeguard the security of their services in accordance with Directive 2002/58/EC of the European Parliament and of the Council¹, electronic communications services providers have the capacity to contribute to the collective fight against ‘spoofing’ fraud. Therefore, and without prejudice to the obligations laid down in national law implementing that Directive, electronic communications services providers should <u>also, where relevant, have liability and</u> cooperate with payment service providers with a view to preventing further occurrences of that type of fraud, including by acting promptly	(81) Given their obligations to safeguard the security of their services in accordance with Directive 2002/58/EC of the European Parliament and of the Council¹ and Directive (EU) 2022/2555 of the European Parliament and of the Council, publicly available, electronic communications services providers have the capacity to contribute to the collective fight against fraud, including ‘spoofing’ fraud. The extent of such capacity differs between different electronic communications service providers, and is dependent on their position in the service chain. Therefore, and without prejudice to the obligations	(81) ~~Given their obligations to safeguard the security of their services in accordance with Directive 2002/58/EC of the European Parliament and of the Council¹~~ <u>Where the relevant conditions, including the requirements of Regulation (EU) 2016/679, for the exchange, on a voluntary basis, of information necessary to prevent and detect fraud are fulfilled, ~~electronic communications services providers have the capacity to contribute to the collective fight against ‘spoofing’ fraud. Therefore, and without prejudice to the obligations laid down in national law implementing that Directive,~~ ~~electronic~~</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	organizational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with Directive 2002/58/EC. Any claim by a payment service provider against other providers, such as electronic communications services providers, for financial damage caused in the context of this type of fraud should be made in accordance with national law. 1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p.37).	to ensure that appropriate organizational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with Directive 2002/58/EC. Any claim ~~by a payment service provider~~ <u>for fraud</u> against other providers, such as electronic communications services providers <u>or online platforms</u>, for financial damage caused in the context of this type of fraud should be made in accordance with ~~national law~~ <u>this Regulation</u>. 1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p.37).	~~laid down in national law implementing that Directive, those~~ Directives, providers of electronic communications services ~~providers that are communications services as defined in Directive (EU) 2018/1792 of the European Parliament and of the Council~~ should implement preventive and responsive measures and cooperate with payment service providers with a view to preventing further occurrences ~~of that type~~ of fraud, including ~~by acting promptly to ensure that appropriate~~ organizational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with ‘spoofing’ fraud. This cooperation should include establishing dedicated communication channels for the sharing of relevant information, or participating in a system for effective communication, or in an information-sharing mechanism, in order to facilitate fraud prevention and detection in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC. Any claim by a In particular, personal data should be only processed to the extent strictly necessary for the establishment of such	~~communications of interpersonal communication~~ services ~~and~~ providers ~~of very large online platforms and very large online search engines within the meaning of Article 33 of Regulation (EU) 2022/2065~~ should ~~cooperate~~ <u>have in place dedicated communication channels, or enter into information sharing arrangements or systems for effective communication</u> with payment service providers ~~with a view to preventing further occurrences of that type of fraud, including by acting promptly to ensure that appropriate~~ <u>organizational and technical measures are in place to safeguard the security and, such as the information sharing arrangements established under Article 29 of Directive (EU) 2022/2555. Such mechanisms should contain robust safeguards in relation to confidentiality, data protection and use of information, in compliance with Regulation (EU) 2016/679. -of communications in accordance with Directive 2002/58/EC. Any claim by a payment service provider against other providers, such as electronic communications services providers, for financial damage caused in the context of this type of fraud should be made in accordance with national law.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						communication channels and subject to robust safeguards in conformity with Regulation (EU) 2016/679 in relation to confidentiality, data protection and use of information. Furthermore, providers of electronic communication services should also assist the fight against fraud by exchanging with payment service provider against other providers fraud scenarios, trends and threats identified in relation to the use of their services, as doing so may help to improve the effectiveness of transaction monitoring mechanisms and the educational campaigns and training on fraud implemented in accordance with this Regulation and without prejudice to Directive 2002/58/EC. Given the increasing sophistication and prevalence of payment fraud in digital environments, it is essential that, such as electronic communications services providers, for financial damage caused in the context of this type of take proportionate and effective steps to combat it. Compliance with fraud should be made in accordance with detection or prevention measures laid down in applicable Union or national law concerning electronic communications services should		~~1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p.37).~~

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						be considered sufficient to fulfil this obligation, thereby ensuring legal certainty and regulatory consistency across the Union. 1. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p.37).		
Recital 81a								
	91a							<i>deleted</i> COM: Text origin: EC (potential new recital to clarify legal framework applicable to data processing following repeal of Art 4ePD) TM 26/2 decided to drop text on NIS / 2002/58 etc
Recital 81b								
	91b			<u>(81a) Online platforms can also contribute to increasing instances of fraud. Therefore, and without prejudice to their obligations under Regulation (EU) 2022/2065 of the European Parliament and of the Council¹ (Digital Services Act), they should be held liable where fraud has arisen as a direct result of fraudsters using their platform to defraud consumers, if they were informed about fraudulent content</u>		(81a) In view of the increasing role of electronic communications services providers in the transaction chain, the Commission should review the impact of the newly adopted provisions contained in Article 59a in relation to obligations imposed on electronic communications services providers. The review should be carried out a sufficient amount of time after the entry into		<u>(81b) Directive (EU) 2022/2555 requires providers of publicly available interpersonal communication services to take appropriate and proportionate technical, operational and organisational measures to ensure the availability, authenticity, integrity and confidentiality of their services. Insofar as the fraudulent manipulation of calling line identification or electronic mail</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>on their platform that and did not remove it.</u> <u>1. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, http://data.europa.eu/eli/reg/2022/2065/oj).</u>		force of those provisions. The Commission's report based on this review should, in particular, assess the risks and challenges posed by these obligations as regards the effectiveness of the cooperation between electronic communications services providers and payment service providers under Article 59a. On the basis of this assessment, the Commission should determine in its report, whether it is necessary to introduce any further measures regulating the involvement of electronic communications services providers, payment service providers or providers of intermediary services in the security of payment transactions at EU level and, if appropriate, submit a legislative proposal together with the report.		<u>address can be considered to compromise the availability, authenticity, integrity, or confidentiality of those services, such providers should already be required, pursuant to Directive (EU) 2022/2555, to implement measures addressing that risk. Without prejudice to those obligations, providers of publicly available interpersonal communication services should take appropriate organisational and technical measures to detect and prevent the use of their services as a means for impersonation fraud, including by means of manipulation of calling line identification or electronic mail address, where that use aims to induce payment services users to make a payment or to take an action that would compromise the security of the payment account. Any measures taken for the purpose of preventing or detecting the use of these services for impersonation fraud must comply with the rules set out under Regulation (EU) 2016/679 and Directive 2002/58/EC. In particular, those measures should not involve the generalised and indiscriminate monitoring of content of communications or of all traffic data.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								COM: Text origin: EC new proposal (to clarify interplay with measures in NIS2) + ITM note (line 723I) EP recital on liability of platforms: now recital 96a and following
	Recital 81c							
91c						(81b) Regulation 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) lays down fully harmonised rules on the provision of intermediary services in the internal market and on specific due diligence obligations tailored to certain specific categories of providers of intermediary services ('mere conduit', 'caching' and 'hosting' services). In particular, it imposes specific due diligence obligations on online platforms and online search engines, including those designated as very large online platforms or very large online search engines. Such due diligence obligations play an important role in preventing the proliferation of illegal content online, such as financial scams. For instance, hosting services providers are obliged to put in place user-friendly notice and action mechanisms to allow the reporting		<u>(81c) Regulation 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) lays down fully harmonised rules on the provision of intermediary services in the internal market and on specific due diligence obligations tailored to certain specific categories of providers of intermediary services ('mere conduit', 'caching' and 'hosting' services). In particular, it imposes specific due diligence obligations on online platforms and online search engines, including those designated as very large online platforms or very large online search engines. Such due diligence obligations play an important role in preventing the proliferation of illegal content online, such as financial scams. For instance, hosting services providers are obliged to put in place user-friendly notice and action mechanisms to allow the reporting of illegal</u>

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						of illegal content, such as illegal offers of financial services or attempted fraud, to the hosting service. Online platforms are also obliged to address notices from trusted flaggers as a priority. Payment service providers should also be able to make use of the notification mechanisms referred to in Article 16 of Regulation (EU) 2022/2065 to notify providers of hosting services of the presence on their service of specific items of information that they consider – including on the basis of notifications received from payment service users – to be illegal content within the meaning of this Regulation. Payment service providers should therefore also be able to apply for the trusted flagger status pursuant to Article 22 of Regulation (EU) 2022/2065.		<u>content, such as illegal offers of financial services or attempted fraud, to the hosting service. Providers of online platforms are also obliged to address notices from trusted flaggers as a priority. Where, based on the information provided by the payer to the payment service provider, or on other information available to the payment service provider, it can be considered that a fraudulent payment transaction originates in an item of information online, payment service providers should make use of the notification mechanisms referred to in Article 16 of Regulation (EU) 2022/2065 to notify providers of hosting services of the presence on their service of that specific item of information. Where Very Large Online Platforms and Very Large Online Search Engines comply with Article 16 of Regulation (EU) 2022/2065, in particular putting in place notice and action mechanisms that are easy to access and user-friendly, this shall be deemed compliant with the condition in Article 59a(3) to inform the recipients of their services of the procedure for reporting fraudulent actions. Payment service providers should also be able to apply for the trusted flagger status pursuant to Article 22</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>of Regulation (EU) 2022/2065.</u> COM: [A1] [A1]Reference to Art 22 DSA should be added in the provision (line 723e)
		Recital 81d						
G		91d				(81c) In particular, very large online platforms and very large online search engines within the meaning of Regulation (EU) 2022/2065 are already obliged to diligently identify, analyse and assess any systemic risks posed by their services, including the dissemination of illegal content through their services, such as malicious or fraudulent online content within the meaning of this Regulation. Where applicable, further to that assessment, very large online platforms and very large online search engines should put in place reasonable, proportionate and effective mitigation measures in accordance with Article 35 of Regulation (EU) 2022/2065 to address those risks, under the direct supervision of the Commission.		<i>deleted</i> COM: [Council mandate kept but moved to line 91g, to accompany Article 59b(6)]
		Recital 81e						
G		91e				(81d) Regulation (EU) 2022/2065 encourages and facilitates the drawing up of voluntary codes of conduct at Union level to		<u>(81e) Regulation (EU) 2022/2065 encourages and facilitates the drawing up of voluntary codes of conduct at Union level to contribute</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						contribute to the proper application of that Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, such as fostering prevention, enhancing security and combating payment fraud and financial scams. The drawing up of a voluntary code of conduct at Union level in the areas covered by this Regulation should also be facilitated.		<u>to the proper application of that Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, such as fostering prevention, enhancing security and combating payment fraud and financial scams. The drawing up of a voluntary code of conduct at Union level in the areas covered by this Regulation should also be facilitated.</u>
								TM 26.2
		Recital 81f						
G		91f				(81e) Any claim by a payment service provider against other providers, such as electronic communications services providers or providers of intermediary services, for financial damage caused in the context of fraud should be made in accordance with national law. Regulation (EU) 2022/2065 on a Single Market For Digital Services and amending Directive (EU) 2000/31/EC (Digital Services Act) sets up a framework for the conditional exemption from liability of providers of intermediary services, under certain conditions and as interpreted by the Court of Justice. The exemptions from		<i>deleted</i> COM: [recitals on liability of intermediaries further down, as they accompany article 78]

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						liability established in Regulation (EU) 2022/2065 should not affect the possibility of injunctions of different kinds against providers of intermediary services. Such injunctions could, in particular, consist of removal orders and information orders by courts or administrative authorities, issued in compliance with Union law.		
Recital 81g								
91g						(81f) National competent authorities can play an important role in combating the type of fraud referred to in this Regulation by requiring providers of electronic communications services on a case-by-case basis to block access to numbers or services where this is justified by reasons of fraud or misuse, such as when fraud is reasonably suspected or once said fraud has been committed using electronic communications services and ascertained by a competent authority. In such cases, national competent authorities may, on an ad hoc basis or on the basis of guidelines issued by national competent authorities, require providers of public electronic communications networks or publicly available electronic communications services to block access to		<u>(81g) The fraudulent promotion and offer of financial services, such as the advertising of credit, insurance, and investment, including cryptoasset, products and services provided by or on behalf of entities which are neither authorised nor registered in accordance with Union law or national law transposing Union law to provide such products and services can be linked with fraud in payments as a result of the deception and manipulation of payment service users' consent into initiating one or a series of payment transactions, or of the theft of sensitive payment data, including personalised security credentials. In order to reduce such fraudulent promotion and offer of financial services, providers of very large online platforms and very large online search engines within the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			numbers or services, in accordance with Article 97(2) of Directive 2018/1972/EU.	<u>meaning of Regulation (EU) 2022/2065 should request from advertisers of regulated financial services information, such as authorisation or registration numbers, attesting that the provider of the regulated financial service advertised has been authorised or registered to provide such services in a Member State or at Union level. Providers of very large online platforms and of very large online search engines should ensure that their service is not offered for advertising purposes until the advertiser provides the information concerning the registration or authorisation of the entity on behalf of whom the advertisement is made as a regulated financial service provider. This requirement should not amount to an obligation for the providers of very large online platforms and of the very large online search engines concerned to generally monitor the products or services offered by traders through their services, nor a general fact-finding obligation, in particular to assess the accuracy of the information provided by advertisers. However, providers of very large online platforms and of the very large online search engines should, upon receiving from advertisers the information concerning the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>authorisation or registration of the provider of the advertised regulated financial services, and prior to allowing the advertiser to use their service for the purpose of advertising those regulated financial services, make best efforts to assess whether the information, for the accuracy of which advertisers are responsible for the purposes of this Regulation, is reliable and complete, provided that the assessment can be carried out in a proportionate manner by automated tools. The European Supervisory Authorities – EBA, ESMA, and EIOPA – already maintain public registers of financial service providers under the applicable legislation. Providers of very large online platforms and very large online search engines could use these registers in their efforts to ensure that the information provided by the potential advertiser is reliable and complete.</u> COM: Text origin: EC new proposal 27/02
Recital 81h								
G		91h						<u>(81h) Whereas providers of very large online platforms and of very large online search engines within the meaning of Regulation (EU)</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>2022/2065 have transparency and due diligence obligations with regard to online advertising under that Regulation, this Regulation further specifies how those obligations should apply in the specific case of advertising of regulated financial services. In particular, in order to comply with their obligation to make reasonable efforts to ensure that the information contained in their repositories established pursuant to Article 39 of Regulation (EU) 2022/2065 is accurate and complete, providers of very large online platforms and very large online search engines could use the registers of authorised or registered providers of regulated financial services made available in accordance with relevant Union law, including Directive [PSD3], including the public registers maintained by European Supervisory Authorities.</u> 27/02
		Recital 81i						
G		91i				(81g) Where provided for in legislative measures adopted in accordance with Article 15(1) of Directive 2002/58/EC, electronic communication service providers may process communications and		<u>(81i) Providers of very large online platforms and very large online search engines within the meaning of Regulation (EU) 2022/2065 are required, under that Regulation, to diligently identify, analyse and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						the related traffic data for the purpose of preventing, investigating and detecting of fraud targeting electronic communications end-users. This could include, for example, with regard to impersonation fraud, the processing of traffic data or communications data in order to prevent or end reasonably suspected fraud.		<u>assess any systemic risks stemming from the design or functioning of their service, including the dissemination of illegal content through their services, such as malicious or fraudulent online content within the meaning of this Regulation. Where applicable, further to that assessment, providers of very large online platforms and very large online search engines should put in place reasonable, proportionate and effective mitigation measures in accordance with Article 35 of Regulation (EU) 2022/2065 to address those risks, under the direct supervision of the Commission. Where, pursuant to Articles 35 of Regulation (EU) 2022/2065, providers of very large online platforms and very large online search engines should put in place mitigation measures related to the risk of fraudulent advertising of regulated financial services which they have identified pursuant to Article 34 of that Regulation, measures put in place in compliance with the obligations set out in this Regulation could be considered to be one of the possible means of ensuring compliance of such providers with Article 35(1), point (e), of Regulation 2022/2065. However, compliance with the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>obligations set out in this Regulation should not necessarily be construed as sufficient in itself to ensure compliance of such providers with Article 35(1), point (e), of Regulation 2022/2065, and should therefore be without prejudice to further mitigation measures which such providers may be required to put in place.</u> COM: Text origin: council mandate (81c) 27/02
Recital 82				
92	(82) To assess possible negligence or gross negligence on the part of the payment service user, account should be taken of all circumstances. The evidence and degree of alleged negligence should generally be evaluated according to national law. However, while the concept of negligence implies a breach of a duty of care, ‘gross negligence’ should mean more than mere negligence, involving conduct exhibiting a significant degree of carelessness; for example, keeping the credentials used to authorise a payment transaction beside the payment instrument in a format that is open and easily detectable by third parties. The fact that a consumer has already received a refund from a	(82) To assess possible negligence or gross negligence on the part of the payment service user, account should be taken of all circumstances. The evidence and degree of alleged negligence should generally be evaluated according to national law. However, while the concept of negligence implies a breach of a duty of care, ‘gross negligence’ should mean more than mere negligence, involving conduct exhibiting a significant degree of carelessness; for example, <u>making a payment to a fraudster without having any reasonable grounds for believing that the payee to whom the payment was intended is legitimate</u>, keeping the credentials used to authorise a payment	(82) To assess possible negligence or gross negligence on the part of the payment service user, account should be taken of all the individual circumstances of the case. The evidence and degree of alleged negligence should generally be evaluated according to national law. However, while the concept of negligence implies a breach of a duty of care, ‘gross negligence’ should mean more than mere negligence, involving conduct exhibiting a significant degree of carelessness; for example, keeping the credentials used to authorise a payment transaction beside the payment instrument in a format that is open and easily detectable by third parties. When assessing the	(82) To assess possible negligence or gross negligence on the part of the payment service user, account should be taken of all <u>the individual</u> circumstances <u>of the case</u>. The evidence and degree of alleged negligence should generally be evaluated according to national law. However, while the concept of negligence implies a breach of a duty of care, ‘gross negligence’ should mean more than mere negligence, involving conduct exhibiting a significant degree of carelessness; for example, keeping the credentials used to authorise a payment transaction beside the payment instrument in a format that is open and easily detectable by third parties. <u>When assessing the possible</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service provider after having fallen victim of bank employee impersonation fraud and is introducing another refund claim to the same payment service provider after having been again victim of the same type of fraud could be considered as ‘gross negligence’ as that might indicate a high level of carelessness from the user who should have been more vigilant after having already be victim of the same fraudulent modus operandi.	transaction beside the payment instrument in a format that is open and easily detectable by third parties- ~~The fact that a consumer has already received a refund from a payment service provider, persuading a bank to lift a block placed~~ after ~~having fallen victim of bank employee impersonation~~ fraud ~~and is introducing another refund claim to the same payment service provider after having been again victim of the same type of fraud could be considered as ‘gross negligence’ as that might indicate a high level of carelessness from the user who should have been more vigilant after having already be victim of the same fraudulent modus operandi~~ <u>alert acting on guidance from an unfamiliar third party, or giving an unblocked smartphone to a third party.</u>	possible gross negligence on the part of the~~The fact that a consumer has already received a refund from a payment service provider after having fallen victim of bank employee impersonation~~user, all the factual circumstances should be taken into account, for example: innovativeness and complexity of the fraud and is introducing another refund claim to, means or strategies used by third parties to illegally take over the same payment service provider after having been againuser’s personalised security credentials; whether the payment service user has previously fallen victim of the same type of fraud could be considered as ‘gross negligence’ as; in the case of a new type of fraud, whether the payment service providers have complied with their obligations under Article 84, including with regard to their most vulnerable groups of customers; whether the payment service user has taken adequate steps in order to properly ensure the confidentiality of their personalised security credentials; any known characteristics of the payment service user that might indicate a high level of carelessness from~~make the user who should have been more vigilant after having~~	<u>gross negligence on the part of the</u>~~The fact that a consumer has already received a refund from a payment service~~<u>provider after having user, all the factual circumstances should be taken into account, for example: innovativeness and complexity of the fraud, means or strategies used by third parties to illegally take over the payment service user’s personalised security credentials; whether the payment service user has previously fallen victim of bank employee impersonation fraud and is introducing another refund claim to the same type of fraud; in the case of a new type of fraud, whether the payment service providers have complied with their obligations under Article 84, including with regard to their most vulnerable groups of customers; whether the payment service user has taken adequate steps in order to properly ensure the confidentiality of their personalised security credentials; any known characteristics of the payment service user that might make the user more likely to fall victim to fraud; whether the payment service providers offered clear, specific and bespoke warnings to the payer; whether the payment service user failed to have regard to specific, directed</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						already be more likely to fall victim of the same fraudulent ~~modus operandi~~ to fraud; whether the payment service providers offered clear, specific and bespoke warnings to the payer; whether the payment service user failed to have regard to specific, directed interventions made by their payment service provider. This list is not exhaustive, cumulative or binding and does not prejudice the discretion of national or EU courts and/or dispute resolution bodies.		<u><i>interventions made by their</i></u> payment service provider ~~after having been again victim of the same type of fraud could be considered as 'gross negligence' as that might indicate a high level of carelessness from the user who should have been more vigilant after having already be victim of the same fraudulent modus operandi.~~ <u><i>This list is not exhaustive, cumulative or binding and does not prejudice the discretion of national or EU courts and/or dispute resolution bodies.</i></u> Text Origin: Council Mandate
Recital 82a								
G	92a			<u><i>(82a) Taking into account the fact that the term 'gross negligence' is interpreted in very different ways across the Union, the EBA should issue guidelines on how that concept is to be interpreted for the purpose of this Regulation.</i></u>				<u><i>(82a) Taking into account the fact that the term 'gross negligence' is interpreted in very different ways across the Union, the EBA is encouraged to issue guidelines to further specify the factual circumstances that should be taken into account when assessing the possible gross negligence on the part of the payment service user.</i></u> TM 21.10: to be discussed as part of the L2/L3 package. TM 17.12 greened Text Origin: EP Mandate
Recital 83								
G	93	(83) Contractual terms and	(83)	Contractual terms and	(83)	Contractual terms and	(83)	Contractual terms and

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	conditions relating to the provision and use of a payment instrument, the effect of which would be to increase the burden of proof on the consumer or to reduce the burden of proof on the issuer, should be considered null and void. Moreover, in specific situations and in particular where the payment instrument is not present at the point of sale, such as in the case of online payments, it is appropriate to require the payment service provider to provide evidence of alleged negligence since the payer's means to do so are very limited in such cases.	conditions relating to the provision and use of a payment instrument, the effect of which would be to increase the burden of proof on the consumer or to reduce the burden of proof on the issuer, should be considered null and void. Moreover, in specific situations and in particular where the payment instrument is not present at the point of sale, such as in the case of online payments, it is appropriate to require the payment service provider to provide evidence of alleged negligence since the payer's means to do so are very limited in such cases.	conditions relating to the provision and use of a payment instrument, the effect of which would be to increase the burden of proof on the consumer or to reduce the burden of proof on the issuer, should be considered null and void. Moreover, in specific situations and in particular where the payment instrument is not present at the point of sale, such as in the case of online payments, it is appropriate to require the payment service provider to provide evidence of alleged negligence since the payer's means to do so are very limited in such cases.	conditions relating to the provision and use of a payment instrument, the effect of which would be to increase the burden of proof on the consumer or to reduce the burden of proof on the issuer, should be considered null and void. Moreover, in specific situations and in particular where the payment instrument is not present at the point of sale, such as in the case of online payments, it is appropriate to require the payment service provider to provide evidence of alleged negligence since the payer's means to do so are very limited in such cases. Text Origin: Commission Proposal
Recital 84				
94	(84) Consumers are particularly vulnerable in cases of card-based payment transactions where the exact transaction amount is not known at the moment when the payer gives permission to execute the payment transaction, for example at automatic fuelling stations, in car rental contracts or when making hotel reservations. The payer's payment service provider should be able to block an amount of funds on the payer's payment account in proportion with the amount of the payment transaction which can	(84) Consumers are particularly vulnerable in cases of card-based payment transactions where the exact transaction amount is not known at the moment when the payer gives permission to execute the payment transaction, for example at automatic fuelling stations, in car rental contracts or when making hotel reservations. The payer's payment service provider should be able to block an amount of funds on the payer's payment account in proportion with the amount of the payment transaction which can	(84) Consumers are particularly vulnerable in cases of card-based payment transactions where the exact transaction amount is not known at the moment when the payer gives permission to execute the payment transaction, for example at automatic fuelling stations, in car rental contracts or when making hotel reservations. The payer's payment service provider should be able to block an amount of funds on the payer's payment account in proportion with the amount of the payment transaction which can	(84) Consumers are particularly vulnerable in cases of ~~card-based~~ payment transactions where the exact transaction amount is not known at the moment when the payer gives permission to execute the payment transaction, for example at automatic fuelling stations, in car rental contracts or when making hotel reservations. The payer's payment service provider should be able to block an amount of funds on the payer's payment account in proportion with the amount of the payment transaction which can

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	reasonably be expected by the payer, and only if the payer has given his or her consent for that precise amount to be blocked. Those funds should be released immediately after receipt of the information on the exact final amount of the payment transaction and at the latest immediately after receipt of the payment order. To ensure a prompt release of the difference between the blocked amount and the exact amount of the payment transaction, the payee should inform the payment service provider immediately after the delivery of the service or goods to the payer.	reasonably be expected by the payer, and only if the payer has given his or her consent for that precise amount to be blocked. Those funds should be released immediately after receipt of the information on the exact final amount of the payment transaction and at the latest immediately after receipt of the payment order. To ensure a prompt release of the difference between the blocked amount and the exact amount of the payment transaction, the payee should inform the payment service provider immediately after the delivery of the service or goods to the payer.	reasonably be expected by the payer, and only if the payer has given his or her consent for that precise amount to be blocked. Those funds should be released immediately after receipt of the information on the exact final amount of the payment transaction and at the latest immediately after receipt of the payment order. To ensure a prompt release of the difference between the blocked amount and the exact amount of the payment transaction, the payee should inform the payment service provider immediately after the delivery of the service or goods to the payer.	reasonably be expected by the payer, and only if the payer has given his or her consent for that precise amount to be blocked. Those funds should be released immediately after receipt of the information on the exact final amount of the payment transaction and at the latest immediately after receipt of the payment order. To ensure a prompt release of the difference between the blocked amount and the exact amount of the payment transaction, the payee should inform the payment service provider immediately after the delivery of the service or goods to the payer. COM: Scope of Article 61(1) has been broadened to include other payment methods, such as credit transfers. Text Origin: Commission Proposal
Recital 85				
95	(85) Legacy non-euro direct debit schemes continue to exist in Member States whose currency is not the euro. Those schemes are proving to be efficient and ensure the same high level of protection to the payer by other safeguards, not always based on an unconditional right to a refund. In that case the payer should be protected by the	(85) Legacy non-euro direct debit schemes continue to exist in Member States whose currency is not the euro. Those schemes are proving to be efficient and ensure the same high level of protection to the payer by other safeguards, not always based on an unconditional right to a refund. In that case the payer should be protected by the	(85) Legacy non-euro direct debit schemes continue to exist in Member States whose currency is not the euro. Those schemes are proving to be efficient and ensure the same high level of protection to the payer by other safeguards, not always based on an unconditional right to a refund. In that case the payer should be protected by the	(85) ~~Legacy non-euro direct debit schemes continue to exist in Member States whose currency is not the euro. Those schemes are proving to be efficient and ensure the same high level of protection to the payer by other safeguards, not always based on an unconditional right to a refund. In that case the payer should be protected by the~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	general rule for a refund when the executed payment transaction exceeds the amount which could reasonably have been expected. In addition, it should be possible for Member States to lay down rules concerning the right to a refund that are more favourable to the payer than those laid down in this Regulation. It would be proportionate to permit the payer and the payer's payment service provider to agree in a framework contract that the payer has no right to a refund in situations where the payer is protected. That might be either because the payer has given permission to execute a transaction directly to its payment service provider, including when the payment service provider acts on behalf of the payee, or because information on the future payment transaction was provided or made available in an agreed manner to the payer at least 4 weeks before the due date by the payment service provider or by the payee. In any event, the payer should be protected by the general refund rule in the case of unauthorised or incorrectly executed payment transactions or authorised credit transfers subject to an incorrect application of the matching verification service or in the case of payment service provider	general rule for a refund when the executed payment transaction exceeds the amount which could reasonably have been expected. In addition, it should be possible for Member States to lay down rules concerning the right to a refund that are more favourable to the payer than those laid down in this Regulation. It would be proportionate to permit the payer and the payer's payment service provider to agree in a framework contract that the payer has no right to a refund in situations where the payer is protected. That might be either because the payer has given permission to execute a transaction directly to its payment service provider, including when the payment service provider acts on behalf of the payee, or because information on the future payment transaction was provided or made available in an agreed manner to the payer at least 4 weeks before the due date by the payment service provider or by the payee. In any event, the payer should be protected by the general refund rule in the case of unauthorised or incorrectly executed payment transactions or authorised credit transfers subject to an incorrect application of the matching verification service or in the case of payment service provider	general rule for a refund when the executed payment transaction exceeds the amount which could reasonably have been expected. In addition, it should be possible for Member States to lay down rules concerning the right to a refund that are more favourable to the payer than those laid down in this Regulation. It would be proportionate to permit the payer and the payer's payment service provider to agree in a framework contract that the payer has no right to a refund in situations where the payer is protected. That might be either because the payer has given permission to execute a transaction directly to its payment service provider, including when the payment service provider acts on behalf of the payee, or because information on the future payment transaction was provided or made available in an agreed manner to the payer at least 4 weeks before the due date by the payment service provider or by the payee. In any event, the payer should be protected by the general refund rule in the case of unauthorised or incorrectly executed payment transactions or authorised credit transfers subject to an incorrect application of the matching verification service or in the case of payment service provider	~~a refund when the executed payment transaction exceeds the amount which could reasonably have been expected. In addition,~~ It should be possible for Member States to lay down rules concerning the right to a refund that are more favourable to the payer than those laid down in this Regulation. It would be proportionate to permit the payer and the payer's payment service provider to agree in a framework contract that the payer has no right to a refund in situations where the payer is protected. That might be either because the payer has given permission to execute a transaction directly to its payment service provider, including when the payment service provider acts on behalf of the payee, or because information on the future payment transaction was provided or made available in an agreed manner to the payer at least 4 weeks before the due date by the payment service provider or by the payee. In any event, the payer should be protected by the general refund rule in the case of unauthorised or incorrectly executed payment transactions or authorised credit transfers subject to an incorrect application of the matching verification service or in the case of payment service provider impersonation fraud.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	impersonation fraud.	impersonation fraud.	impersonation fraud.	4/3: in PSD2, only euro direct debit. In PSD3, also non euro debit. No distinction anymore. Text Origin: Commission Proposal
Recital 86				
96	(86) For financial planning and the fulfilment of payment obligations in due time, consumers and undertakings need to have certainty as to the length of time that the execution of a payment order will take. It is therefore necessary to establish when rights and obligations take effect, namely, when the payment service provider receives the payment order, including when the payment service provider has had the opportunity to receive it through the means of communication agreed in the payment service contract. This is notwithstanding any prior involvement in the process leading up to the creation and transmission of the payment order, including security and availability of funds checks, information on the use of the personal identity number or issuance of a payment promise. Furthermore, receipt of a payment order should occur when the payer's payment service provider receives the	(86) For financial planning and the fulfilment of payment obligations in due time, consumers and undertakings need to have certainty as to the length of time that the execution of a payment order will take. It is therefore necessary to establish when rights and obligations take effect, namely, when the payment service provider receives the payment order, including when the payment service provider has had the opportunity to receive it through the means of communication agreed in the payment service contract. This is notwithstanding any prior involvement in the process leading up to the creation and transmission of the payment order, including security and availability of funds checks, information on the use of the personal identity number or issuance of a payment promise. Furthermore, receipt of a payment order should occur when the payer's payment service provider receives the	(86) For financial planning and the fulfilment of payment obligations in due time, consumers and undertakings need to have certainty as to the length of time that the execution of a payment order will take. It is therefore necessary to establish when rights and obligations take effect, namely, when the payment service provider receives the payment order, including when the payment service provider has had the opportunity to receive it through the means of communication agreed in the payment service contract. This is notwithstanding any prior involvement in the process leading up to the creation and transmission of the payment order, including security and availability of funds checks, information on the use of the personal identity number or issuance of a payment promise. Furthermore, receipt of a payment order should occur when the payer's payment service provider receives the	(86) For financial planning and the fulfilment of payment obligations in due time, consumers and undertakings need to have certainty as to the length of time that the execution of a payment order will take. It is therefore necessary to establish when rights and obligations take effect, namely, when the payment service provider receives the payment order, including when the payment service provider has had the opportunity to receive it through the means of communication agreed in the payment service contract. This is notwithstanding any prior involvement in the process leading up to the creation and transmission of the payment order, including security and availability of funds checks, information on the use of the personal identity number or issuance of a payment promise. Furthermore, receipt of a payment order should occur when the payer's payment service provider receives the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment order to be debited from the payer's account. The time when a payee transmits to the payment service provider payment orders for the collection, for instance, of card payments or of direct debits or when the payee is granted a pre-financing on the related amounts by the payment service provider by way of a contingent credit to the account should have no relevance in that respect. Users should be able to rely on the proper execution of a complete and valid payment order if the payment service provider has no contractual or statutory ground for refusal. If the payment service provider refuses a payment order, the refusal and the reason for the refusal should be communicated to the payment service user at the earliest opportunity, subject to the requirements of Union and national law. Where the framework contract provides that the payment service provider may charge a fee for refusal, such a fee should be objectively justified and should be as low as possible.	payment order to be debited from the payer's account. The time when a payee transmits to the payment service provider payment orders for the collection, for instance, of card payments or of direct debits or when the payee is granted a pre-financing on the related amounts by the payment service provider by way of a contingent credit to the account should have no relevance in that respect. Users should be able to rely on the proper execution of a complete and valid payment order if the payment service provider has no contractual or statutory ground for refusal. If the payment service provider refuses a payment order, the refusal and the reason for the refusal should be communicated to the payment service user at the earliest opportunity, subject to the requirements of Union and national law. Where the framework contract provides that the payment service provider may charge a fee for refusal, such a fee should be objectively justified and should be as low as possible.	payment order to be debited from the payer's account. The time when a payee transmits to the payment service provider payment orders for the collection, for instance, of card payments or of direct debits or when the payee is granted a pre-financing on the related amounts by the payment service provider by way of a contingent credit to the account should have no relevance in that respect. Users should be able to rely on the proper execution of a complete and valid payment order if the payment service provider has no contractual or statutory ground for refusal. If the payment service provider refuses a payment order, the refusal and the reason for the refusal should be communicated to the payment service user at the earliest opportunity, subject to the requirements of Union and national law. Where the framework contract provides that the payment service provider may charge a fee for refusal, such a fee should be objectively justified and should be as low as possible.	payment order to be debited from the payer's account. The time when a payee transmits to the payment service provider payment orders for the collection, for instance, of card payments or of direct debits or when the payee is granted a pre-financing on the related amounts by the payment service provider by way of a contingent credit to the account should have no relevance in that respect. ~~Users should be able to rely on the proper execution of a complete and valid payment order if the payment service provider has no contractual or statutory ground for refusal. If the payment service provider refuses a payment order, the refusal and the reason for the refusal should be communicated to the payment service user at the earliest opportunity, subject to the requirements of Union and national law. Where the framework contract provides that the payment service provider may charge a fee for refusal, such a fee should be objectively justified and should be as low as possible.~~ Text Origin: Commission Proposal
Recital 86a				
G	96a			<u>(86a) Payment service users should also be able to rely on the proper</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>execution of a complete and valid payment order if the payment service provider has no contractual or statutory ground for refusal or otherwise refraining from such execution, such as obligations under this Regulation or Regulation 2024/1624.</u> COM: To accommodate the fact the AMLR does not explicitly prohibit execution
Recital 86b								
G	96b							<u>(86b) Given that fraud is a criminal activity in accordance with Article 2, point (1), of Directive (EU) 2018/1673, it is therefore considered a predicate offence for the purposes of Regulation (EU) 2024/1624. For that reason, the obligations laid down in that Regulation regarding the reporting of suspicious transactions in accordance with Article 69 of that Regulation, and regarding the obligation to refrain from executing those suspicious transactions in accordance with Article 71 of that Regulation, apply also in cases where a payment service provider knows or suspects that a payment transaction is fraudulent. Those obligations also apply where the payment service provider has reasonable grounds to suspect that</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>a payment transaction is related to criminal activity, such as where the payer’s payment service provider has reasonable grounds to suspect that a payment transaction that the payer is initiating may be the result of fraud, or where, before making the funds available to the payee, the payee’s payment service provider has reasonable grounds to suspect that a payment transaction that has been or will be credited to its account may be the result of fraud.</u> TM 26/2 from Council rec 69b
Recital 86c								
G		96c						<u>(86c) To ensure consistency across the objectives of preventing payment service users’ from becoming victims of fraud, compliance with obligations following from Regulation (EU) 2024/1624 with regard to suspicious transactions, and mitigating the impact on payment service users deriving from delays in the execution of legitimate payment transactions or the refusal of such transactions. For that reason, where a payment service provider refuses to execute a payment transaction in accordance with this Regulation, such refusal should be without prejudice to other obligations arising for that payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>service provider under Regulation (EU) 2024/1624 with respect to that payment transaction, such as the obligation to report that suspicion to the Financial Intelligence Unit in accordance with Article 69 of that Regulation. In the case of credit transfers, while the outcome of the service ensuring the verification of the payee applied in accordance with Regulation (EU) 2024/886 and Article 50 this Regulation might constitute a relevant element in the payment service provider's monitoring of payment transactions with a view to detecting fraud, that outcome should not in itself be the sole ground for the payment service provider's decision to refuse to execute the payment transaction, with a view to ensuring the right of the payer to proceed with authorising the payment transaction concerned in accordance with Article 5c of Regulation (EU) 260/2012 and Article 50 of this Regulation.</u>
		Recital 86d						
G		96d						<u>(86d) In order to enable the payment service provider to assess whether or not there are objectively justified reasons to suspect that a payment transaction may be</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>fraudulent and therefore to refuse to execute that payment transaction, and in order to limit the impact on payment service users with regard to legitimate payment transactions, the payment service provider of the payer should contact the payer to obtain information necessary for the purpose of such assessment, while remaining in full compliance with the rules on the prohibition of disclosure of suspicions in Regulation (EU) 2024/1624. The payment service provider of the payer should notify the payer of any information or action necessary from the payer for the purpose of its assessment, while providing sufficient information to enable the payer to understand the risks identified by the payment service provider. The payment service provider of the payer should ensure that the payer has at all times appropriate means to contact the payment service provider with a view to providing the information or performing the action requested in that notification, and should make all reasonable efforts to contact the payer before crediting the funds to the account of the payee's payment service provider. In accordance with Article 73 of Regulation (EU) 2024/1624, such communication between the payer's</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>payment service provider and the payer should not at any moment disclose to the payer or, where applicable, the payment initiation service provider, the fact that payment transactions or activities are being or have been assessed in accordance with Article 69 of Regulation (EU) 2024/1624, that information is being, will be or has been transmitted in accordance with Article 69 or 70 of Regulation (EU) 2024/1624 or that an analysis to this effect is being, or may be, carried out.</u> TM 26/2
	Recital 86e							
96e								<u>(86e) Given that, in accordance with Regulation (EU) 260/2012, the amount of an instant credit transfer in euro should be available on the payee's payment account within ten seconds of the time of receipt of the payment order by the payer's payment service provider, the rules requiring the payment service provider of the payer to notify and contact the payer where it suspends the execution of a payment order due to a suspicion of fraud should not apply in the case of instant credit transfers. Those rules should also not apply where the payment service provider of the payer, after</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>notifying and contacting the payer, could nevertheless not obtain the information required before the statutory timeline for crediting the funds to the account of the payment service provider of the payee. In those cases, the payment service provider of the payer should form its assessment as to whether or not there are objectively justified reasons to suspect fraud as well as its decision as to whether or not to refuse to execute the payment order, on the basis of the transaction monitoring mechanism and on any other relevant information available to the payment service provider, but not solely on the basis of the outcome of the service ensuring the verification of payee.</u> TM 26/2 ref Art 65, lines 765e & 766
Recital 86f								
		96f						<u>(86f) For the purpose of this Regulation, the fact that a payment order is unusual should not automatically constitute grounds for suspecting that the payment transaction is fraudulent, nor should it by itself constitute objectively justified reasons to suspect fraud. However, any unusual transaction could constitute an early indication of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement	
								<u>fraud, which should alert the payment service provider and might need to be further investigated. In assessing whether there are objectively justified reasons to suspect fraud in relation to a payment transaction, the payment service provider should take into account the specific circumstances of the individual transaction, together with the payment service provider’s wider assessment of evolving fraud risk based on the payment service provider’s transaction monitoring or on any relevant information available to the payment service provider. Where a decision to refuse or suspend the execution of a payment order is based solely on automated processing, such decision would be permissible only where suitable measures have been applied in order to safeguard the rights, freedoms and legitimate interests of the payment service user.</u> COM: Text origin: Council mandate recital 69e, line 79a TM 26/2 Council to revert	
Recital 86g									
G	96g							<u>(86g) Where the payment service</u>	G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>provider refuses to execute a payment order, the refusal and the reason for the refusal should be communicated to the payer, to the payee's payment service provider and, where applicable, to the payment initiation service provider without undue delay, or, in the case of instant credit transfers, within 10 seconds of the time of receipt of the payment order by the payer's payment service provider, subject to the requirements of Union and national law. In addition, the payment service provider of the payer should inform the payer of the procedure allowing the payer to correct the assessment leading to the refusal, or to reverse that decision. Where the framework contract provides that the payment service provider may charge a fee for refusal, such a fee should be objectively justified and should be as low as possible. The payment service provider of the payer should not charge fees where it refuses to execute the payment order due to a suspected fraud.</u>
Recital 87								
97		(87) In view of the speed with which fully automated payment systems process payment transactions, which means that after a certain point in time payment		(87) In view of the speed with which fully automated payment systems process payment transactions, which means that after a certain point in time payment		(87) In view of the speed with which fully automated payment systems process payment transactions, which means that after a certain point in time payment		(87) In view of the speed with which fully automated payment systems process payment transactions, which means that after a certain point in time payment

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	orders cannot be revoked without high manual intervention costs, it is necessary to lay down a clear deadline for payment revocations. However, depending on the type of the payment service and the payment order, it should be possible to vary the deadline for payment revocations by agreement between the parties. Revocation, in that context, should apply only between a payment service user and a payment service provider, and should be without prejudice to the irrevocability and finality of payment transactions in payment systems.	orders cannot be revoked without high manual intervention costs, it is necessary to lay down a clear deadline for payment revocations. However, depending on the type of the payment service and the payment order, it should be possible to vary the deadline for payment revocations by agreement between the parties. Revocation, in that context, should apply only between a payment service user and a payment service provider, and should be without prejudice to the irrevocability and finality of payment transactions in payment systems.	orders cannot be revoked without high manual intervention costs, it is necessary to lay down a clear deadline for payment revocations. However, depending on the type of the payment service and the payment order, it should be possible to vary the deadline for payment revocations by agreement between the parties. Revocation, in that context, should apply only between a payment service user and a payment service provider, and should be without prejudice to the irrevocability and finality of payment transactions in payment systems.	orders cannot be revoked without high manual intervention costs, it is necessary to lay down a clear deadline for payment revocations. However, depending on the type of the payment service and the payment order, it should be possible to vary the deadline for payment revocations by agreement between the parties. Revocation, in that context, should apply only between a payment service user and a payment service provider, and should be without prejudice to the irrevocability and finality of payment transactions in payment systems. Text Origin: Commission Proposal
Recital 88				
98	(88) Irrevocability of a payment order should not affect a payment service provider's rights or obligations under the laws of Member States, based on the payer's framework contract or national laws, regulations, administrative provisions or guidelines, to reimburse the payer with the amount of the executed payment transaction in the event of a dispute between the payer and the payee. Such reimbursement should be considered to be a new payment order. Except for those cases, legal disputes arising	(88) Irrevocability of a payment order should not affect a payment service provider's rights or obligations under the laws of Member States, based on the payer's framework contract or national laws, regulations, administrative provisions or guidelines, to reimburse the payer with the amount of the executed payment transaction in the event of a dispute between the payer and the payee. Such reimbursement should be considered to be a new payment order. Except for those cases, legal disputes arising	(88) Irrevocability of a payment order should not affect a payment service provider's rights or obligations under the laws of Member States, based on the payer's framework contract or national laws, regulations, administrative provisions or guidelines, to reimburse the payer with the amount of the executed payment transaction in the event of a dispute between the payer and the payee. Such reimbursement should be considered to be a new payment order. Except for those cases, legal disputes arising	(88) Irrevocability of a payment order should not affect a payment service provider's rights or obligations under the laws of Member States, based on the payer's framework contract or national laws, regulations, administrative provisions or guidelines, to reimburse the payer with the amount of the executed payment transaction in the event of a dispute between the payer and the payee. Such reimbursement should be considered to be a new payment order. Except for those cases, legal disputes arising

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	within the relationship underlying the payment order should be settled only between the payer and the payee.	within the relationship underlying the payment order should be settled only between the payer and the payee.	within the relationship underlying the payment order should be settled only between the payer and the payee.	within the relationship underlying the payment order should be settled only between the payer and the payee. Text Origin: Commission Proposal
Recital 89				
99	(89) It is essential, for the fully integrated straight-through processing of payments and for legal certainty with respect to the fulfilment of any underlying obligation between payment service users, that the full amount transferred by the payer should be credited to the account of the payee. Accordingly, it should not be possible for any of the intermediaries involved in the execution of payment transactions to make deductions from the amount transferred. However, it should be possible for payees to enter into an agreement with their payment service provider which allows the latter to deduct its own charges. Nevertheless, to enable the payee to verify that the amount due is correctly paid, subsequent information provided on the payment transaction should indicate not only the full amount of funds transferred, but also the amount of any charges that have been deducted.	(89) It is essential, for the fully integrated straight-through processing of payments and for legal certainty with respect to the fulfilment of any underlying obligation between payment service users, that the full amount transferred by the payer should be credited to the account of the payee. Accordingly, it should not be possible for any of the intermediaries involved in the execution of payment transactions to make deductions from the amount transferred. However, it should be possible for payees to enter into an agreement with their payment service provider which allows the latter to deduct its own charges. Nevertheless, to enable the payee to verify that the amount due is correctly paid, subsequent information provided on the payment transaction should indicate not only the full amount of funds transferred, but also the amount of any charges that have been deducted.	(89) It is essential, for the fully integrated straight-through processing of payments and for legal certainty with respect to the fulfilment of any underlying obligation between payment service users, that the full amount transferred by the payer should be credited to the account of the payee. Accordingly, it should not be possible for any of the intermediaries involved in the execution of payment transactions to make deductions from the amount transferred. However, it should be possible for payees to enter into an agreement with their payment service provider which allows the latter to deduct its own charges. Nevertheless, to enable the payee to verify that the amount due is correctly paid, subsequent information provided on the payment transaction should indicate not only the full amount of funds transferred, but also the amount of any charges that have been deducted.	(89) It is essential, for the fully integrated straight-through processing of payments and for legal certainty with respect to the fulfilment of any underlying obligation between payment service users, that the full amount transferred by the payer should be credited to the account of the payee. Accordingly, it should not be possible for any of the intermediaries involved in the execution of payment transactions to make deductions from the amount transferred. However, it should be possible for payees to enter into an agreement with their payment service provider which allows the latter to deduct its own charges. Nevertheless, to enable the payee to verify that the amount due is correctly paid, subsequent information provided on the payment transaction should indicate not only the full amount of funds transferred, but also the amount of any charges that have been deducted.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Commission Proposal
	Recital 89a							
6	99a					(89a) The obligations in this Regulation regarding open banking interfaces and verification of the payee should not apply as regards payment transactions with electronic money tokens. Taking into account that currently, the use cases of electronic money tokens for payments remain limited and that the costs for payment service providers to comply with those requirements may outweigh the benefits. In this view, extending the application of such requirements to payment transactions with electronic money tokens may impose considerable investments and undue burdens to the entities providing these services, given the high costs associated with the operationalisation of these requirements verification of a payee service. Moreover, taking into account the fact that the transactions with electronic money tokens are not as common as typical payment transactions, there seems to be a reduced urgency and valued added in		<u><i>(89a) The obligations in this Regulation regarding open banking interfaces and verification of the payee should not apply as regards payment transactions with electronic money tokens. Extending the application of such requirements to payment transactions with electronic money tokens may impose considerable investments and undue burdens to the entities providing those services, given the high costs associated with the operationalisation of those requirements. Moreover, taking into account the fact that at this stage the transactions with electronic money tokens are not as common as typical payment transactions, there is less urgency and value added in imposing such requirements as regards payment transactions with electronic money tokens.</i></u> TM 26/2. COM revisions to Council text

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			imposing such requirements at this stage as regards payment transactions with electronic money tokens.	
Recital 90				
100	(90) To improve the efficiency of payments throughout the Union, all payment orders initiated by the payer and denominated in euro or the currency of a Member State whose currency is not the euro, including non-instant credit transfers and money remittances, should be subject to a maximum 1-day execution time. For all other payments, such as payments initiated by or through a payee, including direct debits and card payments, in the absence of an explicit agreement between the payment service provider and the payer setting a longer execution time, the same 1-day execution time should apply. It should be possible to extend those periods by 1 additional business day, if a payment order is given on paper, to allow the continued provision of payment services to consumers who are used only to paper documents. When a direct debit scheme is used the payee's payment service provider should transmit the collection order within the time limits agreed between the payee and the payment service provider,	(90) To improve the efficiency of payments throughout the Union, all payment orders initiated by the payer and denominated in euro or the currency of a Member State whose currency is not the euro, including non-instant credit transfers and money remittances, should be subject to a maximum 1-day execution time. For all other payments, such as payments initiated by or through a payee, including direct debits and card payments, in the absence of an explicit agreement between the payment service provider and the payer setting a longer execution time, the same 1-day execution time should apply. It should be possible to extend those periods by 1 additional business day, if a payment order is given on paper, to allow the continued provision of payment services to consumers who are used only to paper documents. When a direct debit scheme is used the payee's payment service provider should transmit the collection order within the time limits agreed between the payee and the payment service provider,	(90) To improve the efficiency of payments throughout the Union, all payment orders initiated by the payer and denominated in euro or the currency of a Member State whose currency is not the euro, including non-instant credit transfers and money remittances, should be subject to a maximum 1-day execution time. For all other payments, such as payments initiated by or through a payee, including direct debits and card payments, in the absence of an explicit agreement between the payment service provider and the payer setting a longer execution time, the same 1-day execution time should apply. It should be possible to extend those periods by 1 additional business day, if a payment order is given on paper, to allow the continued provision of payment services to consumers who are used only to paper documents. When a direct debit scheme is used the payee's payment service provider should transmit the collection order within the time limits agreed between the payee and the payment service provider,	(90) To improve the efficiency of payments throughout the Union, all payment orders initiated by the payer and denominated in euro or the currency of a Member State whose currency is not the euro, including non-instant credit transfers and money remittances, should be subject to a maximum 1-day execution time, <u>unless relevant Union or national law in the field of anti-money laundering and countering terrorism financing provides otherwise</u> . For all other payments, such as payments initiated by or through a payee, including direct debits and card payments, in the absence of an explicit agreement between the payment service provider and the payer setting a longer execution time, the same 1-day execution time should apply. It should be possible to extend those periods by ~~one~~ additional business day, if a payment order is given on paper, to allow the continued provision of payment services to consumers who are used only to paper documents. When a direct debit scheme is used the payee's

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	enabling settlement on the agreed due date. It should be possible to maintain or establish rules specifying an execution time shorter than 1 business day.	enabling settlement on the agreed due date. <u>The spending limits should be specified in the contract between the payment service provider and the payer, but can be changed.</u> It should be possible to maintain or establish rules specifying an execution time shorter than 1 business day.	enabling settlement on the agreed due date. It should be possible to maintain or establish rules specifying an execution time shorter than 1 business day.	payment service provider should transmit the collection order within the time limits agreed between the payee and the payment service provider, enabling settlement on the agreed due date. It should be possible to maintain or establish rules specifying an execution time shorter than ~~1~~<u>one</u> business day. TM 26/2. Addition is reference to AMLR in particular 4/3: the wording should be aligned with the corresponding Article
Recital 90a				
100a				<u>(90a) In order to enable payers to rapidly recover their funds wherever there is high risk that one or a series of payment transactions might be fraudulent, it is appropriate to clarify in this Regulation that, where the payment service provider of the payee has objectively justified reasons to suspect that a payment transaction or series of payment transactions credited or to be credited to its account may be the result of fraud, and where that payment service provider refrains from making those funds available on the payment account of the payee in compliance with its obligation to</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>refrain from executing a suspicious transaction under Article 71 of Regulation (EU) 2024/1624, that payment service provider is able to return the funds credited to its account to the payment service provider of the payer, or to reject the payment transaction or series of payment transactions to be credited to its account by the payment service provider of the payer, as applicable. In order to enhance the protection of payers, it is appropriate to require that, in certain cases where evidence suggesting fraud is stronger, the payment service provider of the payee return the funds to the payment service provider of the payer, or reject the payment transaction or series of payment transactions to be credited by the payment service provider of the payer to its account, as applicable. To avoid excessive de-risking practices, it is appropriate to establish a higher evidentiary threshold according to which that obligation and corresponding liability should apply, where the payment service provider of the payee has strong, consistent and undisputed evidence or indications to conclude, without plausible alternative explanation, that the payment transaction or series of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>payment transactions are the result of fraud.</u> TM 26/2 COM proposal accompanying 69(2a) line 790b
	Recital 90b							
100b								<u>(90b) To preserve the trust of payment service users in the reliability of payment services, it is important to ensure that measures aimed at fraud prevention which interfere with the execution of payment orders are sufficiently communicated to the payer, their payment service provider, and, where applicable, the payment initiation service provider, within the timelines applicable to the execution of those payment transactions set out in this Regulation and in Regulation (EU) 2024/886, while remaining in full compliance with rules on the prohibition of disclosure laid down in Regulation (EU) 2024/1624. To prevent the uneven application of those protection and transparency measures in the case of instant credit transfers denominated in Euro and in the case of instant credit transfers denominated in other EU currencies, it is appropriate to establish in this</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>Regulation that, for any instant credit transfer, where, in accordance with this Regulation, the payment service provider of the payee refuses to make the funds available to the payee and, as applicable, returns those funds to the payment service provider of the payer or rejects the payment transaction or series of payment transactions to be credited to its account by the payment service provider of the payer, that payment service provider should notify the payment service provider of the payer of that refusal within ten seconds of the time of receipt of the payment order for that instant credit transfer or series of instant credit transfers by the payment service provider of the payer. Upon receiving such notification, the payment service provider of the payer should immediately restore the payment account of the payer to the state in which it would have been had the transaction not taken place, and, free of charge, inform the payer, and, where applicable, the payment initiation service provider, of the return of the funds, and that the funds have not been made available on the payee's payment account due to fraud prevention measures. In accordance with Article 73 of</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>Regulation (EU) 2024/1624, such communications should not at any moment disclose to the payer or, where applicable, the payment initiation service provider, the fact that payment transactions or activities are being or have been assessed in accordance with Article 69 of Regulation (EU) 2024/1624, that information is being, will be or has been transmitted in accordance with Article 69 or 70 of Regulation (EU) 2024/1624 or that an analysis to that effect is being, or may be, carried out.</u> TM 26/2
Recital 91				
6 101	(91) The rules on execution for the full amount and execution time should constitute good practice where one of the payment service providers is not located in the Union. When making a credit transfer or money remittance to a payee located outside the Union, the payment service provider of the payer should provide to the payer an estimation of the time needed for the credit transfer or money remittance to be credited to the payment service provider of the payee located outside the Union. A payment service provider in the Union cannot be expected to estimate the time taken	(91) The rules on execution for the full amount and execution time should constitute good practice where one of the payment service providers is not located in the Union. When making a credit transfer or money remittance to a payee located outside the Union, the payment service provider of the payer should provide to the payer an estimation of the time needed for the credit transfer or money remittance to be credited to the payment service provider of the payee located outside the Union. A payment service provider in the Union cannot be expected to estimate the time taken	(91) The rules on execution for the full amount and execution time should constitute good practice where one of the payment service providers is not located in the Union. When making a credit transfer or money remittance to a payee located outside the Union, the payment service provider of the payer should provide to the payer an estimation of the time needed for the credit transfer or money remittance to be credited to the payment service provider of the payee located outside the Union. A payment service provider in the Union cannot be expected to estimate the time taken	(91) The rules on execution for the full amount and execution time should constitute good practice where one of the payment service providers is not located in the Union. When making a credit transfer or money remittance to a payee located outside the Union, the payment service provider of the payer should provide to the payer an estimation of the time needed for the credit transfer or money remittance to be credited to the payment service provider of the payee located outside the Union. A payment service provider in the Union cannot be expected to estimate the time taken

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	by a payment service provider outside the Union to, after having received the funds, credit those funds to the account of the payee.	by a payment service provider outside the Union to, after having received the funds, credit those funds to the account of the payee.	by a payment service provider outside the Union to, after having received the funds, credit those funds to the account of the payee.	by a payment service provider outside the Union to, after having received the funds, credit those funds to the account of the payee. Text Origin: Commission Proposal
Recital 92				
102	(92) To strengthen their trust in payment markets, it is essential for payment service users to know the real charges of payment services. Accordingly, the use of non-transparent pricing methods should be prohibited, since it is commonly accepted that those methods make it extremely difficult for users to establish the real price of the payment service. Specifically, the use of value dating to the disadvantage of the user should not be permitted.	(92) To strengthen their trust in payment markets, it is essential for payment service users to know the real charges of payment services. Accordingly, the use of non-transparent pricing methods should be prohibited, since it is commonly accepted that those methods make it extremely difficult for users to establish the real price of the payment service. Specifically, the use of value dating to the disadvantage of the user should not be permitted.	(92) To strengthen their trust in payment markets, it is essential for payment service users to know the real charges of payment services. Accordingly, the use of non-transparent pricing methods should be prohibited, since it is commonly accepted that those methods make it extremely difficult for users to establish the real price of the payment service. Specifically, the use of value dating to the disadvantage of the user should not be permitted.	(92) To strengthen their trust in payment markets, it is essential for payment service users to know the real charges of payment services. Accordingly, the use of non-transparent pricing methods should be prohibited, since it is commonly accepted that those methods make it extremely difficult for users to establish the real price of the payment service. Specifically, the use of value dating to the disadvantage of the user should not be permitted. Text Origin: Commission Proposal
Recital 93				
103	(93) It should be possible for the payment service provider to specify unambiguously the information required to execute a payment order correctly. The payment service provider of the payer should act with due diligence and verify, where technically possible and without requiring manual intervention, the	(93) It should be possible for the payment service provider to specify unambiguously the information required to execute a payment order correctly. The payment service provider of the payer should act with due diligence and verify, where technically possible and without requiring manual intervention, the	(93) It should be possible for the payment service provider to specify unambiguously the information required to execute a payment order correctly. The payment service provider of the payer should act with due diligence and verify, where technically possible and without requiring manual intervention, the	(93) It should be possible for the payment service provider to specify unambiguously the information required to execute a payment order correctly. <u><i>Without prejudice to its obligation to provide the service ensuring verification of payee</i></u> , the payment service provider of the payer should act with due diligence

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	coherence of the unique identifier, and, where the unique identifier is found to be incoherent, to refuse the payment order and inform the payer thereof.	coherence of the unique identifier, and, where the unique identifier is found to be incoherent, to refuse the payment order and inform the payer thereof.	coherence of the unique identifier, and, where the unique identifier is found to be incoherent, to refuse the payment order and inform the payer thereof.	and verify, ~~where technically possible and without requiring manual intervention~~ , the coherence of the unique identifier, and, where the unique identifier is found to be incoherent <u>and therefore the related payment order is not possible to execute</u> , to refuse ~~the~~ <u>that</u> payment order and inform the payer thereof. TM 26/2 Text Origin: Commission Proposal
Recital 94				
104	(94) The smooth and efficient functioning of payment systems depends on the user being able to rely on the payment service provider executing the payment transaction correctly and within the agreed time. Usually, the payment service provider is able to assess the risks involved in a payment transaction. It is the payment service provider that provides the payments system that makes arrangements to recall misplaced or wrongly allocated funds and decides in most cases on the intermediaries involved in the execution of a payment transaction. In view of all of those considerations, it is appropriate, except under abnormal and unforeseeable circumstances, to	(94) The smooth and efficient functioning of payment systems depends on the user being able to rely on the payment service provider executing the payment transaction correctly and within the agreed time. Usually, the payment service provider is able to assess the risks involved in a payment transaction. It is the payment service provider that provides the payments system that makes arrangements to recall misplaced or wrongly allocated funds and decides in most cases on the intermediaries involved in the execution of a payment transaction. In view of all of those considerations, it is appropriate, except under abnormal and unforeseeable circumstances, to	(94) The smooth and efficient functioning of payment systems depends on the user being able to rely on the payment service provider executing the payment transaction correctly and within the agreed time. Usually, the payment service provider is able to assess the risks involved in a payment transaction. It is the payment service provider that provides the payments system that makes arrangements to recall misplaced or wrongly allocated funds and decides in most cases on the intermediaries involved in the execution of a payment transaction. In view of all of those considerations, it is appropriate, except under abnormal and unforeseeable circumstances, to	(94) The smooth and efficient functioning of payment systems depends on the user being able to rely on the payment service provider executing the payment transaction correctly and within the agreed time. Usually, the payment service provider is able to assess the risks involved in a payment transaction. It is the payment service provider that provides the payments system that makes arrangements to recall misplaced or wrongly allocated funds and decides in most cases on the intermediaries involved in the execution of a payment transaction. In view of all of those considerations, it is appropriate, except under abnormal and unforeseeable circumstances, <u>and</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	impose liability on the payment service provider in respect of the execution of a payment transaction accepted from the user, except in respect of acts and omissions by the payee's payment service provider, who was selected solely by the payee. However, in order not to leave the payer unprotected in the unlikely circumstances that it is not clear that the payment amount was duly received by the payee's payment service provider, the corresponding burden of proof should lie on the payer's payment service provider. As a rule, it can be expected that the intermediary institution, usually an impartial body such as a central bank or a clearing house, that transfers the payment amount from the sending to the receiving payment service provider, will store the account data and will be able to provide the data where necessary. Where the payment amount has been credited to the receiving payment service provider's account, the payee should immediately have a claim against the payment service provider for credit of the account.	impose liability on the payment service provider in respect of the execution of a payment transaction accepted from the user, except in respect of acts and omissions by the payee's payment service provider, who was selected solely by the payee. However, in order not to leave the payer unprotected in the unlikely circumstances that it is not clear that the payment amount was duly received by the payee's payment service provider, the corresponding burden of proof should lie on the payer's payment service provider. As a rule, it can be expected that the intermediary institution, usually an impartial body such as a central bank or a clearing house, that transfers the payment amount from the sending to the receiving payment service provider, will store the account data and will be able to provide the data where necessary. Where the payment amount has been credited to the receiving payment service provider's account, the payee should immediately have a claim against the payment service provider for credit of the account.	impose liability on the payment service provider in respect of the execution of a payment transaction accepted from the user, except in respect of acts and omissions by the payee's payment service provider, who was selected solely by the payee. However, in order not to leave the payer unprotected in the unlikely circumstances that it is not clear that the payment amount was duly received by the payee's payment service provider, the corresponding burden of proof should lie on the payer's payment service provider. As a rule, it can be expected that the intermediary institution, usually an impartial body such as a central bank or a clearing house, that transfers the payment amount from the sending to the receiving payment service provider, will store the account data and will be able to provide the data where necessary. Where the payment amount has been credited to the receiving payment service provider's account, the payee should immediately have a claim against the payment service provider for credit of the account.	<u>except where otherwise provided under this Regulation or other relevant Union law</u>, to impose liability on the payment service provider in respect of the execution of a payment transaction accepted from the user, except in respect of acts and omissions by the payee's payment service provider, who was selected solely by the payee. However, in order not to leave the payer unprotected in the unlikely ~~circumstances~~<u>circumstance</u> that it is not clear that the payment amount was duly received by the payee's payment service provider, the corresponding burden of proof should lie on the payer's payment service provider. As a rule, it can be expected that the intermediary institution, usually an impartial body such as a central bank or a clearing house, that transfers the payment amount from the sending to the receiving payment service provider, will store the account data and will be able to provide the data where necessary. Where the payment amount has been credited to the receiving payment service provider's account, the payee should immediately have a claim against the payment service provider for credit of the account. Text Origin: Commission

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Proposal
Recital 95								
105		(95) The payer's payment service provider, namely the account servicing payment service provider or, where appropriate, the payment initiation service provider, should assume liability for correct payment execution, including the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability, the payment service provider of the payer should, where the full amount is not credited or is only credited late to the payee's payment service provider, correct the payment transaction or without undue delay refund the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs relating to an incorrect payment. In the case of non-execution, defective or late execution of payment transactions, the value date of corrective payments of payment service providers should always be the same as the value date in the case		(95) The payer's payment service provider, namely the account servicing payment service provider or, where appropriate, the payment initiation service provider, should assume liability for correct payment execution, including the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability, the payment service provider of the payer should, where the full amount is not credited or is only credited late to the payee's payment service provider, correct the payment transaction or without undue delay refund the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs relating to an incorrect payment. In the case of non-execution, defective or late execution of payment transactions, the value date of corrective payments of payment service providers should always be the same as the value date in the case		(95) The payer's payment service provider, namely the account servicing payment service provider or, where appropriate, the payment initiation service provider, should assume liability for correct payment execution, including the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability, the payment service provider of the payer should, where the full amount is not credited or is only credited late to the payee's payment service provider, correct the payment transaction or without undue delay refund the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs relating to an incorrect payment. In the case of non-execution, defective or late execution of payment transactions, the value date of corrective payments of payment service providers should always be the same as the value date in the case		(95) The payer's payment service provider, namely the account servicing payment service provider or, where appropriate, the payment initiation service provider, should assume liability for correct payment execution, including the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability, the payment service provider of the payer should, where the full amount is not credited or is only credited late to the payee's payment service provider, correct the payment transaction or without undue delay refund the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs relating to an incorrect payment. In the case of non-execution, defective or late execution of payment transactions, the value date of corrective payments of payment service providers should always be the same as the value date in the case

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of correct execution.	of correct execution.	of correct execution.	of correct execution. Text Origin: Commission Proposal
Recital 96				
106	(96) The proper functioning of credit transfers and other payment services requires that payment service providers and their intermediaries, including processors, have contracts in which their mutual rights and obligations are laid down. Questions relating to liabilities form an essential part of those contracts. To ensure mutual confidence among payment service providers and intermediaries taking part in a payment transaction, legal certainty is necessary to the effect that a non-responsible payment service provider is compensated for losses incurred or sums paid pursuant to the rules on liability. Further rights and details of content of recourse and how to handle claims towards the payment service provider or intermediary attributable to a defective payment transaction should be subject to agreement.	(96) The proper functioning of credit transfers and other payment services requires that payment service providers and their intermediaries, including processors, have contracts in which their mutual rights and obligations are laid down. Questions relating to liabilities form an essential part of those contracts. To ensure mutual confidence among payment service providers and intermediaries taking part in a payment transaction, legal certainty is necessary to the effect that a non-responsible payment service provider is compensated for losses incurred or sums paid pursuant to the rules on liability. Further rights and details of content of recourse and how to handle claims towards the payment service provider or intermediary attributable to a defective payment transaction should be subject to agreement.	(96) The proper functioning of credit transfers and other payment services requires that payment service providers and their intermediaries, including processors, have contracts in which their mutual rights and obligations are laid down. Questions relating to liabilities form an essential part of those contracts. To ensure mutual confidence among payment service providers and intermediaries taking part in a payment transaction, legal certainty is necessary to the effect that a non-responsible payment service provider is compensated for losses incurred or sums paid pursuant to the rules on liability. Further rights and details of content of recourse and how to handle claims towards the payment service provider or intermediary attributable to a defective payment transaction should be subject to agreement.	(96) The proper functioning of credit transfers and other payment services requires that payment service providers and their intermediaries, including processors, have contracts in which their mutual rights and obligations are laid down. Questions relating to liabilities form an essential part of those contracts. To ensure mutual confidence among payment service providers and intermediaries taking part in a payment transaction, legal certainty is necessary to the effect that a non-responsible payment service provider is compensated for losses incurred or sums paid pursuant to the rules on liability. Further rights and details of content of recourse and how to handle claims towards the payment service provider or intermediary attributable to a defective payment transaction should be subject to agreement. Text Origin: Commission Proposal
Recital 96a				
106a				<u>(96a) For the purposes of Regulation (EU) 2022/2065, the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>concept of illegal content should be understood to refer to information, irrespective of its form, that under the applicable EU or national law is either itself illegal, or that the applicable rules render illegal in view of the fact that it relates to illegal activities. Examples include any offer of financial services, including payment services, which is not in compliance with requirements applicable to the offer of such services under this Regulation, Directive XXX [PSD3] or other Union or national law, or content rendered illegal in view of national law on fraud, including offences set out under national law adopted pursuant to Directive (EU) 2019/713.</u>
Recital 96b								
G		106b						<u>(96b) Any claim by a payment service provider against other providers, such as electronic communications services providers or providers of intermediary services, for financial damage caused in the context of fraud should be made in accordance with national law.</u> Origin: Council recital 81e
Recital 96c								
G		106c						<u>(96c) With regard to providers of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>intermediary services, Regulation (EU) 2022/2065 sets up a fully harmonised framework for the conditional exemption from liability of those providers, under certain conditions and as interpreted by the Court of Justice of the European Union. In order to benefit from the exemption from liability for hosting services under Regulation (EU) 2022/2065, providers of hosting services including online platforms, should remove illegal content or disable access to it, expeditiously, upon obtaining actual knowledge or, in the case of claims for damages, upon becoming aware of the content, in particular in cases in which the provider of hosting services has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question. In particular with regard to providers of hosting services as defined in Article 3(g)(iii) of the Digital Services Act, where those conditions for exemption from liability under Article 6(1) of Regulation (EU) 2022/2065 are not met, and hosting service providers become liable for content stored in their services, and where that content gave rise to one or a series of unauthorized payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>transactions or fraudulent authorized payment transactions within the meaning of this Regulation, payment service providers should be able to obtain compensation from hosting services providers for the amount refunded to their customers for those transactions under this Regulation.</u>
Recital 96d								
		106d						<u>(96d) Nothing in this Regulation should be interpreted as a general obligation placed on providers of hosting services to monitor the information which they transmit or store, nor as requiring those providers to actively seek facts or circumstances indicating illegal activity, such as the impersonation of a payment service provider.</u>
Recital 96e								
		106e						deleted COM: Text origin: political agreement (Council recital 81e) 27/2 4/3: deleted because refers to DSA and not PSR.
Recital 97								
	107	(97) Provision of payment services	(97) Provision of payment services	(97) Provision of payment services	(97) Provision of payment services	(97) Provision of payment services	(97) Provision of payment services	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	by the payment services providers may entail the processing of personal data. The provision of account information services may entail the processing of personal data concerning a data subject who is not the user of a specific payment service provider, but whose personal data processing by that specific payment service provider is necessary for the performance of a contract between the provider and the payment service user. Where personal data are processed, the processing should comply with Regulation (EU) 2016/679 and with Regulation (EU) 2018/1725 of the European Parliament and of the Council,¹ including the principles of purpose limitation, data minimisation and storage limitation. Data protection by design and data protection by default should be embedded in all data processing systems developed and used within the framework of this Regulation. Therefore, the supervisory authorities under Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be responsible for the supervision of processing of personal data carried out in the context of this Regulation. ¹. Regulation (EU) 2018/1725 of the European Parliament and of the Council of	by the payment services providers may entail the processing of personal data. <u>It should be possible to carry out such processing only with the permission of the payment service user.</u> The provision of account information services may entail the processing of personal data concerning a data subject who is not the user of a specific payment service provider, but whose personal data processing by that specific payment service provider is necessary for the performance of a contract between the provider and the payment service user. Where personal data are processed, the processing should comply with Regulation (EU) 2016/679 and with Regulation (EU) 2018/1725 of the European Parliament and of the Council,¹ including the principles of purpose limitation, data minimisation and storage limitation. Data protection by design and data protection by default should be embedded in all data processing systems developed and used within the framework of this Regulation. Therefore, the supervisory authorities under Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be responsible for the supervision of processing of personal data carried out in the context of this Regulation.	by the payment services providers may entail the processing of personal data. The provision of account information services may entail the processing of personal data concerning a data subject who is not the user of a specific payment service provider, but whose personal data processing by that specific payment service provider is necessary for the performance of a contract between the provider and the payment service user. Where personal data are processed, the processing should comply with Regulation (EU) 2016/679 and with Regulation (EU) 2018/1725 of the European Parliament and of the Council,¹ including the principles of purpose limitation, data minimisation and storage limitation. Data protection by design and data protection by default should be embedded in all data processing systems developed and used within the framework of this Regulation. Therefore, the supervisory authorities under Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be responsible for the supervision of processing of personal data carried out in the context of this Regulation. ¹. Regulation (EU) 2018/1725 of the European Parliament and of the Council of	by the payment services providers may entail the processing of personal data. The provision of account information services may entail the processing of personal data concerning a data subject who is not the user of a specific payment service provider, but whose personal data processing by that specific payment service provider is necessary for the performance of a contract between the provider and the payment service user. Where personal data are processed, the processing should comply with Regulation (EU) 2016/679 and with Regulation (EU) 2018/1725 of the European Parliament and of the Council,¹ including the principles of purpose limitation, data minimisation and storage limitation. Data protection by design and data protection by default should be embedded in all data processing systems developed and used within the framework of this Regulation. Therefore, the supervisory authorities under Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 should be responsible for the supervision of processing of personal data carried out in the context of this Regulation. ¹. Regulation (EU) 2018/1725 of the European Parliament and of the Council of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). Text Origin: Commission Proposal
Recital 98				
108	(98) As acknowledged in the Communication from the Commission on a Retail Payments Strategy for the EU, the good functioning of EU payments markets is of substantial public interest. Therefore, when it is necessary in the context of this Regulation for the provision of payment services and for the compliance with this Regulation, payment service providers and payment system operators should be able to process special categories of personal data as defined in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725. Where special categories of personal data are processed, payment service providers and payment system operators should implement appropriate technical and organisational measures to safeguard the fundamental rights and freedoms	(98) As acknowledged in the Communication from the Commission on a Retail Payments Strategy for the EU, the good functioning of EU payments markets is of substantial public interest. Therefore, when it is necessary in the context of this Regulation for the provision of payment services and for the compliance with this Regulation, payment service providers and payment system operators should be able to process special categories of personal data as defined in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725. Where special categories of personal data are processed, payment service providers and payment system operators should implement appropriate technical and organisational measures to safeguard the fundamental rights and freedoms	(98) As acknowledged in the Communication from the Commission on a Retail Payments Strategy for the EU, the good functioning of EU payments markets, which includes the fraud prevention , is of substantial public interest. Therefore, when it is necessary in the context of this Regulation for the provision of payment services and for the compliance with this Regulation, payment service providers and payment system operators should be able to process special categories of personal data as defined in Article 9(1) of Regulation (EU) 2016/679, without prejudice to paragraph 2, point (g) of this Article , and Article 10(1) of Regulation (EU) 2018/1725. Where special categories of personal data are processed, payment service providers and payment system operators should	(98) As acknowledged in the Communication from the Commission on a Retail Payments Strategy for the EU, the good functioning of EU payments markets, <u>including the security of payments and the protection of payment service users against fraud</u> , is of substantial public interest. ~~Therefore~~ <u>For that reason</u> , when it is necessary in the context of this Regulation for the provision of payment services and for ~~the~~ compliance with this Regulation, payment service providers and ~~payment-system~~ operators <u>of payment systems and payment schemes</u> should be able to process special categories of personal data as defined in Article 9(1) of Regulation (EU) 2016/679, and Article 10(1) of Regulation (EU) 2018/1725, <u>in accordance with Articles 9(2), point (g), and 10(2), point (g) of those</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of natural persons. Those measures should include technical limitations on the re-use of data and the use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation, as laid down in Regulation (EU) 2016/679. The payment service providers and payment systems should also implement specific organisation measures, including training on processing such data, limiting access to special categories of data and recording such access.	of natural persons. Those measures should include technical limitations on the re-use of data and the use of state-of-the-art security and privacy-preserving measures, including, <u>but not limited to</u> , pseudonymisation, or encryption to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation, as laid down in Regulation (EU) 2016/679. The payment service providers and payment ~~systems~~ <u>system operators</u> should also implement specific organisation measures, including training on processing such data, limiting access to special categories of data and recording such access.	implement appropriate technical and organisational measures to safeguard the fundamental rights and freedoms of natural persons. Those measures should include technical limitations on the re-use of data and the use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation, as laid down in Regulation (EU) 2016/679. The payment service providers and payment systems should also implement specific organisation measures, including training on processing such data, limiting access to special categories of data and recording such access.	<u>Regulations respectively</u> . Where special categories of personal data are processed, payment service providers and payment system operators should implement appropriate technical and organisational measures to safeguard the fundamental rights and freedoms of natural persons. Those measures should include technical limitations on the re-use of data and the use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation, as laid down in Regulation (EU) 2016/679. The payment service providers and payment systems should also implement specific organisation measures, including training on processing such data, limiting access to special categories of data and recording such access.
Recital 99				
109	(99) The provision of information to individuals about the processing of personal data should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725.	(99) The provision of information to individuals about the processing of personal data should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725.	(99) The provision of information to individuals about the processing of personal data should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725.	(99) The provision of information to individuals about the processing of personal data should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Recital 100				
110	(100) Fraudsters often target the most vulnerable individuals of our society. The timely detection of fraudulent payment transactions is essential, and transaction monitoring plays an import role in that detection. It is therefore appropriate to require payment service providers to have in place transaction monitoring mechanisms, reflecting the crucial contribution of those mechanisms to fraud prevention, going beyond the protection offered by strong customer authentication, in respect of payment transactions, including transactions involving payment initiation services.	(100) Fraudsters often target the most vulnerable individuals of our society. The timely detection of fraudulent payment transactions is essential, and transaction monitoring plays an ~~import~~ important role in that detection. It is therefore appropriate to require payment service providers to have in place transaction monitoring mechanisms, reflecting the crucial contribution of those mechanisms to fraud prevention, going beyond the protection offered by strong customer authentication, in respect of payment transactions, including transactions involving payment initiation services. <u>Where payment service providers fail to have in place the appropriate mechanisms to prevent fraud, they should be held responsible for covering any financial losses of payment service users resulting from fraud.</u>	(100) Fraudsters often target the most vulnerable individuals of our society. The timely detection of fraudulent payment transactions is essential, and transaction monitoring plays an import role in that detection. It is therefore appropriate to require both the payer's payment service ~~providers~~ provider and the payee's payment service provider to have in place transaction monitoring mechanisms, reflecting the crucial contribution of those mechanisms to fraud prevention, going beyond the protection offered by strong customer authentication, in respect of payment transactions, including transactions involving payment initiation services. The payment service provider of the payer should carry out such transaction monitoring prior to the execution of a payment transaction, which means for instant credit transfers in real-time.	(100) Fraudsters often target the most vulnerable individuals of our society. The timely detection of fraudulent payment transactions is essential, and transaction monitoring plays an ~~import~~ important role in that detection. It is therefore appropriate to require both the payer's payment service ~~providers~~ provider and the payee's payment service provider to have in place transaction monitoring mechanisms, reflecting the crucial contribution of those mechanisms to fraud prevention, going beyond the protection offered by strong customer authentication, in respect of payment transactions, including transactions involving payment initiation services. <u>The payment service provider of the payer should carry out such transaction monitoring prior to the execution of a payment transaction, which in the case of instant credit transfers means in real-time. The payment service provider of the payee should carry out such transaction monitoring before making the funds available to the payee. Where a payment service provider fails to comply with its obligations with respect to the application of transaction monitoring to one or a series of payment transactions, and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>where that payment transaction or series of payment transactions were initiated through fraudulent means, or otherwise as a result of fraud, the full amount of that payment transaction or series of payment transactions should be refunded to the payer by their payment service provider. Where the payment service provider that failed to apply transaction monitoring is the payment service provider of the payee, it should refund the payment service provider of the payer for the amount refunded by the latter to the payer.</u>
	Recital 100a							
G	110a			<u>(100a) Member States should cooperate with payment service providers and electronic communications service providers in order to finance education campaigns targeted at citizens on how to detect payment fraud and how to avoid becoming a victim of payment-related fraudsters. Payment service providers and electronic communications service providers should cooperate free of charge on that issue with Member States.</u>				deleted
	Recital 101							
G	111	(101) The EBA should develop draft regulatory technical standards on the	(101) The EBA should develop draft	regulatory technical standards on the	(101) The EBA should develop draft	regulatory technical standards on the	(101) The EBA should develop draft	regulatory technical standards on the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	specific technical requirements related to transaction monitoring mechanisms. Such requirements should build on the added value stemming from environmental and behavioural characteristics related to payment habits of the payment service user.	specific technical requirements related to transaction monitoring mechanisms. Such requirements should build on the added value stemming from environmental and behavioural characteristics related to payment habits of the payment service user.	specific technical requirements related to transaction monitoring mechanisms. Such requirements should build on the added value stemming from environmental and behavioural characteristics related to payment habits of the payment service user.	specific technical requirements related to transaction monitoring mechanisms. Such requirements should build on the added value stemming from environmental and behavioural characteristics related to payment habits of the payment service user. Text Origin: Commission Proposal
Recital 102				
112	(102) To ensure that transaction monitoring mechanisms work effectively to enable payment service providers to detect and prevent fraud, in particular by detecting atypical use of payment services that could indicate a potentially fraudulent transaction, payment service providers should be able to process information about their customers' transactions and their payment accounts. Payment service providers should, however, establish appropriate retention periods for different data types used for fraud prevention. Those retention periods should be strictly limited to the period necessary to detecting atypical, potentially fraudulent behaviour, and payment services providers should regularly delete the data that are not necessary anymore for fraud detection and prevention.	(102) To ensure that transaction monitoring mechanisms work effectively to enable payment service providers to detect and prevent fraud, in particular by detecting atypical use of payment services that could indicate a potentially fraudulent transaction, payment service providers should be able to process information about their customers' transactions and their payment accounts. Payment service providers should, however, establish appropriate retention periods for different data types used for fraud prevention. Those retention periods should be strictly limited to the period necessary to detecting atypical, potentially fraudulent behaviour, and payment services providers should regularly delete the data that are not necessary anymore for fraud detection and prevention.	(102) Due to the complexity and the volume of fraudulent transactions, and to ensure that transaction monitoring mechanisms work effectively to enable payment service providers to detect and prevent fraud, in particular by detecting atypical use of payment services that could indicate a potentially fraudulent transaction, payment service providers should be able to process information about their customers' transactions and their payment accounts. Payment service providers should, however, establish appropriate retention periods for different data types used for fraud prevention. Those retention periods should be strictly limited to the period necessary to detecting atypical, potentially fraudulent behaviour, and payment services providers should regularly delete the	(102) ~~To ensure that transaction monitoring mechanisms work effectively to enable payment service providers to detect and prevent fraud, in particular by detecting atypical use of payment services that could indicate a potentially fraudulent transaction,~~ Payment service providers should be able to process information about their customers' transactions and their payment accounts <u>to the extent necessary to ensure that transaction monitoring mechanisms effectively enable them to detect and prevent fraud, in particular by detecting atypical behaviour of the payment service user that might indicate a potentially fraudulent transaction or use of the payment account.</u> <u>Transaction monitoring carried out by</u> payment service providers ~~should, however, might, establish~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Data processed for transaction monitoring purposes should not be used after the payment service user has ceased to be a customer of the payment service provider.	Data processed for transaction monitoring purposes should not be used after the payment service user has ceased to be a customer of the payment service provider.	data that are not necessary anymore for fraud detection and prevention. Data processed for transaction monitoring purposes should not be used after the payment service user has ceased to be a customer of the payment service provider. Transaction monitoring of received payment transactions, aimed at detecting suspicious fraud patterns, should be based on, inter alia, the amount, origin, frequency of those transactions with respect to the profile of the account holder.	~~appropriate retention periods for different data types used for fraud prevention. Those retention periods should be strictly limited to the~~ <u>period</u> <u>extent</u> necessary to <u>achieve the purpose of</u> detecting ~~atypical, potentially fraudulent behaviour, and payment services providers should regularly delete the data that are not necessary anymore for fraud detection and prevention. Data processed for transaction monitoring purposes should not be used after the payment~~ <u>fraud, include the processing of information exchanged by means of the</u> service ~~user has ceased to be a customer~~ <u>ensuring the verification of the</u> ~~payment service provider~~ <u>payee or in the context of information sharing arrangements established in accordance with this Regulation or other relevant Union law.</u>
Recital 102a				
G 112a				<u>(102a) Payment service providers should store data processed for the purpose of complying with their obligations with respect to transaction monitoring and fraud information sharing only for as long as necessary for those purposes, and in any event, only for a maximum of five years after the termination of the customer</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>relationship. The revised FATF Recommendations demonstrate that, in order to be able to cooperate fully and comply swiftly with information requests from competent authorities for the purposes of the prevention, detection or investigation of money laundering and terrorist financing, obliged entities should maintain, for at least 5 years, the necessary information obtained through customer due diligence measures and the records on transactions. Accordingly, Regulation (EU) 2024/1624 establishes that the retention period applicable to personal data processed in accordance with that Regulation, including as regards information processed in the context of information sharing partnerships established under Article 75 of that Regulation, should be fixed at 5 years after the end of a business relationship or an occasional transaction. Given that fraud is considered to be a criminal activity, in accordance with Article 2, point (1), of Directive (EU) 2018/1673, and is therefore considered a predicate offence for the purposes of Regulation (EU) 2024/1624, it is appropriate to establish that a maximum retention period applicable to personal data</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>processed in accordance with this Regulation should also be fixed at 5 years after the end of a business relationship or an occasional transaction, in order to ensure legal certainty and consistency across financial crime preventative and detection measures.</u>
Recital 103				
113	(103) Fraud in credit transfers is inherently adaptive and comprises an open-ended diversity of practices and techniques, including the stealing of authentication credentials, invoice tampering, and social manipulation. Therefore, to be able to prevent ever new types of fraud, transaction monitoring should be constantly improved, making full use of technology such as artificial intelligence. Often one payment service provider does not have the full picture about all elements that could lead to timely fraud detection. However, it can be made more effective with a greater amount of information on potentially fraudulent activity stemming from other payment service providers. Therefore, sharing of all relevant information between payment service providers should be possible. To better detect fraudulent payment transactions and protect their customers, payment services	(103) Fraud in credit transfers is inherently adaptive and comprises an open-ended diversity of practices and techniques, including the stealing of authentication credentials, invoice tampering, and social manipulation. Therefore, to be able to prevent ever new types of fraud, transaction monitoring should be constantly improved, making full use of technology such as artificial intelligence. Often one payment service provider does not have the full picture about all elements that could lead to timely fraud detection. However, it can be made more effective with a greater amount of information on potentially fraudulent activity stemming from other payment service providers. Therefore, sharing of all relevant information between payment service providers should be ~~possible~~ <u>mandatory</u> . To better detect fraudulent payment transactions and protect their customers, payment	(103) Fraud in credit transfers is inherently adaptive and comprises an open-ended diversity of practices and techniques, including the stealing of authentication credentials, invoice tampering, and social manipulation. Therefore, to be able to prevent ever new types of fraud, transaction monitoring should be constantly improved, making full use of technology such as artificial intelligence. Often one payment service provider does not have the full picture about all elements that could lead to timely fraud detection. However, it can be made more effective with a greater amount of information on potentially fraudulent activity stemming from other payment service providers. Therefore, sharing of all relevant information between payment service providers should be possible. To better detect fraudulent payment transactions and protect their customers, payment services	(103) Fraud ~~in credit transfers~~ is inherently adaptive and comprises an open-ended diversity of practices and techniques, including the stealing of authentication credentials, invoice tampering, and social manipulation. Therefore, to be able to prevent ever new types of fraud, transaction monitoring should be constantly improved, making full use of technology such as artificial intelligence, <u>as well as of fraud intelligence as complete and up to date as possible</u> . Often, one payment service provider does not have ~~the full picture about~~ <u>full overview of</u> all elements <u>and indicators</u> that could lead to timely ~~fraud~~ -detection. ~~However, it can be made more effective with a greater amount of information on~~ <u>of</u> potentially fraudulent activity ~~stemming from other~~ <u>in a given</u> payment ~~service providers. Therefore, sharing of all relevant~~ <u>transaction. The exchange of</u> information ~~between~~ <u>among</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	providers should, for the purpose of transaction monitoring, make use of payment fraud data shared by other payment services providers on a multilateral basis such as dedicated IT platforms based on information sharing arrangements. To improve the protection of payers against fraud in credit transfers, payment service providers should be able to rely on information as comprehensive and up to date as possible, namely by collectively using information concerning unique identifiers, manipulation techniques and other circumstances associated with fraudulent credit transfers identified individually by each payment services provider. Before concluding an information sharing arrangement, payment service providers should carry out a data protection impact assessment, in accordance with Article 35 of Regulation (EU) 2016/679. Where the data protection impact assessment indicates that the processing would, in the absence of safeguards, security measures and mechanisms to mitigate the risk, result in a high risk to the rights and freedoms of natural persons, payment service providers should consult the relevant data protection authority in accordance with Article 36 of that Regulation (EU)	services providers should, for the purpose of transaction monitoring, make use of payment fraud data shared by other payment services providers on a multilateral basis such as dedicated IT platforms based on information sharing arrangements. To improve the protection of payers against fraud in credit transfers, payment service providers should be able to rely on information as comprehensive and up to date as possible, namely by collectively using information concerning unique identifiers, manipulation techniques and other circumstances associated with fraudulent credit transfers identified individually by each payment services provider. Before concluding an information sharing arrangement, payment service providers should carry out a data protection impact assessment, in accordance with Article 35 of Regulation (EU) 2016/679. Where the data protection impact assessment indicates that the processing would, in the absence of safeguards, security measures and mechanisms to mitigate the risk, result in a high risk to the rights and freedoms of natural persons, payment service providers should consult the relevant data protection authority in accordance with Article 36 of that Regulation (EU)	providers should, for the purpose of transaction monitoring, make use of payment fraud data shared by other payment services providers on a multilateral basis such as dedicated IT platforms based on information sharing arrangements. To improve the protection of payers against fraud in credit transfers, payment service providers should be able to rely on information as comprehensive and up to date as possible, namely by collectively using information concerning ~~unique identifiers, manipulation techniques and other circumstances associated with~~ fraudulent credit transfers identified individually by each payment ~~services~~ service provider, including unique identifiers and name of the payee, session and device data including device ID, or manipulation techniques. Before concluding an information sharing arrangement, payment service providers should carry out a data protection impact assessment, in accordance with Article 35 of Regulation (EU) 2016/679. Where the data protection impact assessment indicates that the processing would, in the absence of safeguards, security measures and mechanisms to mitigate the risk, result in a high risk to the rights and freedoms of natural persons,	payment service providers ~~should be possible. To~~ <u>can increase the possibilities for</u> better ~~detect fraudulent~~ <u>detecting potential fraud and protecting</u> payment ~~transactions and protect their customers~~ <u>service users. For that reason,</u> payment services providers should, for the purpose of transaction monitoring, make use of payment fraud data shared by other payment services providers, <u>and share payment fraud data with other payment service providers</u> on a multilateral basis ~~such as dedicated IT platforms based on~~ <u>in the framework of</u> information sharing arrangements. ~~To improve the protection of payers against fraud in credit transfers~~ <u>Where the sharing of information involves the processing of personal data, such sharing should be limited to the types of personal data which</u> payment service providers ~~should be able to rely on information as comprehensive and up to date as possible, namely by collectively using information concerning unique identifiers, manipulation techniques and other circumstances associated with fraudulent credit transfers identified individually by each payment services provider. Before concluding an information sharing arrangement, payment service~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	2016/679. A new impact assessment should not be required when a payment service provider joins an existing information sharing arrangement for which a data protection impact assessment has already been carried out. The information sharing arrangement should lay down technical and organisational measures to protect personal data. It should lay down roles and responsibilities under data protection laws, including in case of joint controllers, of all payment service providers.	2016/679. A new impact assessment should not be required when a payment service provider joins an existing information sharing arrangement for which a data protection impact assessment has already been carried out. The information sharing arrangement should lay down technical and organisational measures to protect personal data. It should lay down roles and responsibilities under data protection laws, including in case of joint controllers, of all payment service providers.	payment service providers should consult the relevant data protection authority in accordance with Article 36 of that Regulation (EU) 2016/679. A new impact assessment should not be required when a payment service provider joins an existing information sharing arrangement for which a data protection impact assessment has already been carried out. The information sharing arrangement should lay down technical and organisational measures to protect personal data. It should lay down roles and responsibilities under data protection laws, including in case of joint controllers, of all payment service providers.	~~providers should carry out a data protection impact assessment, can~~ <u>process for the purpose of monitoring transactions</u> in accordance with ~~Article 35 of this Regulation (EU) 2016/679. Where the data protection impact assessment indicates that the processing would,~~ <u>However, environmental and behavioural characteristics, which are typical of the payment service user</u> in the ~~absence of safeguards,~~ <u>circumstances of a normal use of the personalised security measures and mechanisms to mitigate the risk, result in a high risk</u> <u>credentials, should not be shared. Data shared should relate to the rights and freedoms of natural persons, specific payment transactions for which the payment service provider has a suspicion of fraud, and not to connected previous or subsequent transactions.</u> Payment service providers should ~~consult the relevant data protection authority in accordance with Article 36 of that Regulation (EU) 2016/679. A new impact assessment should not be required when a~~ <u>also share the objectively justified reasons which have led to the suspicion of fraudulent activity with respect to that particular payment transaction,</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>and, where that</u> payment ~~service provider joins an existing~~ <u>transaction is associated with a potentially fraudulent item of information</u> ~~sharing arrangement for which a data protection impact assessment has already been carried out. The~~ <u>stored by a provider of hosting services,</u> information ~~sharing arrangement should lay down technical and organisational measures to protect personal data. It should lay down roles and responsibilities under data protection laws, including in case of joint controllers, of all payment service providers.~~ <u>concerning the notification made to that provider of hosting services.</u>
	Recital 103a							
6	113a			<u>(103a) The EBA should set up a dedicated IT platform to exchange information on fraudulent accounts.</u>		(103a) Timely sharing of relevant fraud data amongst payment service providers to enhance their transaction monitoring mechanisms and also with relevant national authorities plays an important role in achieving the objective of timely detection and prevention of fraudulent payment transactions. In some cases, different data sharing frameworks under other relevant Union legislation may apply to the data being shared. To ensure legal certainty regarding the conditions		<u>(103a) Information sharing should be subject to robust state-of-the-art safeguards relating to confidentiality, data protection and use of information, such as pseudonymisation and encryption, access and user control, and should be in accordance with Regulation (EU) 2016/679. Before concluding an information sharing arrangement, payment service providers should carry out a data protection impact assessment, in accordance with Article 35 of that Regulation. Where the data</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						under which payment service providers can should share fraud-related information for the purpose of fraud prevention, including with the relevant national authorities, the conditions under which such data sharing is allowed under this Regulation should be specified. Information sharing should be subject to robust safeguards in conformity with Regulation (EU) 2016/679 in relation to confidentiality, data protection and use of information. However to enable an efficient transaction monitoring, such safeguards should only apply for personal data falling under the data protection rules. In contrast, non-personal data should be exchanged. This should be without prejudice to the requirements under Article 73 AMLR not to disclose that a suspicious transaction has been reported to the FIU or that an internal analysis into money laundering and terrorist financing is being carried out, and should not lead to jeopardizing an AML/CFT investigation.		<u>protection impact assessment indicates that, in the absence of safeguards, security measures and mechanisms to mitigate the risk, the processing would result in a high risk to the rights and freedoms of natural persons, payment service providers should consult the relevant data protection authority in accordance with Article 36 of that Regulation. A new impact assessment should not be required when a payment service provider joins an existing information sharing arrangement for which a data protection impact assessment has already been carried out. The information sharing arrangement should lay down technical and organisational measures to protect personal data. It should also lay down the roles and responsibilities of all involved payment service providers in accordance with data protection rules, including in the case of joint controllership.</u>
Recital 103b								
G	113b			<u>(103b) When the monitoring mechanisms provide strong evidence for suspecting a</u>				<u>(103b) Payment service providers are able to exchange data related to payment transactions where there is</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>fraudulent transaction, or when a police report is notified by the user to the payment service provider, payment service providers should have the right to block the execution of the payment order, or to block and recover the related funds. That evidence should be understood as comprising objectively justified reasons relating to the security of the payment transaction and the suspicion of unauthorised or fraudulent transactions. If a payment service provider fails to block the execution of the payment order, that payment service provider should cover any resulting financial losses incurred by a payment service user if the payment service user is a victim of such fraud.</u>				<u>a suspicion of fraud with other participants of information sharing partnerships established in accordance with Article 75 of Regulation (EU) 2024/1624, including competent authorities such as Financial Intelligence Units (FIUs), supervisory authorities and any public authority that has the function of investigating or prosecuting money laundering, its predicate offences or terrorist financing, or that has the function of tracing, seizing or freezing and confiscating criminal assets, in accordance with fundamental rights and judicial procedural safeguards. Payment service providers are also able to share with other payment service providers and other participants, including public authorities, data related to threats to the security of their ICT systems, including where 'spoofing', phishing and malware are used to commit fraud against payment service users, in the context of information sharing arrangements on cyber threat information and intelligence established under Article 45 of Regulation (EU) 2022/2554 on digital operational resilience for the financial sector. As such partnerships or arrangements already provide adequate</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>frameworks for the involvement of public authorities, including law enforcement authorities, in the voluntary sharing of data related with fraud, subject to adequate safeguards, it is not considered necessary to create an additional regime for such exchange under this Regulation.</u>
Recital 103c								
G		113c						<u>(103c) Where a payment service provider participates in information sharing partnerships or arrangements established in accordance with Article 75 of Regulation (EU) 2024/1624 and Article 45 of Regulation (EU) 2022/2554, and where those information sharing partnerships or arrangements enable the payment service provider to exchange the data necessary for the purposes of detecting and preventing fraud in accordance with this Regulation, the sharing of data within the framework of those information sharing partnerships should be considered sufficient to ensure compliance by the payment service provider with its obligations under this Regulation to share payment fraud data in the framework of information sharing arrangements. Where payment service providers participate in</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>those information sharing partnerships or arrangements for the purpose of complying with obligations under this Regulation, they should be allowed to process personal data exchanged in the context of such partnerships or arrangements for the purpose of complying with the transaction monitoring obligations set out in this Regulation.</u> refers to Article 83a
Recital 104								
G	114	(104) For the purpose of exchanging personal data with other payment service providers who are subject to information sharing arrangements, ‘unique identifier’ should be understood as referring to ‘IBAN’ as defined in Article 2 point 15 of Regulation (EU) 260/2012.		deleted		(104) For the purpose of exchanging personal data with other payment service providers who are subject to information sharing arrangements, ‘unique identifier’ should be understood as referring to ‘IBAN’ as defined in Article 2 point 15 of Regulation (EU) 260/2012.		deleted While this was in the original COM proposal, I don't think this should be kept as there may be instances of accounts not identified through IBAN.
Recital 104a								
G	114a			<u>(104a) Pursuant to this Regulation, the unique identifier should be verified for all credit transfers.</u>				deleted
Recital 104b								
G	114b			<u>(104b) The EBA should develop draft regulatory technical standards specifying which identifiers, other than IBAN, should be accepted as unique identifiers.</u>				deleted
Recital 105								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
115	(105) To prevent legitimate exchanges of information on potentially fraudulent activity leading to unjustified ‘de-risking’ or withdrawal of payment account services to payment services users without explanation or recourse, it is appropriate to have safeguards in place. Payment fraud data shared under a multilateral information sharing arrangement that may entail the disclosure of personal data, including unique identifiers of payees potentially involved in fraud in credit transfers, should only be used by payment services providers for the purpose of enhancing transaction monitoring. Additional safeguards should be put in place by payment services providers, such as contacting the customer if he or she is the payer of a credit transfer which can be assumed to be fraudulent, and further monitoring of an account, where the unique identifier shared as potentially fraudulent designates a customer of that payment service provider. Payment fraud data shared amongst payment services providers in the context of such arrangements should not constitute grounds for withdrawal of banking services without detailed investigation.	(105) To prevent legitimate exchanges of information on potentially fraudulent activity leading to unjustified ‘de-risking’ or withdrawal of payment account services to payment services users without explanation or recourse, it is appropriate to have safeguards in place. Payment fraud data shared under a multilateral information sharing arrangement that may entail the disclosure of personal data, including unique identifiers of payees potentially involved in fraud in credit transfers, should only be used by payment services providers for the purpose of enhancing transaction monitoring. Additional safeguards should be put in place by payment services providers, such as contacting the customer if he or she is the payer of a credit transfer which can be assumed to be fraudulent, and further monitoring of an account, where the unique identifier shared as potentially fraudulent designates a customer of that payment service provider. Payment fraud data shared amongst payment services providers in the context of such arrangements should not constitute grounds for withdrawal of banking services without detailed investigation.	(105) To prevent legitimate exchanges of information on potentially fraudulent activity leading to unjustified ‘de-risking’ or withdrawal of payment account services to payment services users without explanation or recourse, it is appropriate to have safeguards in place. Payment fraud data shared under a multilateral information sharing arrangement that may entail the disclosure of personal data, including unique identifiers of payees potentially involved in fraud in credit transfers, should only be used by payment services providers for the purpose of enhancing transaction monitoring. Additional safeguards should be put in place by payment services providers, such as contacting the customer if he or she is the payer of a credit transfer which can be assumed to be fraudulent, and further monitoring of an account, where the unique identifier shared as potentially fraudulent designates a customer of that payment service provider. Payment fraud data shared amongst payment services providers in the context of such arrangements should not constitute grounds for withdrawal of banking services without detailed investigation.	(105) To prevent legitimate exchanges of information on potentially fraudulent activity leading to unjustified ‘de-risking’ or withdrawal of payment account services to payment services users without explanation or recourse, it is appropriate to have safeguards in place. Payment fraud data shared under a multilateral information sharing arrangement that may entail the disclosure of personal data, including unique identifiers of payees potentially involved in fraud in credit transfers, should only be used by payment services providers for the purpose of enhancing transaction monitoring. Additional safeguards should be put in place by payment services providers, such as contacting the customer if he or she is the payer of a credit transfer which can be assumed to be fraudulent, and further monitoring of an account, where the unique identifier shared as potentially fraudulent designates a customer of that payment service provider. Payment fraud data shared amongst payment services providers in the context of such arrangements should not constitute grounds for withdrawal of banking services without detailed investigation. Text Origin: Commission

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Proposal
Recital 105a								
G	115a					(105a) When developing measures to combat fraud in the area of payments services, it is of particular importance to carry out appropriate consultations that involve the relevant stakeholders in order to exchange best practices and experiences of individual stakeholders. Consultations should build on the advice of both public- and private-sector experts who have proven knowledge and experience in the relevant areas. For that purpose, the Commission should set up a platform on combating fraud (the ‘Platform’). The Platform should be composed of experts, which could be selected, for example, from representatives of relevant European bodies, national competent authorities, payment service providers, technical services providers, providers of online platforms, telecommunication providers, internet service providers, experts representing different payment systems or schemes, merchants, consumer organisations, and dispute resolution bodies.		<u>(105a) When developing measures to combat fraud in the area of payments services, it is particularly important to conduct appropriate consultations with relevant stakeholders in order to exchange best practices and share experiences. Those consultations should build on input from public- and private-sector experts with proven knowledge and experience in the areas concerned. To that end, the Commission should establish a platform on combating fraud (the ‘Platform’). The Platform should be composed of experts and may include, for example, representatives of relevant Union bodies, national competent authorities, payment service providers, technical services providers, providers of online platforms, telecommunications providers, internet service providers, experts representing different payment systems or schemes, merchants, consumer organisations, and dispute-resolution bodies.</u>
Recital 105b								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	115b					(105b) The Platform should be constituted in accordance with the applicable horizontal rules on the creation and operation of Commission expert groups, including with regard to the selection process. The selection process should aim to ensure a high level of expertise, geographical and gender balance, as well as a balanced representation of relevant know-how, taking into account the specific tasks of the Platform. During the selection process, the Commission should perform an assessment in accordance with those horizontal rules to determine whether potential conflicts of interest exist and should take appropriate measures to resolve any such conflicts.		<u>(105b) The Platform should be constituted in accordance with the applicable horizontal rules on the creation and operation of Commission expert groups, including with regard to the selection process. The selection process should aim to ensure a high level of expertise, geographical and gender balance, as well as a balanced representation of relevant knowledge and experience, taking into account the specific tasks of the Platform. During the selection process, the Commission should carry out an assessment in accordance with those horizontal rules to determine whether potential conflicts of interest exist and should take appropriate measures to prevent or address any such conflicts.</u>
Recital 105c								
G	115c					(105c) The Platform should advise the Commission on developing and monitoring of the implementation of legal acts aimed at combatting fraud in the area of payment services. The Platform should also share information on and analyse trends in fraud in the area of payment services, as well as share information on measures to combat fraud in the area of payments services, including		<u>(105c) The Platform should advise the Commission on developing and monitoring of the implementation of legal acts aimed at combatting fraud in the area of payment services. For the purpose of drawing up a voluntary code of conduct to foster prevention, enhance security and combat payment fraud and financial scams, the platform should provide recommendations to the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			mitigation measures, and on ways to improve cross-border and cross-sectoral cooperation on the means of combatting fraud in the area of payment services. The Platform should carry out its tasks in accordance with the principle of transparency. It should also take into account the work of existing initiatives to combat payment fraud, avoiding duplication, and work closely with them.	<u>Commission and the European Board for Digital Services. The Platform should also share information on and analyse trends in fraud in the area of payment services, as well as share information on measures to combat fraud in the area of payments services, including mitigation measures, and on ways to improve cross-border and cross-sectoral cooperation on the means of combatting fraud in the area of payment services. The Platform should carry out its tasks in accordance with the principle of transparency. It should also take into account the work of existing initiatives to combat payment fraud, avoiding duplication, and work closely with them.</u>
Recital 106				
116	(106) Payment fraud becomes increasingly sophisticated, with fraudsters using manipulative and impersonating techniques which are difficult for payment service users to detect without a sufficient level of awareness and information about fraud. Payment service providers can play an important role in reinforcing fraud prevention by regularly taking every necessary initiative to increase their payment service users' understanding and awareness about	(106) Payment fraud becomes increasingly sophisticated, with fraudsters using manipulative and impersonating techniques which are difficult for payment service users to detect without a sufficient level of awareness and information about fraud. Payment service providers can play an important role in reinforcing fraud prevention by regularly taking every necessary initiative to increase their payment service users' understanding and awareness about	(106) Payment fraud becomes increasingly sophisticated, with fraudsters using manipulative and impersonating techniques which are difficult for payment service users to detect without a sufficient level of awareness and information about fraud. Payment service providers can play an important role in reinforcing fraud prevention by regularly taking every necessary initiative to increase their payment service users' understanding and awareness about	(106) Payment fraud becomes increasingly sophisticated, with fraudsters using manipulative and impersonating techniques which are difficult for payment service users to detect without a sufficient level of awareness and information about fraud. Payment service providers can play an important role in reinforcing fraud prevention by regularly taking every necessary initiative to increase their payment service users' understanding and awareness about

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
		the risks and trends of payment fraud. In particular, payment service providers should run proper awareness raising programmes and campaigns on fraud trends and risks addressed to customers and employees of payment service providers, with the aim of helping customers realise that they are victim of a fraud attempt. Payment service providers should give to their consumers, through various media, adapted information about fraud, giving them clear messages and warnings, helping them to react properly when exposed to potentially fraudulent situations. The EBA should develop guidelines about the different types of programmes to be developed by payment service providers on payment fraud risks, taking into account the ever-changing nature of fraud-related risks.		the risks and trends of payment fraud. In particular, payment service providers should run proper awareness raising programmes and campaigns on fraud trends and risks addressed to customers and employees of payment service providers, with the aim of helping customers realise that they are victim of a fraud attempt. Payment service providers should give to their consumers, through various media, adapted information about fraud, giving them clear messages and warnings, helping them to react properly when exposed to potentially fraudulent situations. The EBA should develop guidelines about the different types of programmes to be developed by payment service providers on payment fraud risks, taking into account the ever-changing nature of fraud-related risks.		the risks and trends of payment fraud. In particular, payment service providers should run proper awareness raising programmes and campaigns on fraud trends and risks addressed to customers and employees of payment service providers, with the aim of helping customers realise that they are victim of a fraud attempt. Payment service providers should give to their consumers, through various media, adapted information about fraud, giving them clear messages and warnings, helping them to react properly when exposed to potentially fraudulent situations. The EBA should develop guidelines about the different types of programmes to be developed by payment service providers on payment fraud risks, taking into account the ever-changing nature of fraud-related risks.		the risks and trends of payment fraud. In particular, payment service providers should run proper awareness raising programmes and campaigns on fraud trends and risks addressed to customers and employees of payment service providers, with the aim of helping customers realise that they are victim of a fraud attempt. Payment service providers should give to their consumers, through various media, ~~adapted~~ <u>appropriate</u> information about fraud, giving them clear messages and warnings, helping them to react properly when exposed to potentially fraudulent situations. The EBA should <u>be encouraged to</u> develop guidelines about the different ~~types of~~ programmes to be developed by payment service providers on payment fraud risks, taking into account the ever-changing nature of fraud-related risks, <u>where it deems necessary to achieve consistency of such programmes across the Union.</u> Text Origin: Commission Proposal
	Recital 106a							
G	116a							<u>(106a) Awareness about fraud threats is essential to enhance the level of protection of payment service users against such threats.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>and therefore their level of confidence in the use of payment services across Union, in particular in light of the rapid change in the techniques and strategies deployed by fraudsters. Member States can play a crucial role in ensuring the collective levelling of awareness and preparedness of citizens in this regard, beyond the individual information supplied on this matter by service providers to their customers. Directive (EU) 2022/2555 already requires Member States to develop national cybersecurity strategies, in the context of which specific policies should be adopted with the aim of promoting and developing education and training on cybersecurity, cybersecurity skills, awareness raising and research and development initiatives, as well as guidance on good cyber hygiene practices and controls, aimed at enhancing the level of awareness and preparedness of citizens, stakeholders and entities against cybersecurity risk, including techniques used to carry out fraud, such as phishing, spoofing, malware and other forms of social engineering. Furthermore, Directive (EU) 2019/713 requires Member States to establish or strengthen policies to prevent fraud</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>and counterfeiting of non-cash means of payment and measures to reduce the risk of such offences occurring, including attempts to commit fraud such as phishing and skimming, by means of information and awareness-raising campaigns and education programmes. In compliance with their obligations under those Directives, Member States should develop and keep up to date permanent and adequate measures to raise awareness among the public about the existing and emerging patterns of payment fraud, procedures to be followed in accordance with this Regulation in order to identify and report fraud attempts and the rights and obligations of payment service users with regard to fraud under this Regulation. Member States should inform the Commission of the measures adopted.</u> TM 4.3: relevant to line 880a. Time reference to be added absed on NIS 2
Recital 106b								
G		116b						<u>(106b) Member States should ensure that sufficient funding is available for such awareness raising and education measures, and that they are adequately</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>targeted, in particular to the needs and interests of vulnerable consumer groups, including young and elderly people and those with low digital skills. Payment service providers, providers of interpersonal communication services as defined in Article 2(4), point (b), of Directive (EU) 2018/192, and providers of very large online platforms and very large online search engines within the meaning of Regulation (EU) 2022/2065 should cooperate with the Member States in the development and updating of such fraud awareness campaigns, including by providing information on fraud threats and patterns identified in their services, and best practices in terms of users' awareness. Such cooperation should be free of charge, within reasonable and proportionate terms.</u> 4/3 relevant to line 880c
Recital 107				
117	(107) Security of electronic payments is fundamental for ensuring the protection of users and the development of a sound environment for e-commerce. All payment services offered electronically should be carried out	(107) Security of electronic payments is fundamental for ensuring the protection of users and the development of a sound environment for e-commerce. All payment services offered electronically should be carried out	(107) Security of electronic payments is fundamental for ensuring the protection of users and the development of a sound environment for e-commerce. All payment services offered electronically should be carried out	(107) Security of electronic payments is fundamental for ensuring the protection of users and the development of a sound environment for e-commerce. All payment services offered electronically should be carried out

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
		in a secure manner, adopting technologies able to guarantee the safe authentication of the user and to reduce, to the maximum extent possible, the risk of fraud. In the area of fraud, the major innovation of Directive (EU) 2015/2366 was the introduction of Strong Customer Authentication (SCA). The Commission's evaluation of the implementation of Directive (EU) 2015/2366 concluded that strong customer authentication has already been highly successful in reducing fraud.		in a secure manner, adopting technologies able to guarantee the safe authentication of the user and to reduce, to the maximum extent possible, the risk of fraud. In the area of fraud, the major innovation of Directive (EU) 2015/2366 was the introduction of Strong Customer Authentication (SCA). The Commission's evaluation of the implementation of Directive (EU) 2015/2366 concluded that strong customer authentication has already been highly successful in reducing fraud.		in a secure manner, adopting technologies able to guarantee the safe authentication of the user and to reduce, to the maximum extent possible, the risk of fraud. In the area of fraud, the major innovation of Directive (EU) 2015/2366 was the introduction of Strong Customer Authentication (SCA). The Commission's evaluation of the implementation of Directive (EU) 2015/2366 concluded that strong customer authentication has already been highly successful in reducing fraud.		in a secure manner, adopting technologies able to guarantee the safe authentication of the user and to reduce, to the maximum extent possible, the risk of fraud. In the area of fraud, the major innovation of Directive (EU) 2015/2366 was the introduction of Strong Customer Authentication (SCA). The Commission's evaluation of the implementation of Directive (EU) 2015/2366 concluded that strong customer authentication has already been highly successful in reducing fraud. Text Origin: Commission Proposal
Recital 107a								
G	117a			<u>(107a) In order for consumers to benefit from continued strong SCA, and for SCA to remain an effective tool in the fight against fraud in electronic payments, it is appropriate that the application of SCA be risk-based. In turn, the rules on SCA should provide sufficient flexibility for innovation within the payments sector, including in the development of new SCA solutions.</u>				deleted
Recital 107b								
G	117b							<u>(107b) Requirements for strong customer authentication should not</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>be changed substantially from the existing requirements under Directive (EU) 2015/2366. Strong customer authentication will continue to be based on two or more elements categorised as knowledge, possession and inherence, that are independent from each other. The category inherence relates to physical properties of body parts, physiological characteristics and behavioural processes created by the body, and any combination of these. At least two of the elements used need to come from different categories. To allow for innovations in authentication technology, an exception to that principle foresees the usage of two elements from the category inherence, if this does not lower the level of security. To ensure a high level of security and the uniform application of this exception by national competent authorities, EBA should develop guidelines on how to assess the independence of the two elements in this case.</u> TM 4.3: Council to revert on the reference to environmental characteristics. 5/3: Council is fine with revised recital
Recital 108								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
118	(108) SCA should not be circumvented notably by any unjustified reliance on SCA exemptions. Clear definitions of Merchant Initiated Transactions (MITs) and of Mail Orders or Telephone Orders (MOTOs) should be introduced since these notions, which may be relied upon to justify non-application of SCA, are diversely understood and applied and are subject to abusive reliance. Regarding MITs, strong customer authentication should be applied at the set-up of the initial mandate, without the need to apply SCA for subsequent merchant-initiated payment transactions. Regarding MOTOs, only the initiation of payment transactions - not their execution - should be non-digital for a transaction to be considered as a MOTO and, therefore, not be covered by the obligation to apply SCA. However, payment transactions based on paper-based payment orders, mail orders or telephone orders placed by the payer should still entail security requirements and checks by the payment service provider of the payer allowing authentication of the payment transaction. SCA should also not be circumvented by practices including resorting to an acquirer established outside of the	(108) SCA should not be circumvented notably by any unjustified reliance on SCA exemptions. Clear definitions of Merchant Initiated Transactions (MITs) and of Mail Orders or Telephone Orders (MOTOs) should be introduced <u>by the EBA</u> since these notions, which may be relied upon to justify non-application of SCA, are diversely understood and applied and are subject to abusive reliance. Regarding MITs, strong customer authentication should be applied at the set-up of the initial mandate, without the need to apply SCA for subsequent merchant-initiated payment transactions. Regarding MOTOs, only the initiation of payment transactions - not their execution - should be non-digital for a transaction to be considered as a MOTO and, therefore, not be covered by the obligation to apply SCA. However, payment transactions based on paper-based payment orders, mail orders or telephone orders placed by the payer should still entail security requirements and checks by the payment service provider of the payer allowing authentication of the payment transaction. SCA should also not be circumvented by practices including resorting to an acquirer established outside of the	(108) SCA should not be circumvented notably by any unjustified reliance on SCA exemptions. Clear definitions of Merchant Initiated Transactions (MITs) and of Mail Orders or Telephone Orders (MOTOs) should be introduced since these notions, which may be relied upon to justify non-application of SCA, are diversely understood and applied and are subject to abusive reliance. Regarding MITs, strong customer authentication should be applied at the set-up of the initial mandate, without the need to apply SCA for subsequent merchant-initiated payment transactions. Regarding MOTOs, only the ~~initiation~~ placement of the payment transactions — not their order - not its authentication or execution - should be non-digital for a transaction to be considered as a MOTO and, therefore, not be covered by the obligation to apply SCA. However, payment transactions based on paper-based payment orders, mail orders or telephone orders placed by the payer should still entail security requirements and checks by the payment service provider of the payer allowing authentication of the payment transaction. SCA should also not be circumvented by	(108) SCA should not be circumvented, <u>in particular</u> ~~notably~~ by any unjustified reliance on SCA exemptions. Clear definitions of Merchant Initiated Transactions (MITs) and of Mail Orders or Telephone Orders (MOTOs) should be introduced since these notions, which may be relied upon to justify non-application of SCA, are diversely understood and applied and are subject to abusive reliance. Regarding MITs, strong customer authentication should be applied at the set-up of the initial mandate, without the need to apply SCA for subsequent merchant-initiated payment transactions. Regarding MOTOs, only the ~~initiation~~ <u>placement of the payment transactions — not their order, and not also its authentication or</u> execution —, should be non-digital for a transaction to be considered as a MOTO and, therefore, not be covered by the obligation to apply SCA. However, payment transactions based on paper-based payment orders, mail orders or telephone orders placed by the payer should still entail security requirements and checks by the payment service provider of the payer allowing authentication of the payment transaction. SCA should also not be circumvented by

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Union to escape the SCA requirements.	Union to escape the SCA requirements. <u>At the same time, SCA should always be provided free of charge.</u>	practices including resorting to an acquirer established outside of the Union to escape the SCA requirements. In this sense, a card-based payment could be considered a MOTO transaction if the placement of the payment order takes place in a non-electronic way, for example, when payment details are transmitted from the cardholder to a merchant via non electronic channels.	practices including resorting to an acquirer established outside of the Union to escape the SCA requirements. <u>In this sense, a card-based payment transaction could be considered a MOTO transaction if the placement of the payment order takes place in a non-electronic way, for example, when payment details are transmitted from the cardholder to a merchant via non-electronic channels.</u>
Recital 109				
119	(109) As the payment service provider that should apply strong customer authentication is the payment service provider that issues the personalised security credentials, payment transactions that are not initiated by the payer but by the payee only should not be subject to strong customer authentication to the extent that those transactions are initiated without any interaction or involvement of the payer. The regulatory approach to MITs and direct debits, both being transactions initiated by the payee, should be aligned and benefit from the same consumer protection measures, including refunds.	(109) As the payment service provider that should apply strong customer authentication is the payment service provider that issues the personalised security credentials, payment transactions that are not initiated by the payer but by the payee only should not be subject to strong customer authentication to the extent that those transactions are initiated without any interaction or involvement of the payer. The regulatory approach to ~~MITs and direct debits, both being transactions initiated by the payee,~~ should be aligned and benefit from the same consumer protection measures, including refunds.	(109) As the payment service provider that should apply strong customer authentication is the payment service provider that issues the personalised security credentials, payment transactions that are not initiated by the payer but by the payee only should not be subject to strong customer authentication to the extent that those transactions are initiated without any interaction or involvement of the payer. The regulatory approach to MITs and direct debits, both being transactions initiated by the payee, should be aligned and benefit from the same consumer protection measures, including refunds.	(109) As the payment service provider that should apply ~~strong customer authentication~~ SCA is the payment service provider that issues the personalised security credentials, payment transactions that are not initiated by the payer but by the payee only should not be subject to ~~strong customer authentication~~ SCA, to the extent that those transactions are initiated without any interaction or involvement of the payer. The regulatory approach to MITs and direct debits, both being transactions initiated by the payee, should be aligned and benefit from the same consumer protection measures, ~~including refunds~~ <u>excluding the unconditional right to a refund, which should apply only to direct debits.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Recital 109a								
119a				<u>(109a) In the context of business to business (B2B) or business to government (B2G) payments, SCA should be appropriate to the risk level of such transactions, taking into account in particular any controls and checks that already exist among those operators. In order to reduce administrative burden, SCA should not be required for every such transaction, and should be adapted to a risk-based approach.</u>		(109a) In the interest of establishing a level-playing field among different payment instruments it is proposed to establish a framework for exemption from strong customer authentication (SCA) tailored to the circumstances of credit transfers, with the same safeguards. The crucial case when a merchant is an entity that, in the context of providing goods or services, that issues a request to the payer's payment service provider, which is the entity that ultimately initiates the payment. The merchant's request comes from an agreement with the payer, in which the payment conditions regarding frequency or amounts paid should be laid out, reached through the means enabled by the payment service provider of the payer. It is proposed that the transaction be exempted from SCA if the payer does not need to intervene in the initiation of the transaction after an initial authentication with the payer's payment service provider to establish the agreement. This solution proposes in this Regulation combines respecting the fact that credit transfers are,		<u>(109a) In the interest of establishing a level-playing field among different payment instruments, it should be possible to initiate one or several recurring credit transfers, including of varying amounts, without the obligation to apply strong customer authentication where such credit transfers are initiated by the payment service provider of the payer following a request from the payee, provided that certain cumulative conditions are met. In particular, this should be possible where the request from the payee is based on the payee's agreement with the payer which sets out the conditions regarding frequency of payments and amounts to be paid, where the payer sets up an agreement with its payment service provider which is subject to strong customer authentication and which instructs the provider to execute the respective credit transfers in line with the agreement of the payer with the payee, and where the initiation of the respective credit transfers by the payer's payment service provider does not require any additional action from the payer. To ensure equivalent safeguards, the provisions</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			by definition, payer-initiated transactions with the technological innovation already established in the realm of credit transfers, ensuring that the regulation remains up to date. Additionally, as already detailed in PSD2, the payer's payment service provider always retains the right to request the authentication of these transactions if they deem necessary.	<u>concerning refunds and requests for refunds applicable to payment transactions initiated by or through a payee should apply to credit transfers falling under this framework under the same conditions as those applicable to merchant-initiated transactions. In addition, to promote unhindered innovation and accelerate broader availability of efficient payments methods to payers and payees at the point of interaction, it is necessary to allow the possibility to initiate one or several recurring credit transfers under that framework as of the date of entry into force of this Regulation.</u> 4/3 5/3: recital to be revised.
Recital 110				
120	(110) To improve financial inclusion, and in line with Directive (EU) 2019/882 of the European Parliament and of the Council ¹ on accessibility requirements for products and services, all payment service users, including persons with disabilities, older persons, persons with low digital skills and those who do not have access to digital devices such as smartphones, should benefit from the protection against fraud	(110) To improve financial inclusion, and in line with Directive (EU) 2019/882 of the European Parliament and of the Council ¹ on accessibility requirements for products and services, all payment service users, including persons with disabilities, older persons, persons with low digital skills and those who do not have access to digital devices such as smartphones, should benefit from the protection against fraud	(110) To improve financial inclusion, and in line with Directive (EU) 2019/882 of the European Parliament and of the Council ¹ on accessibility requirements for products and services, all payment service users, including persons with disabilities, older persons, persons with low digital skills and those who do not have access to digital devices such as smartphones, should benefit from the protection against fraud	(110) To improve financial inclusion, and in line with Directive (EU) 2019/882 of the European Parliament and of the Council ⁴¹ on accessibility requirements for products and services, all payment service users, including persons with disabilities, older persons, persons with low digital skills and those who do not have access to digital devices such as smartphones, should benefit from the protection against fraud

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	which is provided by SCA, in particular when it comes to the use of remote digital payment transactions and online access to payment accounts as fundamental financial services. With the introduction of SCA, certain consumers in the Union found it impossible to carry out online transactions because of their material incapability of performing SCA. Therefore, payment service providers should ensure that their customers can benefit from various methods to perform SCA which are adapted to their needs and situations. These methods should not depend on one single technology, device or mechanism, or on the possession of a smartphone. 1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).	which is provided by SCA, in particular when it comes to the use of remote digital payment transactions and online access to payment accounts as fundamental financial services. With the introduction of SCA, certain consumers in the Union found it impossible to carry out online transactions because of their material incapability of performing SCA. Therefore, payment service providers should ensure that their customers can benefit from various methods to perform SCA which are adapted to their needs and situations. These methods should not depend on one single technology, device or mechanism, or on the possession of a smartphone <u>or another smart device</u>. 1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).	which is provided by SCA, in particular when it comes to the use of remote digital payment transactions and online access to payment accounts as fundamental financial services. Vulnerable group of persons like persons with disabilities, older persons, people with low digital skills and those who do not have access to digital channels or payment instruments need to have access to these means. The payment service provider is dedicated to implement these measures in a manner that aligns with the specific circumstances in question. With the introduction of SCA, certain consumers in the Union found it impossible to carry out online transactions because of their material incapability of performing SCA. Therefore, payment service providers should ensure that their ~~customers~~consumers can benefit from various methods to perform SCA which are adapted to their needs and situations.– These methods should not depend on one single technology, device or mechanism, or on the possession of a smartphone. 1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for	which is provided by SCA, in particular when it comes to the use of remote digital payment transactions and online access to payment accounts as fundamental financial services. With the introduction of SCA, certain consumers in the Union found it impossible to carry out online transactions because ~~of their material incapability of performing~~<u>they lack capability to perform</u> SCA. Therefore, payment service providers should ensure that their customers can benefit from various methods to perform SCA which are adapted to their needs and situations.– These methods <u>should be free of charge and</u> should not depend on one single technology, device or mechanism, or on the possession of a smartphone <u>or another smart device</u>. ~~1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70):~~

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			products and services (OJ L 151, 7.6.2019, p. 70).	
Recital 111				
121	(111) European Digital Identity Wallets implemented under Regulation (EU) No 910/2014¹ of the European Parliament and of the Council, as amended by Regulation [XXX], are electronic identification means that offer identification and authentication tools for accessing financial services across borders, including payment services. The introduction of the European Digital Identity Wallet would further facilitate cross-border digital identification and authentication for secure digital payments and facilitate the development of a pan-European digital payments landscape. 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).	(111) European Digital Identity Wallets implemented under Regulation (EU) No 910/2014¹ of the European Parliament and of the Council, as amended by Regulation [XXX], are electronic identification means that offer identification and authentication tools for accessing financial services across borders, including payment services. The introduction of the European Digital Identity Wallet would further facilitate cross-border digital identification and authentication for secure digital payments and facilitate the development of a pan-European digital payments landscape. 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).	(111) European Digital Identity Wallets implemented under Regulation (EU) No 910/2014¹ of the European Parliament and of the Council, as amended by Regulation [XXX], are electronic identification means that offer identification and authentication tools for accessing financial services across borders, including payment services. The introduction of the European Digital Identity Wallet would further facilitate cross-border digital identification and authentication for secure digital payments and facilitate the development of a pan-European digital payments landscape. 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).	(111) European Digital Identity Wallets implemented under Regulation (EU) No 910/2014¹ of the European Parliament and of the Council, as amended by Regulation [XXX], are electronic identification means that offer identification and authentication tools for accessing financial services across borders, including payment services. The introduction of the European Digital Identity Wallet would further facilitate cross-border digital identification and authentication for secure digital payments and facilitate the development of a pan-European digital payments landscape. <u>Pursuant to Art. 5f(2) of Regulation (EU) No 910/2014, payment service providers will be under an obligation to accept the use of the EU Digital Identity Wallets for SCA. The EBA should be tasked with the drafting of regulatory technical standards which should specifically take into account the use of EU Digital Identity Wallets to perform SCA.</u> 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114). Text Origin: Commission Proposal
Recital 112				
122	(112) Growth of electronic commerce and mobile payments should be accompanied by a generalised enhancement of security measures. In case of remote initiation of a payment transaction, i.e., when a payment order is placed via the internet, the authentication of transactions should rely on dynamic codes in order to make the user aware, at all times, of the amount and the payee of the transaction that the user is authorising.	(112) Growth of electronic commerce and mobile payments should be accompanied by a generalised enhancement of security measures. In case of remote initiation of a payment transaction, i.e., when a payment order is placed via the internet, the authentication of transactions should rely on dynamic codes in order to make the user aware, at all times, of the amount and the payee of the transaction that the user is authorising.	(112) Growth of electronic commerce and mobile payments should be accompanied by a generalised enhancement of security measures. In case of remote initiation of a payment transaction, i.e., when a payment order is placed via the internet, the authentication of transactions should rely on dynamic codes in order to make the user aware, at all times, of the amount and the payee of the transaction that the user is authorising.	(112) Growth of electronic commerce and mobile payments should be accompanied by a generalised enhancement of security measures. In case of remote initiation of a payment transaction, i.e., when a payment order is placed via the internet, the authentication of transactions should rely on dynamic codes in order to make the user aware, at all times, of the amount and the payee of the transaction that the user is authorising. Text Origin: Commission Proposal
Recital 113				
123	(113) The requirement to apply SCA for remote payment transactions through codes which dynamically link the transaction to a specific amount and a specific payee should reflect the growth of mobile payments and the emergence of a variety of models through which mobile payments are executed.	(113) The requirement to apply SCA for remote payment transactions through codes which dynamically link the transaction to a specific amount and a specific payee should reflect the growth of mobile payments and the emergence of a variety of models through which mobile payments are executed.	(113) The requirement to apply SCA for remote payment transactions through codes which dynamically link the transaction to a specific amount and a specific payee should reflect the growth of mobile payments and the emergence of a variety of models through which mobile payments are executed.	(113) The requirement to apply SCA for remote payment transactions through codes which dynamically link the transaction to a specific amount and a specific payee should reflect the growth of mobile payments and the emergence of a variety of models through which mobile payments are executed. Text Origin: Commission Proposal

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Recital 114				
124	(114) Given that dynamic linking addresses the risks of tampering with the payee name and the specific amount of the transaction between the moment a payment order is placed and authentication of payments, but also the risk of fraud more generally, for mobile payments for which the performance of strong customer authentication requires the use of internet on the payer's device, payment service providers should also apply elements which dynamically link the transaction to a specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the transaction throughout all of the phases of initiation.	(114) Given that dynamic linking addresses the risks of tampering with the payee name and the specific amount of the transaction between the moment a payment order is placed and authentication of payments, but also the risk of fraud more generally, for mobile payments for which the performance of strong customer authentication requires the use of internet on the payer's device, payment service providers should also apply elements which dynamically link the transaction to a specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the transaction throughout all of the phases of initiation.	(114) Given that dynamic linking addresses the risks of tampering with the payee name and the specific amount of the transaction between the moment a payment order is placed and authentication of payments, but also the risk of fraud more generally, for mobile payments for which the performance of strong customer authentication requires the use of internet on the payer's device, payment service providers should also apply elements which dynamically link the transaction to a specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the transaction throughout all of the phases of initiation.	(114) Given that dynamic linking addresses the risks of tampering with the payee name and the specific amount of the transaction between the moment a payment order is placed and authentication of payments, but also the risk of fraud more generally, for mobile payments for which the performance of strong customer authentication requires the use of internet on the payer's device, payment service providers should also apply elements which dynamically link the transaction to a specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the transaction throughout all of the phases of initiation. Text Origin: Commission Proposal
Recital 115				
125	(115) Under the exemption from SCA under Article 18 of Delegated Regulation (EU) 2018/389, payment service providers were allowed not to apply SCA where the payer initiated a remote electronic payment transaction identified by the payment service provider as posing a low level of risk evaluated on the basis	(115) Under the exemption from SCA under Article 18 of Delegated Regulation (EU) 2018/389, payment service providers were allowed not to apply SCA where the payer initiated a remote electronic payment transaction identified by the payment service provider as posing a low level of risk evaluated on the basis	(115) Under the exemption from SCA under Article 18 of Delegated Regulation (EU) 2018/389, payment service providers were allowed not to apply SCA where the payer initiated a remote electronic payment transaction identified by the payment service provider as posing a low level of risk evaluated on the basis	(115) Under the exemption from SCA under Article 18 of Delegated Regulation (EU) 2018/389, payment service providers were allowed not to apply SCA where the payer initiated a remote electronic payment transaction identified by the payment service provider as posing a low level of risk evaluated on the basis

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of transaction monitoring mechanisms. Feedback from the market showed however that, in order to have more payment service providers implementing transaction risk analysis, it is necessary to adopt appropriate rules on the scope of transaction risk analysis, introducing clear audit requirements, providing more detail and better definitions on risk monitoring requirements and data to share, and to assess the potential benefits of allowing payment service providers to report fraudulent transactions for which they are solely liable. The EBA should develop draft Regulatory Technical Standards laying down rules on transaction risk analysis.	of transaction monitoring mechanisms. Feedback from the market showed however that, in order to have more payment service providers implementing transaction risk analysis, it is necessary to adopt appropriate rules on the scope of transaction risk analysis, introducing clear audit requirements, providing more detail and better definitions on risk monitoring requirements and data to share, and to assess the potential benefits of allowing payment service providers to report fraudulent transactions for which they are solely liable. The EBA should develop draft Regulatory Technical Standards laying down rules on transaction risk analysis. <u><i>In order to increase the use of the transaction risk analysis exemption, the draft regulatory technical standards should consider additional thresholds for that exemption. Furthermore, they should consider whether it is necessary to clarify whether payment service providers should count liability only towards the payer in their fraud rates.</i></u>	of transaction monitoring mechanisms. Feedback from the market showed however that, in order to have more payment service providers implementing transaction risk analysis, it is necessary to adopt appropriate rules on the scope of transaction risk analysis, introducing clear audit requirements, providing more detail and better definitions on risk monitoring requirements and data to share, and to assess the potential benefits of allowing payment service providers to report fraudulent transactions for which they are solely liable. The EBA should develop draft Regulatory Technical Standards laying down rules on transaction risk analysis.	of transaction monitoring mechanisms. Feedback from the market showed however that, in order to have more payment service providers implementing transaction risk analysis, it is necessary to adopt appropriate rules on the scope of ~~transaction risk~~ <u>such</u> analysis, introducing clear audit requirements, providing more detail and better definitions on risk monitoring requirements and data to share, and to assess the potential benefits of allowing payment service providers to report fraudulent transactions for which they are solely liable. The EBA should develop draft Regulatory Technical Standards laying down rules on transaction risk analysis.
Recital 116				
126	(116) Security measures should be compatible with the level of risk involved in payment services. To allow the development of user-	(116) Security measures should be compatible with the level of risk involved in payment services. To allow the development of user-	(116) Security measures should be compatible with the level of risk involved in payment services. To allow the development of user-	(116) Security measures should be compatible with the level of risk involved in payment services. To allow the development of user-

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	friendly and accessible means of payment for low-risk payments, such as low value contactless payments at the point of sale, whether or not these payments are based on mobile phone, the exemptions to the application of security requirements should be specified in regulatory technical standards. Safe use of personalised security credentials is needed to limit the risks relating to spoofing, phishing and other fraudulent activities. The user should be able to rely on the adoption of measures that protect the confidentiality and integrity of personalised security credentials.	friendly and accessible means of payment for low-risk payments, such as low value contactless payments at the point of sale <u>or payments made in a corporate context by a corporate payer</u> , whether or not these payments are based on mobile phone, the exemptions to the application of security requirements should be specified in regulatory technical standards. Safe use of personalised security credentials is needed to limit the risks relating to spoofing, phishing and other fraudulent activities. The user should be able to rely on the adoption of measures that protect the confidentiality and integrity of personalised security credentials.	friendly and accessible means of payment for low-risk payments, such as low value contactless payments at the point of sale, whether or not these payments are based on mobile phone, the exemptions to the application of security requirements should be specified in regulatory technical standards. Safe use of personalised security credentials is needed to limit the risks relating to spoofing, phishing and other fraudulent activities. The user should be able to rely on the adoption of measures that protect the confidentiality and integrity of personalised security credentials.	friendly and accessible means of payment for low-risk payments, such as low value contactless payments at the point of sale <u>or payment transactions initiated by legal persons</u> , whether or not these payments are based on mobile phone, the exemptions to the application of security requirements should be specified in regulatory technical standards. Safe use of personalised security credentials is needed to limit the risks relating to spoofing, phishing and other fraudulent activities. The user should be able to rely on the adoption of measures that protect the confidentiality and integrity of personalised security credentials.
Recital 117				
127	(117) Payment service providers should apply SCA when, inter alia, the payment service user is carrying out any action through a remote channel which may imply the risk of payment fraud or other abuses. Payment service providers should have in place adequate security measures to protect the confidentiality and integrity of the payment service user's personalised security credentials.	(117) Payment service providers should apply SCA when, inter alia, the payment service user is carrying out any action through a remote channel which may imply the risk of payment fraud or other abuses. Payment service providers should have in place adequate security measures to protect the confidentiality and integrity of the payment service user's personalised security credentials.	(117) Payment service providers should apply SCA when, ~~inter alia~~ <i>inter alia</i> , the payment service user is carrying out any action through a remote channel which may imply the risk of payment fraud or other abuses. Payment service providers should have in place adequate security measures to protect the confidentiality and integrity of the payment service user's personalised security credentials.	(117) Payment service providers should apply SCA when, inter alia, the payment service user is carrying out any action through a remote channel which may imply the risk of payment fraud or other abuses. Payment service providers should have in place adequate security measures to protect the confidentiality and integrity of the payment service user's personalised security credentials.
Recital 118				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
128	(118) There is no consistent understanding by market stakeholders across Member States of the SCA requirements applicable to the enrolment of payment instruments, in particular payment cards, in digital wallets. The creation of a token or its replacement process may give rise to a risk of payment fraud or other abuses. The creation or replacement of a token of a payment instrument, which is done via a remote channel with the participation of the payment service user, should therefore require application of SCA by the payment service provider of the payment service user at the time of the issuance or replacement of the token. By applying SCA at the token creation or replacement stage, the payment service provider should verify remotely that the payment service user is the rightful user of the payment instrument and associate the user and the digitised version of the payment instrument with the respective device.	(118) There is no consistent understanding by market stakeholders across Member States of the SCA requirements applicable to the enrolment of payment instruments, in particular payment cards, in digital wallets. The creation of a token or its replacement process may give rise to a risk of payment fraud or other abuses. The creation or replacement of a token of a payment instrument, which is done via a remote channel with the participation of the payment service user, should therefore require application of SCA by the payment service provider of the payment service user at the time of the issuance or replacement of the token. By applying SCA at the token creation or replacement stage, the payment service provider should verify remotely that the payment service user is the rightful user of the payment instrument and associate the user and the digitised version of the payment instrument with the respective device.	(118) There is no consistent understanding by market stakeholders across Member States of the SCA requirements applicable to the enrolment of payment instruments, in particular payment cards, in digital wallets. The creation of a token or its replacement process may give rise to a risk of payment fraud or other abuses. The creation or replacement of a token of a payment instrument, which is done via a remote channel with the participation of the payment service user, should therefore require application of SCA by the payment service provider of the payment service user at the time of the issuance or replacement of the token. By applying SCA at the token creation or replacement stage, the payment service provider should verify remotely that the payment service user is the rightful user of the payment instrument and associate the user and the digitised version of the payment instrument with the respective device.	(118) There is no consistent understanding by market stakeholders across Member States of the SCA requirements applicable to the enrolment of payment instruments, in particular payment cards, in digital wallets. The creation of a token or its replacement process may give rise to a risk of payment fraud or other abuses. The creation or replacement of a token of a payment instrument, which is done via a remote channel with the participation of the payment service user, should therefore require application of SCA by the payment service provider of the payment service user at the time of the issuance or replacement of the token. By applying SCA at the token creation or replacement stage, the payment service provider should verify remotely that the payment service user is the rightful user of the payment instrument and associate the user and the digitised version of the payment instrument with the respective device. Text Origin: Commission Proposal
Recital 119				
129	(119) Operators of digital pass-through wallets that verify the elements of SCA when tokenised	(119) Operators of digital pass-through wallets that verify the elements of SCA when tokenised	(119) Operators of digital pass-through wallets that verify the elements of SCA when tokenised	(119) Operators of digital pass-through wallets that verify the elements of SCA when tokenised

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	instruments stored in the digital wallets are used for payments should be required to enter into outsourcing agreements with the payers' payment service providers to allow them to continue to perform such verifications, but also requiring them to comply with key security requirements. The payer's payment service providers should, under such agreements, retain full liability for any failure by operators of digital pass-through wallets to apply SCA and have the right to audit and control the wallet operator's security provisions.	instruments stored in the digital wallets are used for payments should be required to enter into outsourcing agreements with the payers' payment service providers to allow them to continue to perform such verifications, but also requiring them to comply with key security requirements. The payer's payment service providers should, under such agreements, retain full liability for any failure by operators of digital pass-through wallets to apply SCA and have the right to audit and control the wallet operator's security provisions.	instruments stored in the digital wallets are used for payments should be required to enter into outsourcing agreements with the payers' payment service providers to allow them to continue to perform such verifications, but also requiring them to comply with key security requirements. The payer's payment service providers should, under such agreements, retain full liability for any failure by operators of digital pass-through wallets to apply SCA and have the right to audit and control the wallet operator's security provisions.	instruments stored in the digital wallets are used for payments should be required to enter into outsourcing agreements with the payers' payment service providers to allow them to continue to perform such verifications, but also requiring them to comply with key security requirements. The payer's payment service providers should, under such agreements, retain full liability for any failure by operators of digital pass-through wallets to apply SCA and have the right to audit and control the wallet operator's security provisions. Text Origin: Commission Proposal
Recital 120				
130	(120) Where technical service providers or operators of payment schemes provide services to payees or to the payment service providers of payees or of payers, they should support the application of strong customer authentication within the remit of their role in the initiation or execution of payment transactions. Given the role that they play in ensuring that key security requirements concerning retail payments are properly implemented, including by providing appropriate IT solutions, technical service	(120) Where technical service providers or operators of payment schemes provide services to payees or to the payment service providers of payees or of payers, they should support the application of strong customer authentication within the remit of their role in the initiation or execution of payment transactions. Given the role that they play in ensuring that key security requirements concerning retail payments are properly implemented, including by providing appropriate IT solutions, technical service	(120) Where technical service providers or operators of payment schemes provide services to payees or to the payment service providers of payees or of payers, they should support the application of strong customer authentication within the remit of their role in the initiation or execution of payment transactions. Given the role that they play in ensuring that key security requirements concerning retail payments are properly implemented, including by providing appropriate IT solutions, technical service	(120) Where technical service providers or operators of payment schemes provide services to payees or to the payment service providers of payees or of payers, they should support the application of ~~strong customer authentication~~ SCA within the remit of their role in the initiation or execution of payment transactions. Given the role that they play in ensuring that key security requirements concerning retail payments are properly implemented, including by providing appropriate IT solutions, technical service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	providers and operators of payment schemes should be held liable for the financial damages caused to payees or to the payment service providers of the payees or of the payers in case they fail to support the application of strong customer authentication.	providers and operators of payment schemes should be held liable for ~~the direct~~ financial ~~damages~~ <u>damage</u> caused to ~~payees or the payee~~ , to the payment service ~~providers~~ <u>provider</u> of the ~~payees~~ <u>payee</u> or of the ~~payers~~ <u>payer</u> ~~in case they fail to support~~ <u>for, and proportionate to, their failure, within the remit of their contractual relationship, and not exceeding the amount of the transaction in question, to provide the services that are necessary to enable the application of strong customer authentication.</u>	providers and operators of payment schemes should be held liable for the financial damages caused to payees or to the payment service providers of the payees or of the payers in case they fail to support the application of strong customer authentication.	providers and operators of payment schemes should be held liable for ~~the direct~~ financial ~~damages~~ <u>damage</u> caused to payees ~~or~~ , to the payment service providers of the payees or of the payers <u>for, and proportionate to, their failure, within the remit of their contractual relationship, and not exceeding the amount of the transaction in question, to provide the services that are necessary to enable</u> ~~in case they fail to support~~ the application of strong customer authentication.
Recital 121				
131	(121) Member States should designate the competent authorities for granting authorisation to payment institutions and for accreditation and monitoring of alternative dispute resolution (ADR) procedures.	(121) Member States should designate the competent authorities for granting authorisation to payment institutions and for accreditation and monitoring of alternative dispute resolution (ADR) procedures.	(121) Member States should designate the competent authorities for granting authorisation to payment institutions and for accreditation and monitoring of alternative dispute resolution (ADR) procedures:-	(121) Member States should ~~designate the~~ <u>ensure that</u> competent authorities ~~for granting authorisation to payment institutions and for accreditation and monitoring of alternative~~ <u>designated by Member States under Article 18 of Directive 2013/11/EU perform the functions set out in Articles 19 and 20 of that Directive regarding</u> dispute resolution ~~(ADR) procedures~~ <u>entities established on their territories, which intend to qualify as ADR entities for the settlement of disputes concerning the rights and obligations under this Regulation.</u>
Recital 121a				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G		131a				(121a) To ensure that an undertaking does not provide payment services without being authorised, it is appropriate to require all undertakings intending to provide payment services to apply for an authorisation, except where Directive (EU) XXX (PSD3) provides for registration instead of authorisation.		deleted 4/3: removed because identical to PSD3, and covers PSD3 matters.
Recital 121b								
G		131b				(121b) Competent authorities should be conferred with effective powers to investigate unauthorised payments services and to enforce the authorisation requirement, to supervise the provision of payment services as well as to supervise payment service providers.		deleted 5/3: substance covered by revised recital 48 PSD3
Recital 121c								
G		131c				(121c) Those powers bestowed upon the supervisory authorities should include the power to intervene against unauthorised payment services, including the power to investigate alleged infringements - in particular of the authorisation requirement - to order the immediate cessation of business operations and the immediate full settlement of already concluded activities, and to investigate infringements of the rules on this Regulation and		deleted 5/3: removed to recital 49 PSD3.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						Directive (EU) XXX (PSD3). To enable competent authorities to effectively enforce the authorisation requirement and to properly supervise payment institutions, it is appropriate to grant those authorities investigatory and supervisory powers and the possibility to impose administrative penalties, periodic penalty payments and other administrative measures necessary to perform their tasks. For the same reason, it is appropriate to grant competent authorities the power to request information, conduct on-site inspections, search business premises as well as private home estate, ancillary facilities, movables and persons. It should have the authority to issue recommendations, guidelines and binding administrative decisions. Member States should empower their competent authorities to impose administrative sanctions and administrative measures aimed specifically at ending infringements of provisions concerning the supervision or pursuit of the payment service business.		
		<i>Recital 121d</i>						
6		<i>131d</i>				(121d) Furthermore, it is necessary that the competent		<u><i>(121d) There should be powers to request information from providers</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						authorities have the powers <i>mutatis mutandis</i> to take action against third parties involved in the initiation, conclusion or processing of unauthorised payment services. In particular, there should be powers to request information from providers of intermediary services within the meaning of Regulation (EU) 2022/2065 that contribute to the operation of unauthorised payment services and to instruct them to block or restrict access to websites hosted by operators of unauthorised payment services. In the interest of temporarily safeguarding customer funds and other assets, these powers should already take effect at the investigation stage if there is a reasonable suspicion (facts justifying the assumption) of unauthorised business operations.		<u>of intermediary services within the meaning of Regulation (EU) 2022/2065 that contribute to the operation of unauthorised payment services and to instruct them to block or restrict access to websites hosted by operators of unauthorised payment services. In the interest of temporarily safeguarding customer funds and other assets, those powers should already take effect at the investigation stage if there is a reasonable suspicion (facts justifying the assumption) of unauthorised business operations.</u> 5.3: first sentence considered covered by revised recital 48 PSD3
Recital 122								
132		(122) Without prejudice to the right of customers to bring action in courts, Member States should ensure the existence of easily accessible, adequate, independent, impartial, transparent and effective ADR procedures between payment service providers and payment service users. Regulation (EC) No 593/2008 of the European Parliament and of the		(122) Without prejudice to the right of customers to bring action in courts, Member States should ensure the existence of easily accessible, adequate, independent, impartial, transparent and effective ADR procedures between payment service providers and payment service users. Regulation (EC) No 593/2008 of the European Parliament and of the		(122) Without prejudice to the right of customers to bring action in courts, Member States should ensure the existence of easily accessible, adequate, independent, impartial, transparent and effective ADR procedures between payment service providers and payment service users. Regulation (EC) No 593/2008 of the European Parliament and of the		(122) Without prejudice to the right of customers to bring action in courts, Member States should ensure the existence of easily accessible, adequate, independent, impartial, transparent and effective ADR procedures between payment service providers and payment service users. Regulation (EC) No 593/2008 of the European Parliament and of the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Council¹ provides that the protection afforded to consumers by the mandatory rules of the law of the country in which they have their habitual residence is not to be undermined by any contractual terms concerning the law applicable to the contract. With a view to establishing an efficient and effective dispute resolution procedure, Member States should ensure that payment service providers subscribe to an ADR procedure in compliance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and of the Council², to resolve disputes before resorting to a court. Designated competent authorities should notify the Commission of a competent quality ADR entity or entities on their territory to resolve national and cross-border disputes and to cooperate with regard to disputes concerning rights and obligations pursuant to this Regulation. 1. OJ L 177, 4.7.2008, p. 6–16. 2. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63–79).	Council¹ provides that the protection afforded to consumers by the mandatory rules of the law of the country in which they have their habitual residence is not to be undermined by any contractual terms concerning the law applicable to the contract. With a view to establishing an efficient and effective dispute resolution procedure, Member States should ensure that payment service providers subscribe to an ADR procedure in compliance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and of the Council², to resolve disputes before resorting to a court. Designated competent authorities should notify the Commission of a competent quality ADR entity or entities on their territory to resolve national and cross-border disputes and to cooperate with regard to disputes concerning rights and obligations pursuant to this Regulation. <u>ADR procedures should be mandatory for payment service providers.</u> 1. OJ L 177, 4.7.2008, p. 6–16. 2. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63–79).	Council¹ provides that the protection afforded to consumers by the mandatory rules of the law of the country in which they have their habitual residence is not to be undermined by any contractual terms concerning the law applicable to the contract. With a view to establishing an efficient and effective dispute resolution procedure, Member States should ensure that payment service providers subscribe to an ADR procedure in compliance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and of the Council², to resolve disputes before resorting to a court. Designated competent authorities should notify the Commission of a competent quality ADR entity or entities on their territory to resolve national and cross-border disputes and to cooperate with regard to disputes concerning rights and obligations pursuant to this Regulation. For contractual consumer-to-business disputes regarding the purchase of goods or services, Directive 2013/11/EU ensures that Union consumers and businesses in the Union have access to ADR quality-certified out-of-court dispute resolution entities that comply with the quality requirements set out in the Directive 2013/11/EU.	Council¹ provides that the protection afforded to consumers by the mandatory rules of the law of the country in which they have their habitual residence is not to be undermined by any contractual terms concerning the law applicable to the contract. With a view to establishing an efficient and effective dispute resolution procedure, Member States should ensure that payment service providers subscribe to an ADR procedure in compliance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and of the Council², to resolve disputes before resorting to a court. ~~Designated competent authorities should notify the Commission of a competent quality ADR entity or~~ <u>For contractual consumer-to-business disputes regarding the purchase of goods or services, Directive 2013/11/EU ensures that consumers and businesses in the Union have access to quality-certified out-of-court dispute resolution</u> ~~entities on their territory to resolve national and cross-border~~ <u>that comply with the quality requirements set out in Directive 2013/11/EU.</u> <u>Participation in alternative dispute resolution procedures for the settlement of</u> ~~disputes between~~

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						1. OJ L 177, 4.7.2008, p. 6–16. 2. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63–79).		<u>payment service providers and consumers</u>~~and to cooperate with regard to disputes~~ concerning rights and obligations pursuant to this Regulation <u>should be mandatory for payment service providers. That would allow consumers, who do not have the same means and resources as legal persons, to enforce their rights under this Regulation, to have access to more expedient and cheaper enforcement means. However, consumers should not be forced to participate in such alternative dispute resolution procedures.</u> ~~1. OJ L 177, 4.7.2008, p. 6–16.~~ ~~2. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63–79).~~
Recital 122a								
G		132a						<u>(122a) In accordance with Directive 2013/11/EU, the right to an effective remedy and the right to a fair trial are fundamental rights laid down in Article 47 of the Charter of Fundamental Rights of the European Union. Therefore, ADR procedures should not be designed to replace court procedures and should not deprive</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>consumers or traders of their rights to seek redress before the courts. This Regulation should not prevent parties from exercising their right of access to the judicial system. In cases where a dispute could not be resolved through a given ADR procedure whose outcome is not binding, the parties should subsequently not be prevented from initiating judicial proceedings in relation to that dispute. Member States should be free to choose the appropriate means to achieve this objective. They should have the possibility to provide, inter alia, that limitation or prescription periods do not expire during an ADR procedure.</u> TM 4/3: copy paste of recital of 45 of ADR directive
Recital 123				
133	(123) Consumers should be entitled to enforce their rights in relation to the obligations imposed on payment and electronic money service providers under this Regulation through representative actions in accordance with Directive (EU) 2020/1828 of the European Parliament and of the Council¹. 1. Directive (EU) 2020/1828 on representative actions for the protection of	(123) Consumers should be entitled to enforce their rights in relation to the obligations imposed on payment and electronic money service providers under this Regulation through representative actions in accordance with Directive (EU) 2020/1828 of the European Parliament and of the Council¹. 1. Directive (EU) 2020/1828 on representative actions for the protection of	(123) Consumers should be entitled to enforce their rights in relation to the obligations imposed on payment and electronic money service providers under this Regulation through representative actions in accordance with Directive (EU) 2020/1828 of the European Parliament and of the Council¹. 1. Directive (EU) 2020/1828 on representative actions for the protection of	(123) Consumers should be entitled to enforce their rights in relation to the obligations imposed on payment ~~and electronic money~~ service providers under this Regulation through representative actions in accordance with Directive (EU) 2020/1828 of the European Parliament and of the Council¹. 1. Directive (EU) 2020/1828 on representative actions for the protection of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the collective interests of consumers and repealing Directive 2009/22/EC, (OJ L 409, 4.12.2020, pp. 1–27).	the collective interests of consumers and repealing Directive 2009/22/EC, (OJ L 409, 4.12.2020, pp. 1–27).	the collective interests of consumers and repealing Directive 2009/22/EC, (OJ L 409, 4.12.2020, pp. 1–27).	the collective interests of consumers and repealing Directive 2009/22/EC, (OJ L 409, 4.12.2020, pp. 1–27). Text Origin: Commission Proposal
Recital 124				
134	(124) Appropriate procedures should be established to pursue complaints against payment service providers which do not comply with their obligations and to ensure that, where appropriate, effective, proportionate and dissuasive penalties are imposed. To ensure effective compliance with this Regulation, Member States should designate competent authorities which meet the conditions laid down in Regulation (EU) No 1093/2010 of the European Parliament and of the Council¹ and which act independently from the payment service providers. Member States should notify the Commission which authorities have been designated, with a clear description of their tasks. 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 (OJ L 331, 15.12.2010, p. 12).	(124) Appropriate procedures should be established to pursue complaints against payment service providers which do not comply with their obligations and to ensure that, where appropriate, effective, proportionate and dissuasive penalties are imposed. To ensure effective compliance with this Regulation, Member States should designate competent authorities which meet the conditions laid down in Regulation (EU) No 1093/2010 of the European Parliament and of the Council¹ and which act independently from the payment service providers. Member States should notify the Commission which authorities have been designated, with a clear description of their tasks. 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 (OJ L 331, 15.12.2010, p. 12).	(124) Appropriate procedures should be established to pursue complaints against payment service providers which do not comply with their obligations and to ensure that, where appropriate, effective, proportionate and dissuasive penalties are imposed. To ensure effective compliance with this Regulation, Member States should designate competent authorities which meet the conditions laid down in Regulation (EU) No 1093/2010 of the European Parliament and of the Council¹ and which act independently from the payment service providers. Member States should notify the Commission which authorities have been designated, with a clear description of their tasks. 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 (OJ L 331, 15.12.2010, p. 12).	(124) Appropriate procedures should be established to pursue complaints against payment service providers which do not comply with their obligations and to ensure that, where appropriate, effective, proportionate and dissuasive penalties are imposed. To ensure effective compliance with this Regulation, Member States should designate competent authorities which meet the conditions laid down in Regulation (EU) No 1093/2010 of the European Parliament and of the Council¹ and which act independently from the payment service providers. Member States should notify the Commission which authorities have been designated, with a clear description of their tasks. 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 (OJ L 331, 15.12.2010, p. 12).

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Commission Proposal
Recital 124a								
G	134a					(124a) In light of the fact that certain provisions in Directive (EU) 2015/2366, such as the ones on ex ante transparency of costs and execution time, were designed having in mind traditional electronic payments and did not take into account the specific characteristics of the use of distributed ledger technology or similar technology for payment transactions with electronic money tokens, it is crucial to specify the application of these requirements to payment transactions with electronic money tokens and to introduce transitional provisions in this regard.		<u>(124a) In light of the fact that certain provisions in Directive (EU) 2015/2366, such as the ones on ex ante transparency of costs and execution time, were designed having in mind traditional electronic payments and did not take into account the specific characteristics of the use of distributed ledger technology or similar technology for payment transactions with electronic money tokens, it is important to specify whether those requirements apply to payment transactions with electronic money tokens, and to introduce transitional provisions in this regard.</u> 4/3: refers to line 1106m.
Recital 124b								
G	134b							<u>(124b) It is necessary to enhance convergence of powers at the disposal of competent authorities so as to pave the way towards an equivalent intensity of enforcement across the integrated payments market. Competent authorities should be granted all the supervisory, investigatory and</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>sanctioning powers necessary to ensure compliance with this Regulation. This Regulation should therefore lay down a common minimum set of powers competent authorities should be entrusted with, coupled with adequate resources to guarantee supervisory effectiveness. In order to protect consumers and ensure adequate information of the market at any time, competent authorities should be empowered to adopt timely supervisory measures, such as suspending or prohibiting the provision, marketing and advertising of services, or issuing public notices to warn the public about an actual or suspected infringement of this Regulation. Competent authorities should use those powers in particular when the infringement takes the form of unauthorized payment services, false or misleading information disseminated through the payments market, and more in general when a payment service provider or third party involved in the provision of payment services has failed to fulfil its obligations under this Regulation. Where information published by competent authorities through public notices was to appear inaccurate, incomplete or its underlying circumstances incorrect,</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>competent authorities should promptly rectify it through the same communication channels used to inform the public.</u>
Recital 124c								
G	134c							<u>(124c) In a digital environment competent authorities should be able to stop infringements of this Regulation swiftly and effectively, notably where the infringer conceals his identity or relocates within the Union or to a third country in order to avoid enforcement. In cases where there is a risk of serious harm to the interests of consumers, the competent authorities should be able to adopt interim measures, including the removal of content from an online interface or ordering the explicit display of a warning to consumers when they access an online interface. Such measures should not go beyond what is necessary to achieve the objective of bringing to an end or prohibiting the infringement of this Regulation.</u>
Recital 125								
G	135	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers	(125) Without prejudice to the right to bring action in court to ensure compliance with this Regulation, competent authorities should exercise the necessary powers

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	granted under this Regulation, including the power to investigate alleged infringements and to impose administrative sanctions and administrative measures, where the payment service provider does not comply with the rights and obligations laid down in this Regulation, in particular if there is a risk of re-offending or another concern for collective consumer interests. Competent authorities should establish effective mechanisms to encourage reporting of potential or actual breaches. Those mechanisms should be without prejudice to the rights of the defense of anyone who has been charged.	granted under this Regulation, including the power to investigate alleged infringements and to impose administrative sanctions and administrative measures, where the payment service provider does not comply with the rights and obligations laid down in this Regulation, in particular if there is a risk of re-offending or another concern for collective consumer interests. Competent authorities should establish effective mechanisms to encourage reporting of potential or actual breaches. Those mechanisms should be without prejudice to the rights of the defense of anyone who has been charged.	granted under this Regulation, including the power to investigate alleged infringements and to impose administrative sanctions and administrative measures, where the payment service provider does not comply with the rights and obligations laid down in this Regulation, in particular if there is a risk of re-offending or another concern for collective consumer interests. Competent authorities should establish effective mechanisms to encourage reporting of potential or actual breaches. Those mechanisms should be without prejudice to the rights of the defense of anyone who has been charged.	granted under this Regulation, including the power to investigate alleged infringements and to impose administrative sanctions and administrative measures, where the payment service provider does not comply with the rights and obligations laid down in this Regulation, in particular if there is a risk of re-offending or another concern for ~~collective~~ consumer interests. Competent authorities should establish effective mechanisms to encourage reporting of potential or actual breaches. Those mechanisms should be without prejudice to the rights of the defense of anyone who has been charged. Text Origin: Commission Proposal
Recital 126				
136	(126) Member States should be required to provide for effective, proportionate and dissuasive administrative sanctions and administrative measures in relation to infringements of provisions from this Regulation. Those administrative sanctions, periodic penalty payments and administrative measures should meet certain minimum requirements, including the minimum powers that should be	(126) Member States should be required to provide for effective, proportionate and dissuasive administrative sanctions and administrative measures in relation to infringements of provisions from this Regulation. Those administrative sanctions, periodic penalty payments and administrative measures should meet certain minimum requirements, including the minimum powers that should be	(126) Member States should be required to provide for effective, proportionate and dissuasive administrative sanctions and administrative measures in relation to infringements of provisions from this Regulation. Those administrative sanctions, periodic penalty payments and administrative measures should meet certain minimum requirements, including the minimum powers that should be	(126) Member States should be required to provide for effective, proportionate and dissuasive administrative sanctions and administrative measures in relation to infringements of provisions from this Regulation. Those administrative sanctions, periodic penalty payments and administrative measures should meet certain minimum requirements, including the minimum powers that should be

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	vested on competent authorities to be able to impose them, the criteria that competent authorities should take into account in their application in their publication and in reporting about them. Member States should lay down specific rules and effective mechanisms regarding the application of periodic penalty payments.	vested on competent authorities to be able to impose them, the criteria that competent authorities should take into account in their application in their publication and in reporting about them. Member States should lay down specific rules and effective mechanisms regarding the application of periodic penalty payments.	vested on competent authorities to be able to impose them, the criteria that competent authorities should take into account in their application in their publication and in reporting about them. Member States should lay down specific rules and effective mechanisms regarding the application of periodic penalty payments.	vested on competent authorities to be able to impose them, the criteria that competent authorities should take into account in their application in their publication and in reporting about them. Member States should lay down specific rules and effective mechanisms regarding the application of periodic penalty payments. Text Origin: Commission Proposal
Recital 127				
137	(127) Competent authorities should be empowered to impose administrative pecuniary penalties which are sufficiently high to offset the benefits that can be expected and to be dissuasive even to larger institutions.	(127) Competent authorities should be empowered to impose administrative pecuniary penalties which are sufficiently high to offset the benefits that can be expected and to be dissuasive even to larger institutions.	(127) Competent authorities should be empowered to impose administrative pecuniary penalties which are sufficiently high to offset the benefits that can be expected and to be dissuasive even to larger institutions.	(127) Competent authorities should be empowered to impose administrative pecuniary penalties which are sufficiently high to offset the benefits that can be expected and to be dissuasive even to larger institutions. Text Origin: Commission Proposal
Recital 128				
138	(128) When imposing administrative sanctions and measures, competent authorities should have regard to any previous criminal penalties that may have been imposed on the same natural or legal person responsible for the same breach when determining the type of administrative penalties or other administrative measures and the	(128) When imposing administrative sanctions and measures, competent authorities should have regard to any previous criminal penalties that may have been imposed on the same natural or legal person responsible for the same breach when determining the type of administrative penalties or other administrative measures and the	(128) When imposing administrative sanctions and measures, competent authorities should have regard to any previous criminal penalties that may have been imposed on the same natural or legal person responsible for the same breach when determining the type of administrative penalties or other administrative measures and the	(128) When imposing administrative sanctions and measures, competent authorities should have regard to any previous criminal penalties that may have been imposed on the same natural or legal person responsible for the same breach when determining the type of administrative penalties or other administrative measures and the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	level of administrative pecuniary penalties. This is to ensure that the severity of all the penalties and other administrative measures imposed for punitive purposes in case of duplication of administrative and criminal proceedings is limited to what is necessary in the view of the seriousness of the breach concerned.	level of administrative pecuniary penalties. This is to ensure that the severity of all the penalties and other administrative measures imposed for punitive purposes in case of duplication of administrative and criminal proceedings is limited to what is necessary in the view of the seriousness of the breach concerned.	level of administrative pecuniary penalties. This is to ensure that the severity of all the penalties and other administrative measures imposed for punitive purposes in case of duplication of administrative and criminal proceedings is limited to what is necessary in the view of the seriousness of the breach concerned.	level of administrative pecuniary penalties. This is to ensure that the severity of all the penalties and other administrative measures imposed for punitive purposes in case of duplication of administrative and criminal proceedings is limited to what is necessary in the view of the seriousness of the breach concerned. Text Origin: Commission Proposal
Recital 129				
139	(129) An effective supervisory system requires that supervisors are aware of the weaknesses in payment services providers' compliance with rules in this Regulation. It is therefore important that supervisors be able to inform one another of administrative sanctions and measures imposed on payment services providers, when such information would be relevant for other supervisors too.	(129) An effective supervisory system requires that supervisors are aware of the weaknesses in payment services providers' compliance with rules in this Regulation. It is therefore important that supervisors be able to inform one another of administrative sanctions and measures imposed on payment services providers, when such information would be relevant for other supervisors too.	(129) An effective supervisory system requires that supervisors are aware of the weaknesses in payment services providers' compliance with rules in this Regulation. It is therefore important that supervisors be able to inform one another of administrative sanctions and measures imposed on payment services providers, when such information would be relevant for other supervisors too.	(129) An effective supervisory system requires that supervisors are aware of the weaknesses in payment services providers' compliance with rules in this Regulation. It is therefore important that supervisors be able to inform one another of administrative sanctions and measures imposed on payment services providers, when such information would be relevant for other supervisors too. Text Origin: Commission Proposal
Recital 130				
140	(130) The effectiveness of the Union framework for payment services depends on cooperation between a wide array of competent authorities, including national authorities responsible for taxation, data	(130) The effectiveness of the Union framework for payment services depends on cooperation between a wide array of competent authorities, including national authorities responsible for taxation, data	(130) The effectiveness of the Union framework for payment services depends on cooperation between a wide array of competent authorities, including national authorities responsible for taxation, data	(130) The effectiveness of the Union framework for payment services depends on cooperation between a wide array of competent authorities, including national authorities responsible for taxation, ~~data~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	protection, competition, consumer protection, audit, police and other enforcement authorities. Member States should ensure that their legal framework allows and facilitates such cooperation as required, to achieve the goals of the Union framework for payment services also through the proper enforcement of its rules. Such cooperation should include exchange of information as well as mutual assistance for effective enforcement of administrative sanctions, in particular in the cross-border recovery of pecuniary penalties.	protection, competition, consumer protection, audit, police and other enforcement authorities. Member States should ensure that their legal framework allows and facilitates such cooperation as required, to achieve the goals of the Union framework for payment services also through the proper enforcement of its rules. Such cooperation should include exchange of information as well as mutual assistance for effective enforcement of administrative sanctions, in particular in the cross-border recovery of pecuniary penalties.	protection, competition, consumer protection, audit, police and other enforcement authorities. Member States should ensure that their legal framework allows and facilitates such cooperation as required, to achieve the goals of the Union framework for payment services also through the proper enforcement of its rules. Such cooperation should include exchange of information as well as mutual assistance for effective enforcement of administrative sanctions, in particular in the cross-border recovery of pecuniary penalties.	~~protection, competition, consumer protection, audit, police~~ and other enforcement authorities. Member States should ensure that their legal framework allows and facilitates such cooperation as required, to achieve the goals of the Union framework for payment services also through the proper enforcement of its rules. Such cooperation should include exchange of information as well as mutual assistance for effective enforcement of administrative sanctions, in particular in the cross-border recovery of pecuniary penalties. Text Origin: Commission Proposal
Recital 131				
141	(131) Irrespective of their denomination under national law, forms of expedited enforcement procedure or settlement agreements can be found in many Member States and are used as an alternative to formal proceedings to achieve a swifter adoption of a decision aiming at imposing an administrative sanction or administrative measure or to put an end to the alleged breach and its consequences before formal sanctioning proceedings are started. While it does not appear appropriate to strive to harmonize at Union level	(131) Irrespective of their denomination under national law, forms of expedited enforcement procedure or settlement agreements can be found in many Member States and are used as an alternative to formal proceedings to achieve a swifter adoption of a decision aiming at imposing an administrative sanction or administrative measure or to put an end to the alleged breach and its consequences before formal sanctioning proceedings are started. While it does not appear appropriate to strive to harmonize at Union level	(131) Irrespective of their denomination under national law, forms of expedited enforcement procedure or settlement agreements can be found in many Member States and are used as an alternative to formal proceedings to achieve a swifter adoption of a decision aiming at imposing an administrative sanction or administrative measure or to put an end to the alleged breach and its consequences before formal sanctioning proceedings are started. While it does not appear appropriate to strive to harmonize at Union level	(131) Irrespective of their denomination under national law, forms of expedited enforcement procedure or settlement agreements can be found in many Member States and are used as an alternative to formal proceedings to achieve a swifter adoption of a decision aiming at imposing an administrative sanction or administrative measure or to put an end to the alleged breach and its consequences before formal sanctioning proceedings are started. While it does not appear appropriate to strive to harmonize at Union level

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	such enforcement methods introduced by many Member States, due to the very varied legal approaches adopted at national level, it should be acknowledged that such methods allow competent authorities that can apply them to handle infringement cases in a speedier, less costly and overall efficient way under certain circumstances, and should therefore be encouraged. However, Member States should not be under the obligation to introduce such enforcement methods in their legal framework nor to compel competent authorities to use them if they do not deem it appropriate.	such enforcement methods introduced by many Member States, due to the very varied legal approaches adopted at national level, it should be acknowledged that such methods allow competent authorities that can apply them to handle infringement cases in a speedier, less costly and overall efficient way under certain circumstances, and should therefore be encouraged. However, Member States should not be under the obligation to introduce such enforcement methods in their legal framework nor to compel competent authorities to use them if they do not deem it appropriate.	such enforcement methods introduced by many Member States, due to the very varied legal approaches adopted at national level, it should be acknowledged that such methods allow competent authorities that can apply them to handle infringement cases in a speedier, less costly and overall efficient way under certain circumstances, and should therefore be encouraged. However, Member States should not be under the obligation to introduce such enforcement methods in their legal framework nor to compel competent authorities to use them if they do not deem it appropriate.	such enforcement methods introduced by many Member States, due to the very varied legal approaches adopted at national level, it should be acknowledged that such methods allow competent authorities that can apply them to handle infringement cases in a speedier, less costly and overall efficient way under certain circumstances, and should therefore be encouraged. However, Member States should not be under the obligation to introduce such enforcement methods in their legal framework nor to compel competent authorities to use them if they do not deem it appropriate. Text Origin: Commission Proposal
Recital 132				
142	(132) Member States have established and currently provide for a diverse range of administrative sanctions and administrative measures for breaches of the key provisions regulating the provisions of payment services and inconsistent approaches to investigating and sanctioning violations of those provisions. Failing to set out more clearly what core provisions must trigger sufficiently dissuasive enforcement everywhere in the Union would thwart the achievement	(132) Member States have established and currently provide for a diverse range of administrative sanctions and administrative measures for breaches of the key provisions regulating the provisions of payment services and inconsistent approaches to investigating and sanctioning violations of those provisions. Failing to set out more clearly what core provisions must trigger sufficiently dissuasive enforcement everywhere in the Union would thwart the achievement	(132) Member States have established and currently provide for a diverse range of administrative sanctions and administrative measures for breaches of the key provisions regulating the provisions of payment services and inconsistent approaches to investigating and sanctioning violations of those provisions. Failing to set out more clearly what core provisions must trigger sufficiently dissuasive enforcement everywhere in the Union would thwart the achievement	(132) Member States have established and currently provide for a diverse range of administrative sanctions and administrative measures for breaches of the key provisions regulating the provisions of payment services and inconsistent approaches to investigating and sanctioning violations of those provisions. Failing to set out more clearly what core provisions must trigger sufficiently dissuasive enforcement everywhere in the Union would thwart the achievement

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of the single market for payment services and would risk incentivising forum shopping insofar as competent authorities are unevenly equipped to enforce promptly and with the same deterrence these infringements in the Member States.	of the single market for payment services and would risk incentivising forum shopping insofar as competent authorities are unevenly equipped to enforce promptly and with the same deterrence these infringements in the Member States.	of the single market for payment services and would risk incentivising forum shopping insofar as competent authorities are unevenly equipped to enforce promptly and with the same deterrence these infringements in the Member States.	of the single market for payment services and would risk incentivising forum shopping insofar as competent authorities are unevenly equipped to enforce promptly and with the same deterrence these infringements in the Member States. Text Origin: Commission Proposal
Recital 133				
143	(133) Since the purpose of the periodic penalty payments is to compel natural or legal persons who are identified as responsible for an ongoing infringement or are required to comply with an order from the investigating competent authority, to comply with that order or terminate the ongoing breach, the application of periodic penalty payments should not prevent competent authorities from imposing subsequent administrative sanctions for the same infringement.	(133) Since the purpose of the periodic penalty payments is to compel natural or legal persons who are identified as responsible for an ongoing infringement or are required to comply with an order from the investigating competent authority, to comply with that order or terminate the ongoing breach, the application of periodic penalty payments should not prevent competent authorities from imposing subsequent administrative sanctions for the same infringement.	(133) Since the purpose of the periodic penalty payments is to compel natural or legal persons who are identified as responsible, in accordance with the national law , for an ongoing infringement or are required to comply with an order from the investigating competent authority, to comply with that order or terminate the ongoing breach, the application of periodic penalty payments should not prevent competent authorities from imposing subsequent administrative sanctions or other administrative measures for the same infringement.	(133) Since the purpose of the periodic penalty payments, <u>which are applied in accordance with national law</u> , is to compel natural or legal persons who are identified as responsible for an ongoing infringement or are required to comply with an order from the investigating competent authority, to comply with that order or terminate the ongoing breach, the application of periodic penalty payments should not prevent competent authorities from imposing subsequent administrative sanctions <u>or other administrative measures</u> for the same infringement.
Recital 134				
144	(134) Unless otherwise provided for by Member States, periodic penalty payments should be calculated on a daily basis.	(134) Unless otherwise provided for by Member States, periodic penalty payments should be calculated on a daily basis.	(134) Unless otherwise provided for by Member States, periodic penalty payments should be calculated on a daily basis.	(134) Unless otherwise provided for by Member States, periodic penalty payments should be calculated on a daily basis. Text Origin: Commission

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				Proposal
Recital 135				
145	(135) Competent authorities should be empowered by Member States to impose such administrative sanctions and administrative measures on payment services providers or other natural or legal persons where relevant to remedy the situation in the case of infringement. The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between payment service providers, in particular between credit institutions and other payment institutions, as regards their size, characteristics and the nature of the business.	(135) Competent authorities should be empowered by Member States to impose such administrative sanctions and administrative measures on payment services providers or other natural or legal persons where relevant to remedy the situation in the case of infringement. The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between payment service providers, in particular between credit institutions and other payment institutions, as regards their size, characteristics and the nature of the business.	(135) Competent authorities should be empowered by Member States to impose such administrative sanctions and administrative measures on payment services providers or other natural or legal persons where relevant to remedy the situation in the case of infringement. The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between payment service providers, in particular between credit institutions and other payment institutions, as regards their size, characteristics and the nature of the business.	(135) Competent authorities should be empowered by Member States to impose such administrative sanctions and administrative measures on payment services providers or other natural or legal persons where relevant to remedy the situation in the case of infringement <u>of this Regulation</u> . The range of sanctions and measures should be sufficiently broad to allow Member States and competent authorities to take account of the differences between payment service providers, in particular between credit institutions and other payment institutions, as regards their size, characteristics and the nature of the business. Text Origin: Commission Proposal
Recital 136				
146	(136) The publication of an administrative sanction or measure for infringement of provisions of this Regulation can have a strong dissuasive effect against repetition of such infringement. Publication also informs other entities of the risks associated with the sanctioned payment services provider before	(136) The publication of an administrative sanction or measure for infringement of provisions of this Regulation can have a strong dissuasive effect against repetition of such infringement. Publication also informs other entities of the risks associated with the sanctioned payment services provider before	(136) The publication of an administrative sanction or measure for infringement of provisions of this Regulation can have a strong dissuasive effect against repetition of such infringement. Publication also informs other entities of the risks associated with the sanctioned payment services provider before	(136) The publication of an administrative sanction or measure for infringement of provisions of this Regulation can have a strong dissuasive effect against repetition of such infringement. Publication also informs other entities of the risks associated with the sanctioned payment services provider before

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	entering into a business relationship and assists competent authorities in other Member States in relation to the risks associated with a payment services provider when it operates in their Member States on a cross-border basis. For those reasons, the publication of decisions on administrative sanctions and administrative measures should be allowed as long as it concerns legal persons. In taking a decision whether to publish an administrative sanction or administrative measure, competent authorities should take into account the gravity of the infringement and the dissuasive effect that the publication is likely to produce. However, any such publication referred to natural persons may impinge on their rights stemming from the Charter of Fundamental Rights and the applicable Union data protection legislation in a disproportionate manner. Therefore, publication should occur in an anonymised way unless the competent authority deems it necessary to publish decisions containing personal data for the effective enforcement of this Regulation, including in the case of public statements or temporary bans. In such cases the competent authority should justify its decision.	entering into a business relationship and assists competent authorities in other Member States in relation to the risks associated with a payment services provider when it operates in their Member States on a cross-border basis. For those reasons, the publication of decisions on administrative sanctions and administrative measures should be allowed as long as it concerns legal persons. In taking a decision whether to publish an administrative sanction or administrative measure, competent authorities should take into account the gravity of the infringement and the dissuasive effect that the publication is likely to produce. However, any such publication referred to natural persons may impinge on their rights stemming from the Charter of Fundamental Rights and the applicable Union data protection legislation in a disproportionate manner. Therefore, publication should occur in an anonymised way unless the competent authority deems it necessary to publish decisions containing personal data for the effective enforcement of this Regulation, including in the case of public statements or temporary bans. In such cases the competent authority should justify its decision.	entering into a business relationship and assists competent authorities in other Member States in relation to the risks associated with a payment services provider when it operates in their Member States on a cross-border basis. For those reasons, the publication of decisions on administrative sanctions and administrative measures, and also the right of appeal against these publications should be allowed as long as it concerns legal persons. In taking a decision whether to publish an administrative sanction or administrative measure, competent authorities should take into account the gravity of the infringement and the dissuasive effect that the publication is likely to produce. However, any such publication referred to natural persons may impinge on their rights stemming from the Charter of Fundamental Rights and the applicable Union data protection legislation in a disproportionate manner. Therefore, publication should occur in an anonymised way unless the competent authority deems it necessary to publish decisions containing personal data for the effective enforcement of this Regulation, including in the case of public statements or temporary bans. In such cases the competent	entering into a business relationship and assists competent authorities in other Member States in relation to the risks associated with a payment services provider when it operates in their Member States on a cross-border basis. For those reasons, the publication of decisions on administrative sanctions and administrative measures <u>as well as information on the right to appeal them and the outcome of such an appeal</u> should be allowed as long as it concerns legal persons. In taking a decision whether to publish an administrative sanction or administrative measure, competent authorities should take into account the gravity of the infringement and the dissuasive effect that the publication is likely to produce. However, any such publication referred to natural persons may impinge on their rights stemming from the Charter of Fundamental Rights and the applicable Union data protection legislation in a disproportionate manner. Therefore, publication should occur in an anonymised way unless the competent authority deems it necessary to publish decisions containing personal data for the effective enforcement of this Regulation, including in the case of public statements or temporary bans.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			authority should justify its decision.	In such cases the competent authority should justify its decision.
Recital 137				
147	(137) To collect more accurate information on the level of compliance with Union law on the ground, while giving competent authorities' enforcement activity more visibility, it is necessary to enlarge the scope and improve the quality of the data that competent authorities report to the EBA. Information to be reported should be anonymised to comply with data protection rules in force and provided in aggregated form to comply with professional secrecy and confidentiality rules as regards proceedings. The EBA should report regularly to the Commission on the progress of enforcement actions in the Member States.	(137) To collect more accurate information on the level of compliance with Union law on the ground, while giving competent authorities' enforcement activity more visibility, it is necessary to enlarge the scope and improve the quality of the data that competent authorities report to the EBA. Information to be reported should be anonymised to comply with data protection rules in force and provided in aggregated form to comply with professional secrecy and confidentiality rules as regards proceedings. The EBA should report regularly to the Commission on the progress of enforcement actions in the Member States.	(137) To collect more accurate information on the level of compliance with Union law on the ground, while giving competent authorities' enforcement activity more visibility, it is necessary to enlarge the scope and improve the quality of the data that competent authorities report to the EBA. Information to be reported should be anonymised to comply with data protection rules in force and provided in aggregated form to comply with professional secrecy and confidentiality rules as regards proceedings. The EBA should report regularly to the Commission on the progress of enforcement actions in the Member States.	(137) To collect more accurate information on the level of compliance with Union law on the ground, while giving competent authorities' enforcement activity more visibility, it is necessary to enlarge the scope and improve the quality of the data that competent authorities report to the EBA. Information to be reported should be anonymised to comply with data protection rules in force and provided in aggregated form to comply with professional secrecy and confidentiality rules as regards proceedings. The EBA should report regularly to the Commission on the progress of enforcement actions in the Member States. <i>Text Origin: Commission Proposal</i>
Recital 138				
148	(138) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to update, to take account of inflation, the amounts up to which a payer may be obliged to bear the losses relating to any	(138) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to update, to take account of inflation, the amounts up to which a payer may be obliged to bear the losses relating to any	(138) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to update, to take account of inflation, the amounts up to which a payer may be obliged to bear the losses relating to any	(138) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission <u>with the aim to further specify the fee information that payment card schemes and processing entities must disclose to</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	unauthorised payment transactions resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument. The Commission, when preparing delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	unauthorised payment transactions resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument. The Commission, when preparing delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	unauthorised payment transactions resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument. The Commission, when preparing delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. Furthermore, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to introduce technical adjustments and corrections of non-essential elements in the provisions of Title II and III of this Regulation as regards payment transactions with electronic money tokens. The Commission should take into account developments after the adoption of this Regulation and the specificities of the use of distributed ledger technology or similar technology for such transactions.	<u>acquiring payment service providers;</u> to update, ~~to take account of inflation, the amounts~~ <u>the amount</u> up to which a payer may be obliged to bear ~~the~~ losses relating to ~~any~~ unauthorised payment transactions resulting from the ~~use of a lost or stolen payment instrument or from the loss, theft or~~ misappropriation of a payment instrument <u>or personalised security credentials; to adjust the rules applicable to payment transactions with electronic money tokens in light of technological and market developments; and to specify the criteria and factors to be taken into account by the EBA when determining certain conditions related to temporary intervention powers.</u> The Commission, when preparing delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
Recital 139				
149	(139) In order to ensure consistent application of this Regulation, the Commission should be able to rely on the expertise and support of the EBA, which should have the task of	(139) In order to ensure consistent application of this Regulation, the Commission should be able to rely on the expertise and support of the EBA, which should have the task of	(139) In order to ensure consistent application of this Regulation, the Commission should be able to rely on the expertise and support of the EBA, which should have the task of	(139) In order to ensure consistent application of this Regulation, the Commission should be able to rely on the expertise and support of the EBA, which should have the task of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	preparing guidelines and draft Regulatory and Implementing Technical Standards. The Commission should be empowered to adopt those draft Regulatory Technical Standards. The EBA should, when developing guidelines, draft Regulatory Technical Standards and draft Implementing Technical Standards pursuant to this Regulation and in accordance with Regulation (EU) No 1093/2010, consult all relevant stakeholders, including those in the payment services market, reflecting all interests involved.	preparing guidelines and draft Regulatory and Implementing Technical Standards. The Commission should be empowered to adopt those draft Regulatory Technical Standards. The EBA should, when developing guidelines, draft Regulatory Technical Standards and draft Implementing Technical Standards pursuant to this Regulation and in accordance with Regulation (EU) No 1093/2010, consult all relevant stakeholders, including those in the payment services market, reflecting all interests involved.	preparing guidelines and draft Regulatory and Implementing Technical Standards. The Commission should be empowered to adopt those draft Regulatory Technical Standards. The EBA should, when developing guidelines, draft Regulatory Technical Standards and draft Implementing Technical Standards pursuant to this Regulation and in accordance with Regulation (EU) No 1093/2010, consult all relevant stakeholders, including those in the payment services market, reflecting all interests involved.	preparing guidelines and draft Regulatory and Implementing Technical Standards. The Commission should be empowered to adopt those draft Regulatory Technical Standards. ~~The EBA should,~~ When developing guidelines, draft Regulatory Technical Standards and draft Implementing Technical Standards pursuant to this Regulation and in accordance with Regulation (EU) No 1093/2010, <u>the EBA should</u> consult all relevant stakeholders, including those in the payment services market, reflecting all interests involved. Text Origin: Commission Proposal
Recital 140				
150	(140) The EBA should, in line with Article 9(5) of Regulation (EU) No 1093/2010, be granted product intervention powers to be able to temporarily prohibit or restrict in the Union certain type or a specific feature of a payment service or an electronic money service which is identified as potentially causing harm to consumers, threatening the orderly functioning and integrity of financial markets. Regulation (EU) No 1093/2010 should therefore be amended accordingly.	(140) The EBA should, in line with Article 9(5) of Regulation (EU) No 1093/2010, be granted product intervention powers to be able to temporarily prohibit or restrict in the Union certain type or a specific feature of a payment service or an electronic money service which is identified as potentially causing harm to consumers, threatening the orderly functioning and integrity of financial markets. Regulation (EU) No 1093/2010 should therefore be amended accordingly. <u>Before exercising those powers, the EBA</u>	(140) The EBA should, in line with Article 9(5) of Regulation (EU) No 1093/2010, be granted product intervention powers to be able to temporarily prohibit or restrict in the Union certain type or a specific feature of a payment service or an electronic money service which is identified as potentially causing harm to consumers, threatening the orderly functioning and integrity of financial markets. Regulation (EU) No 1093/2010 should therefore be amended accordingly.	(140) The EBA should, in line with Article 9(5) of Regulation (EU) No 1093/2010, be granted product intervention powers to be able to temporarily prohibit or restrict in the Union certain type or a specific feature of a payment service or an electronic money service which is identified as potentially causing harm to consumers, threatening the orderly functioning and integrity of financial markets. Regulation (EU) No 1093/2010 should therefore be amended accordingly.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>should ensure that - where possible - it has consulted with payment service providers or third-party providers.</u>				
		Recital 140a						
G		150a		<u>(140a) The EBA should be granted all necessary resources, including human resources, to fulfil its mandate under this Regulation.</u>				deleted
		Recital 141						
G		151		(141) The Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council¹ should be amended to include a reference to this Regulation to facilitate cross-border cooperation on the enforcement of this Regulation. 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/200 (OJ L 345, 27.12.2017, p. 1–26).		(141) The Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council¹ should be amended to include a reference to this Regulation to facilitate cross-border cooperation on the enforcement of this Regulation. 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/200 (OJ L 345, 27.12.2017, p. 1–26).		(141) <u>To facilitate cross-border cooperation on the enforcement of this Regulation</u>, the Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council¹ should be amended to include a reference to this Regulation ~~to facilitate cross-border cooperation on the enforcement of this Regulation~~. ~~1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/200 (OJ L 345, 27.12.2017, p. 1–26).~~
		Recital 142						
G		152		(142) Since the objective of this Regulation, namely further integration of an internal market in payment services, cannot be sufficiently achieved by the Member		(142) Since the objective of this Regulation, namely further integration of an internal market in payment services, cannot be sufficiently achieved by the Member		(142) Since the objective of this Regulation, namely further integration of an internal market in payment services, cannot be sufficiently achieved by the Member

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	States because it requires harmonisation of various different rules in Union and national law, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	States because it requires harmonisation of various different rules in Union and national law, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	States because it requires harmonisation of various different rules in Union and national law, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	States because it requires harmonisation of various different rules in Union and national law, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective. Text Origin: Commission Proposal
Recital 143				
153	(143) Considering that this Regulation and Directive (EU) XXX (PSD3) lay down the legal framework governing the provision of retail payment services and electronic money services within the Union, to ensure legal certainty and consistency of the Union's legal framework, this Regulation should apply from the same date as the date of application of the laws, regulations and administrative provisions that Member States are required to adopt to comply with Directive (EU) XXX (PSD3). However, the provisions requiring payment service providers to verify	(143) Considering that this Regulation and Directive (EU) XXX (PSD3) lay down the legal framework governing the provision of retail payment services and electronic money services within the Union, to ensure legal certainty and consistency of the Union's legal framework, this Regulation should apply from the same date as the date of application of the laws, regulations and administrative provisions that Member States are required to adopt to comply with Directive (EU) XXX (PSD3). However, the provisions requiring payment service providers to verify	(143) Considering that this Regulation and Directive (EU) XXX (PSD3) lay down the legal framework governing the provision of retail payment services and electronic money services within the Union, to ensure legal certainty and consistency of the Union's legal framework, this Regulation should apply from the same date as the date of application of the laws, regulations and administrative provisions that Member States are required to adopt to comply with Directive (EU) XXX (PSD3). However, the provisions requiring payment service providers to verify	(143) Considering that this Regulation and Directive (EU) XXX (PSD3) lay down the legal framework governing the provision of retail payment services and electronic money services within the Union, to ensure legal certainty and consistency of the Union's legal framework, this Regulation should apply from the same date as the date of application of the laws, regulations and administrative provisions that Member States are required to adopt to comply with Directive (EU) XXX (PSD3). However, the provisions requiring payment service providers to verify

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	discrepancies between the name and unique identifier of a payee in case of credit transfers and the respective liability regime should apply from 24 months after the date of entry into force of this Regulation, thus granting payment service providers enough time to take the necessary steps to adjust their internal systems, to comply with such requirements.	discrepancies between the name and unique identifier of a payee in case of credit transfers and the respective liability regime should apply from 24 months after the date of entry into force of this Regulation, thus granting payment service providers enough time to take the necessary steps to adjust their internal systems, to comply with such requirements.	discrepancies between the name and unique identifier of a payee in case of credit transfers and the respective liability regime should apply from 24 months after the date of entry into force of this Regulation, thus granting payment service providers enough time to take the necessary steps to adjust their internal systems, to comply with such requirements.	discrepancies between the name and unique identifier of a payee in case of credit transfers and the respective liability regime should apply from ~~24~~ ²⁷ months after the date of entry into force of this Regulation, thus granting payment service providers enough time to take the necessary steps to adjust their internal systems, to comply with such requirements. Text Origin: Commission Proposal
Recital 144				
154	(144) In keeping with the principles of better regulation, this Regulation should be reviewed for its effectiveness and efficiency in achieving its objectives. The review should take place a sufficient time after the date of application of this Regulation for adequate evidence to exist on which the review can be based. Five years is considered to be an appropriate period. While the review should consider this Regulation as a whole, certain topics should be singled out for particular attention, namely the functioning of open banking, the charging for payment services and further solutions to combat fraud. Regarding the scope of this Regulation, however, it is appropriate for a review to take place earlier, three	(144) In keeping with the principles of better regulation, this Regulation should be reviewed for its effectiveness and efficiency in achieving its objectives. The review should take place a sufficient time after the date of application of this Regulation for adequate evidence to exist on which the review can be based. Five years is considered to be an appropriate period. While the review should consider this Regulation as a whole, certain topics should be singled out for particular attention, namely the functioning of open banking, the charging for payment services and further solutions to combat fraud. Regarding the scope of this Regulation, however, it is appropriate for a review to take place earlier, three	(144) In keeping with the principles of better regulation, this Regulation should be reviewed for its effectiveness and efficiency in achieving its objectives. The review should take place a sufficient time after the date of application of this Regulation for adequate evidence to exist on which the review can be based. Five years is considered to be an appropriate period. While the review should consider this Regulation as a whole, certain topics should be singled out for particular attention, namely the functioning of open banking, the charging for payment services and further solutions to combat fraud. Regarding the scope of this Regulation, however, it is appropriate for a review to take place earlier, three	(144) In keeping with the principles of better regulation, this Regulation should be reviewed for its effectiveness and efficiency in achieving its objectives. The review should take place a sufficient time after the date of application of this Regulation for adequate evidence to exist on which the review can be based. ~~Five~~ ^{Seven} years is considered to be an appropriate period. While the review should consider this Regulation as a whole, certain topics should be singled out for particular attention, namely the functioning of open banking, ~~the charging for payment services and~~ further solutions to combat fraud <u>and the appropriateness and impact of the rules on the extent of situations where a consumer has a refund</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	years after entry into application, given the importance attached to that subject in Article 58(2) of Regulation (EU) 2022/2554 of the European Parliament and of the Council¹. That review of scope should consider both the possible extension of the list of covered payment services to include services such as those performed by payment systems and payment schemes, and the possible inclusion in the scope of some technical services currently excluded. 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1).	years after entry into application, given the importance attached to that subject in Article 58(2) of Regulation (EU) 2022/2554 of the European Parliament and of the Council¹. That review of scope should consider both the possible extension of the list of covered payment services to include services such as those performed by payment systems and payment schemes, and the possible inclusion in the scope of some technical services currently excluded. 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1).	years after entry into application, given the importance attached to that subject in Article 58(2) of Regulation (EU) 2022/2554 of the European Parliament and of the Council¹. That review of scope should consider both the possible extension of the list of covered payment services to include services such as those performed by payment systems and payment schemes, and the possible inclusion in the scope of some technical services currently excluded. 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1).	<u>right for authorised transactions.</u> <u>However</u> regarding <u>other topics, namely the charging practices for payment services, the obligations imposed on electronic communications services providers and on providers of hosting services on payments fraud prevention</u>, the scope of this Regulation, ~~however~~<u>the appropriateness and the impact of the rules set out in this Regulation with regard to payment transactions with electronic money tokens</u>, it is appropriate for a review to take place earlier, ~~three~~ <u>than 7</u> years, after entry into ~~application~~<u>force</u>, given the <u>fundamental</u> importance attached to ~~that subject in Article 58(2) of Regulation (EU) 2022/2554 of the European Parliament and of the Council~~<u>those topics for the functioning of a competitive, innovative and secure payments market in the Union</u>¹. That review of scope should consider both the possible extension of the list of covered payment services to include services such as those performed by payment systems and payment schemes, and the possible inclusion in the scope of some technical services currently excluded. 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1). Text Origin: Commission Proposal
Recital 144a								
G	154a					(144a) In view of the increasing relevance of virtual IBANs, the Commission should review the impact of the newly adopted provisions contained in Regulation (EU) 2024/1624 and Directive (EU) 2024/1640 in relation to virtual IBANs. The review should take place a sufficient time after the entry into force of the above-mentioned legislations. The Commission's report based on this review should, in particular, assess the risks and challenges posed by virtual IBANs on the one hand, and their benefits on the other one. On the grounds of this assessment, the Commission should conclude in its report, whether it is necessary to introduce any further measures regulating virtual IBANs at EU level and, if appropriate, submit a legislative proposal together with the report.		<u>(144a) In view of the increasing relevance of virtual IBANs being used for legitimate business purposes within the Union, it is essential to enhance legal certainty and ensure compliance with Regulation (EU) No 260/2012. It is therefore necessary to clarify that virtual IBANs are subject to the same rules as IBANs, containing the elements specified by the International Organisation for Standardisation (ISO). Regulation (EU) No 260/2012 should be amended accordingly. In addition, virtual IBANs are permissible as valid payment account identifiers where the use of an IBAN is required. Considering the risks and challenges posed by virtual IBANs, including from an anti-money laundering perspective, on the one hand, and their benefits, on the other, the Commission should assess and conclude in its report whether it is necessary to introduce any further measures regulating</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>virtual IBANs at Union level and, if appropriate, submit a legislative proposal together with the report.</u> TM 21.10: streamlined to align with corresponding provision. Text Origin: Council Mandate
Recital 144b				
154b			(144b) In keeping with the principles of better regulation, this Regulation should be reviewed for the appropriateness and the impact of the rules set out in Titles II and III of this Regulation with regard to payment transactions with electronic money tokens. In its review, the Commission should assess whether, given developments, it would be desirable, to extend the requirements on the verification of the payee and open banking under this Regulation to payment transactions with electronic money tokens.	<u>(144b) In keeping with the principles of better regulation, this Regulation should be reviewed for the appropriateness and the impact of the rules set out in Titles II and III of this Regulation with regard to payment transactions with electronic money tokens. In its review, the Commission should assess whether, given developments, it would be desirable, to extend the requirements on the verification of the payee and open banking under this Regulation to payment transactions with electronic money tokens.</u>
Recital 145				
155	(145) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life, the right to protection of personal	(145) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life, the right to protection of personal	(145) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life, the right to protection of personal	(145) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life, the right to protection of personal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	data, the freedom to conduct a business, the right to an effective remedy and the right not to be tried or punished twice in criminal proceedings for the same offence. This Regulation must be applied in accordance with those rights and principles.	data, the freedom to conduct a business, the right to an effective remedy and the right not to be tried or punished twice in criminal proceedings for the same offence. This Regulation must be applied in accordance with those rights and principles.	data, the freedom to conduct a business, the right to an effective remedy and the right not to be tried or punished twice in criminal proceedings for the same offence. This Regulation must be applied in accordance with those rights and principles.	data, the freedom to conduct a business, the right to an effective remedy and the right not to be tried or punished twice in criminal proceedings for the same offence. This Regulation must be applied in accordance with those rights and principles. Text Origin: Commission Proposal
Recital 145a				
155a				<u>(145a) Regulation (EU) No 2023/1114 provides that certain firms subject to Union legislative acts on financial services should be allowed to provide all or some crypto-asset services without being required to obtain an authorisation as a crypto-asset service provider if they notify their competent authorities with certain information before providing those services for the first time. In order to establish a comprehensive list of those firms it is necessary to amend Regulation (EU) No 2023/1114 and to also provide that payment institutions which are authorised under Directive XXX [PSD3] should be able to provide crypto-asset services in relation to e-money tokens for the purposes of providing payment services, where such crypto-asset services are deemed equivalent to</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>those payment services.</u> 4/3: line 1117j (and reflects content from recital 78 MiCAR, incl. use of 'firms') Council to revert. 5/2: no timelimit added
Recital 146				
156	(146) References to amounts in euro, are to be understood as the national currency equivalent as determined by each non-euro Member State.	(146) References to amounts in euro, are to be understood as the national currency equivalent as determined by each non-euro Member State.	(146) References to amounts in euro, are to be understood as the national currency equivalent as determined by each non-euro Member State. References to payment transactions in euro or other currencies are to be understood as payment transactions with funds denominated in euro or other currencies, including electronic money tokens denominated in euro or other currencies.	(146) References to amounts in euro, are to be understood as the national currency equivalent as determined by each non-euro Member State. <u>References to payment transactions in euro or other currencies are to be understood as payment transactions with funds denominated in euro or other currencies, including electronic money tokens denominated in euro or other currencies.</u> Text Origin: Council Mandate
Recital 146a				
156a		<u>(146a) Consumers should have access to proportionate and effective remedies, including compensation for any damage suffered by them. Those remedies should be without prejudice to the application of other remedies available to consumers under Union or national law.</u>		deleted
Recital 147				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
157	(147) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]², 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), (OJ L 295, 21.11.2018, p. 39–98). 2. OJ C [...], [...], p. [...].	(147) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]², 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), (OJ L 295, 21.11.2018, p. 39–98). 2. OJ C [...], [...], p. [...].	(147) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]², 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), (OJ L 295, 21.11.2018, p. 39–98). 2. OJ C [...], [...], p. [...].	(147) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on [XX XX 2023]², 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), (OJ L 295, 21.11.2018, p. 39–98). 2. OJ C [...], [...], p. [...]. Text Origin: Commission Proposal
Formula				
158	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal
TITLE I				
159	TITLE I SUBJECT MATTER, SCOPE AND DEFINITIONS	TITLE I SUBJECT MATTER, SCOPE AND DEFINITIONS	TITLE I SUBJECT MATTER, SCOPE AND DEFINITIONS	TITLE I SUBJECT MATTER, SCOPE AND DEFINITIONS Text Origin: Commission Proposal
Article 1				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
160	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter Text Origin: Commission Proposal
Article 1(1)				
161	1.This Regulation lays down uniform requirements on the provision of payment services and electronic money services, as regards:	1.This Regulation lays down uniform requirements on the provision of payment services and electronic money services, as regards:	1.This Regulation lays down uniform requirements on the provision of payment services and electronic money services, as regards:	1.This Regulation lays down uniform requirements on the provision of payment services ~~and electronic money services~~ , as regards: TM 16.12 Text Origin: Commission Proposal
Article 1(1), point (a)				
162	(a) the transparency of conditions and information requirements for payment services and electronic money services;	(a) the transparency of conditions and information requirements for payment services and electronic money services;	(a) the transparency of conditions and information requirements for payment services and electronic money services;	(a) the transparency of conditions and information requirements for payment services ~~and electronic money services~~ ; TM 16.12 Text Origin: Commission Proposal
Article 1(1), point (b)				
163	(b) the respective rights and obligations of payment and electronic money service users, and of payment and electronic money service providers in relation to the provision of payment services and electronic money services.	(b) the respective rights and obligations of payment and electronic money service users, and of payment and electronic money service providers in relation to the provision of payment services and electronic money services.	(b) the respective rights and obligations of payment and electronic money service users, and of payment and electronic money service providers in relation to the provision of payment services and electronic money services.	(b) the respective rights and obligations of payment ~~and electronic money~~ service users, and of payment ~~and electronic money~~ service providers in relation to the provision of payment services ~~and electronic money services~~ .

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 16.12 Text Origin: Commission Proposal
Article 1(2)				
164	2.Unless specified otherwise, any reference to payment services shall be understood in this Regulation as meaning payment and electronic money services.	2.Unless specified otherwise, any reference to payment services shall be understood in this Regulation as meaning payment and electronic money services.	2.Unless specified otherwise, any reference to payment services shall be understood in this Regulation as meaning payment and electronic money services.	2.Unless specified otherwise, any reference to payment services shall be understood in this Regulation as meaning payment ~~and electronic money~~ services <u>as referred to in Annex I of [PSD3]</u>. TM 16.12 Text Origin: Commission Proposal
Article 1(3)				
165	3.Unless specified otherwise, any reference to payment service providers shall be understood in this Regulation as meaning payment service providers and electronic money service providers.	3.Unless specified otherwise, any reference to payment service providers shall be understood in this Regulation as meaning payment service providers and electronic money service providers.	3.Unless specified otherwise, any reference to payment service providers shall be understood in this Regulation as meaning payment service providers and electronic money service providers.	<i>deleted</i> TM 16.12 Text Origin: Commission Proposal
Article 1(3a)				
165a		<u>3a. The processing of personal data under this Regulation is subject to Regulation (EU) 2016/679.</u>		<i>deleted</i> Council: GDPR applies anyway, because of the scope of GDPR. Line 107 (recitals) already mentions it: "Where personal data are processed, the processing should comply with Regulation (EU) 2016/679 and with

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Regulation (EU) 2018/1725 of the European Parliament and of the Council,¹ including the principles of purpose limitation, data minimisation and storage limitation" EP to revert. TM 16.12
Article 2				
166	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope Text Origin: Commission Proposal
Article 2(1)				
167	1.This Regulation applies to payment services provided within the Union by the following categories of payment service providers:	1.This Regulation applies to payment services provided within the Union by the following categories of payment service providers:	1.This Regulation applies to payment services provided within the Union by the following categories of payment service providers:	1.This Regulation applies to payment services provided within the Union by the following categories of payment service providers: Text Origin: Commission Proposal
Article 2(1), point (a)				
168	(a) credit institutions as defined in Article 4(1), point (1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ¹ , including branches thereof where such branches are located in the Union, whether the head offices of those are located within the Union or outside the Union;	(a) credit institutions as defined in Article 4(1), point (1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ¹ , including branches thereof where such branches are located in the Union, whether the head offices of those are located within the Union or outside the Union;	(a) credit institutions as defined in Article 4(1), point (1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ¹ , including branches thereof where such branches are located in the Union, whether the head offices of those are located within the Union or outside the Union;	(a) credit institutions as defined in Article 4(1), point (1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ¹ , including branches thereof where such branches are located in the Union, whether the head offices of those are located within the Union or outside the Union;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	1. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).	1. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).	1. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).	1. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1). Text Origin: Commission Proposal
Article 2(1), point (b)				
169	(b) post office giro institutions which are entitled under national law to provide payment services;	(b) post office giro institutions which are entitled under national law to provide payment services;	(b) post office giro institutions which are entitled under national law to provide payment services;	(b) post office giro institutions which are entitled under national law to provide payment services; Text Origin: Commission Proposal
Article 2(1), point (c)				
170	(c) payment institutions;	(c) payment institutions;	(c) payment institutions;	(c) payment institutions; Text Origin: Commission Proposal
Article 2(1), point (d)				
171	(d) the ECB and national central banks when not acting in their capacity as monetary authority or other public authorities;	(d) the ECB and national central banks when not acting in their capacity as monetary authority or other public authorities;	(d) the ECB and national central banks when not acting in their capacity as monetary authority or other public authorities;	(d) the ECB and national central banks when not acting in their capacity as monetary authority or other public authorities; Text Origin: Commission Proposal
Article 2(1), point (e)				
172	(e) Member States or their regional or local authorities when not acting in their capacity as public authorities.	(e) Member States or their regional or local authorities when not acting in their capacity as public authorities.	(e) Member States or their regional or local authorities when not acting in their capacity as public authorities.	(e) Member States or their regional or local authorities when not acting in their capacity as public authorities.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Commission Proposal
Article 2(1), point (ea)								
G		172a				1a This Regulation also applies to services provided within the Union by the following entities:		<u>1a. This Regulation also applies to services provided within the Union by the following entities:</u> To be checked after the trilogue of 26 Nov. Text Origin: Council Mandate
Article 2(1), point (eb)								
G		172b				(a) technical service providers, for the purposes of Articles 23(2), 58, 87, 89, 91, and 93;		<u>(a) technical service providers, for the purposes of Articles 23(2), 58, 87, 88a, 89, 91 and 93;</u> Text Origin: Council Mandate
Article 2(1), point (ec)								
G		172c				(b) operators of payment systems and payment schemes, for the purposes of Articles 31, 58, 80, 91 and 93;		<u>(b) operators of payment systems and payment schemes, for the purposes of Articles 31, 80, 91 and 93, payment schemes for the purpose of Articles 31a 58 and processing entities for Article 31a;</u> TM 16.12 TM 4/3 Text Origin: Council Mandate
Article 2(1), point (ed)								
G		172d				(c) providers of electronic communications services, for the		<u>(c) providers of electronic communications services as defined</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						purposes of Articles 59, 59a, 91 and 93.		<u>in Article 2(4), point (b), of Directive (EU)2018/1972, for the purposes of Articles 59, 59a, 84, 88a, 91 and 93;</u> TM 10.11: same goes to EP line 209a. Also to be checked which kind of providers are concerned (line 723i) Line 268b (EP definition) + reference to hosting services. Text Origin: Council Mandate
		Article 2(1), point (ee)						
G		172e						<u>(ee) providers of electronic communications services as defined in Article 2(4), of Directive (EU)2018/1972, for the purposes of Article 88a;</u>
		Article 2(1), point (ef)						
G		172f						<u>(ef) providers of hosting services, for the purposes of Articles 59a, 78 and 91;</u> TM 16.12. TM 4/3
		Article 2(1), point (eg)						
G		172g						<u>(eg) providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU) 2022/2065 for the purposes of Articles 59a, 59b, 84 and 89a;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 2(1), point (eh)								
G	172h							<u>(eh) original equipment manufacturers of mobile devices for the purposes of Article 88a.</u> TM 16.12
Article 2(2)								
G	173	2.This Regulation does not apply to the following services:	2.This Regulation does not apply to the following services:	2.This Regulation does not apply to the following services:	2.This Regulation does not apply to the following services:	2.This Regulation does not apply to the following services:	2.This Regulation does not apply to the following ~~services~~ :	<u>Text Origin: Council Mandate</u>
Article 2(2), point (a)								
G	174	(a) payment transactions made exclusively in cash directly from the payer to the payee, without any intermediary intervention;	(a) payment transactions made exclusively in cash directly from the payer to the payee, without any intermediary intervention;	(a) payment transactions made exclusively in cash directly from the payer to the payee, without any intermediary intervention;	(a) payment transactions made exclusively in cash directly from the payer to the payee, without any intermediary intervention;	(a) payment transactions made exclusively in cash directly from the payer to the payee, without any intermediary intervention;	(a) payment transactions made exclusively in cash directly from the payer to the payee, without any intermediary intervention;	TM 10.11: line 201a refers to coins and banknotes legal tender proposal: "cash means [euro] banknotes and coins". <u>Text Origin: Commission Proposal</u>
Article 2(2), point (aa)								
G	174a				(a1) payment transactions with electronic money tokens, without any intermediary involved, including transfers of electronic money tokens between two self-hosted addresses;		(a1) payment transactions with electronic money tokens, without any intermediary involved, including transfers of electronic money tokens between two self-hosted addresses;	<u>(a1) payment transactions made exclusively in electronic money tokens directly from the payer to the payee, without any intermediary intervention;</u> TM 10.11: changes to align with line 174.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Council open to the idea to add 'including transfers of emoney tokens between two self hosted addresses' in the corresponding recital. Text Origin: Council Mandate
Article 2(2), point (b)				
175	(b) payment transactions from the payer to the payee through a commercial agent, as defined in Article 1(2) of Directive 86/653/EEC, provided that all of following conditions are met : i) the commercial agent is authorised via an agreement to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, irrespective of whether or not the commercial agent is in the possession of the client's funds, and ii) such agreement gives the payer or the payee a real margin to negotiate with the commercial agent or conclude the sale or purchase of goods or services;	(b) payment transactions from the payer to the payee through a commercial agent, as defined in Article 1(2) of Directive 86/653/EEC, provided that all of following conditions are met : i) the commercial agent is authorised via an agreement to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, irrespective of whether or not the commercial agent is in the possession of the client's funds, and ii) such agreement gives the payer or the payee a real margin to negotiate with the commercial agent or conclude the sale or purchase of goods or services;	(b) payment transactions from the payer to the payee through a commercial agent, ~~as defined in Article 1(2) of Directive 86/653/EEC,~~ provided that all of following conditions are met : i) the commercial agent is authorised via an agreement to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, ~~irrespective of whether or not the commercial agent is in the possession of the client's funds,~~ and ii) such agreement gives the ~~payer or the payee~~ commercial agent a real ~~margin~~ margin-scope to negotiate with the ~~commercial agent~~ payer or payee or conclude the sale or purchase of goods or services;	(b) payment transactions from the payer to the payee through a commercial agent, ~~as defined in Article 1(2) of Directive 86/653/EEC,~~ provided that ~~all of the~~ following conditions are met: ~~i)~~ <u>(i)</u> the commercial agent is authorised via an agreement to negotiate or conclude the sale or purchase of goods or services on behalf of only the payer or only the payee, but not both of them, ~~irrespective of whether or not the commercial agent is in the possession of the client's funds, and~~ ; and <u>(ii)</u> such agreement gives the ~~payer or the payee~~ commercial agent a real ~~margin~~ margin-scope to negotiate with the ~~commercial agent~~ payer or payee or conclude the sale or purchase of goods or services; TM 10.11: Council has legal concerns about the reference to the directive (good purchase vs. services).

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 16.12 Text Origin: Council Mandate
Article 2(2), point (c)				
176	(c) payment transactions consisting of the non-professional cash collection and delivery within the framework of a non-profit or charitable activity;	(c) payment transactions consisting of the non-professional cash collection and delivery within the framework of a non-profit or charitable activity;	(c) payment transactions consisting of the non-professional cash collection and delivery within the framework of a non-profit or charitable activity;	(c) payment transactions consisting of the non-professional cash collection and delivery within the framework of a non-profit or charitable activity; Text Origin: Commission Proposal
Article 2(2), point (d)				
177	(d) services where cash is provided by the payee to the payer as part of a payment transaction for the purchase of goods and services, following an explicit request by the payment service user just before the execution of the payment transaction;	(d) services where cash is provided by the payee to the payer as part of a payment transaction for the purchase of goods and services, following an explicit request by the payment service user just before the execution of the payment transaction;	(d) services where cash is provided by the payee to the payer as part of a payment transaction for the purchase of goods and services, following an explicit request by the payment service user just before the execution of the payment transaction;	(d) services where cash is provided by the payee to the payer as part of a payment transaction for the purchase of goods and services, following an explicit request by the payment service user just before the execution of the payment transaction; Text Origin: Commission Proposal
Article 2(2), point (e)				
178	(e) services where cash is provided in retail stores following an explicit request by the payment service user but independently of the execution of any payment transaction and without any obligation to make a purchase of goods and services. The payment service user shall be provided with information on any	(e) services where cash is provided <u>voluntarily</u> in retail stores following an explicit request by the payment service user but independently of the execution of any payment transaction and without any obligation to make a purchase of goods and services. The payment service user shall be provided with	(e) services where cash is provided in retail stores following an explicit request by the payment service user but independently of the execution of any payment transaction and without any obligation to make a purchase of goods and services. The payment service user shall be provided with information on any	(e) services where ~~cash is provided~~ ~~in~~ retail stores <u>agree to provide cash</u> following an explicit request by the payment service user but independently of the execution of any payment transaction and without any obligation to make a purchase of goods and services. ~~The payment service user shall be provided with~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	possible charges for this service before the requested cash is provided;	information on any possible charges for this service before the requested cash is provided;	possible charges for this service before the requested cash is provided;	~~information on any possible charges for this service before the requested cash is provided;~~ TM 10.11: "voluntarily" comes from recital in line 20 Requirement of last sentence moved to Art. 37, para. 2b, PSD3. Text Origin: EP Mandate
Article 2(2), point (f)				
179	(f) payment transactions based on any of the following documents drawn on the payment service provider to place funds at the disposal of the payee:	(f) payment transactions based on any of the following documents drawn on the payment service provider to place funds at the disposal of the payee:	(f) payment transactions based on any of the following documents drawn on the payment service provider to place funds at the disposal of the payee:	(f) payment transactions based on any of the following documents drawn on the payment service provider to place funds at the disposal of the payee: Text Origin: Commission Proposal
Article 2(2), point (f)(i)				
180	(i) paper cheques governed by the Geneva Convention of 19 March 1931 providing a uniform law for cheques;	(i) paper cheques governed by the Geneva Convention of 19 March 1931 providing a uniform law for cheques;	(i) paper cheques governed by the Geneva Convention of 19 March 1931 providing a uniform law for cheques;	(i) paper cheques governed by the Geneva Convention of 19 March 1931 providing a uniform law for cheques; Text Origin: Commission Proposal
Article 2(2), point (f)(ii)				
181	(ii) paper cheques similar to those referred to in point (i) and governed by the laws of Member States which are not party to the Geneva Convention of 19 March 1931 providing a uniform law for	(ii) paper cheques similar to those referred to in point (i) and governed by the laws of Member States which are not party to the Geneva Convention of 19 March 1931 providing a uniform law for	(ii) paper cheques similar to those referred to in point (i) and governed by the laws of Member States which are not party to the Geneva Convention of 19 March 1931 providing a uniform law for	(ii) paper cheques similar to those referred to in point (i) and governed by the laws of Member States which are not party to the Geneva Convention of 19 March 1931 providing a uniform law for

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	cheques;	cheques;	cheques;	cheques; Text Origin: Commission Proposal
Article 2(2), point (f)(iii)				
182	(iii) paper-based drafts referred to in the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes;	(iii) paper-based drafts referred to in the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes;	(iii) paper-based drafts referred to in the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes;	(iii) paper-based drafts referred to in the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes; Text Origin: Commission Proposal
Article 2(2), point (f)(iv)				
183	(iv) paper-based drafts similar to those referred to in point (iii) and governed by the laws of Member States which are not party to the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes;	(iv) paper-based drafts similar to those referred to in point (iii) and governed by the laws of Member States which are not party to the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes;	(iv) paper-based drafts similar to those referred to in point (iii) and governed by the laws of Member States which are not party to the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes;	(iv) paper-based drafts similar to those referred to in point (iii) and governed by the laws of Member States which are not party to the Geneva Convention of 7 June 1930 providing a uniform law for bills of exchange and promissory notes; Text Origin: Commission Proposal
Article 2(2), point (f)(v)				
184	(v) paper-based vouchers;	(v) paper-based vouchers;	(v) paper-based vouchers or physical vouchers of similar nature;	(v) paper-based vouchers <u>or physical vouchers of similar nature;</u> TM 10.11: to enlarge the scope to cover plastic tokens. Text Origin: Council Mandate
Article 2(2), point (f)(vi)				
185	(vi) paper-based traveller's cheques;	(vi) paper-based traveller's cheques;	(vi) paper-based traveller's cheques;	(vi) paper-based traveller's cheques;

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Commission Proposal
Article 2(2), point (f)(vii)								
6	186	(vii) paper-based postal money orders as defined by the Universal Postal Union;		(vii) paper-based postal money orders as defined by the Universal Postal Union;		(vii) paper-based postal money orders as defined by the Universal Postal Union;		(vii) paper-based postal money orders as defined by the Universal Postal Union; Text Origin: Commission Proposal
Article 2(2), point (g)								
6	187	(g) payment transactions carried out within a payment or securities settlement system between settlement agents, central counterparties, clearing houses or central banks and other participants of the system, and payment service providers, without prejudice to Article 31;		(g) payment transactions carried out within a payment or securities settlement system between settlement agents, central counterparties, clearing houses or central banks and other participants of the system, and payment service providers, without prejudice to Article 31;		(g) payment transactions carried out within a payment or securities settlement system between settlement agents, central counterparties, clearing houses or central banks and other participants of the system, and payment service providers, without prejudice to Article 31;		(g) payment transactions carried out within a payment or securities settlement system between settlement agents, central counterparties, clearing houses or central banks and other participants of the system, and payment service providers, without prejudice to Article 31; Text Origin: Commission Proposal
Article 2(2), point (h)								
6	188	(h) payment transactions related to securities asset servicing, including dividends, income or other distributions, or redemption or sale, carried out by persons as referred to in point (g) or by investment firms, credit institutions, collective investment undertakings or asset management companies providing investment services and any other		(h) payment transactions related to securities asset servicing, including dividends, income or other distributions, or redemption or sale, carried out by persons as referred to in point (g) or by investment firms, credit institutions, collective investment undertakings or asset management companies providing investment services and any other		(h) payment transactions related to securities asset servicing, including dividends, income or other distributions, or redemption or sale, carried out by persons as referred to in point (g) or by investment firms, credit institutions, collective investment undertakings or asset management companies providing investment services and any other		(h) payment transactions related to securities asset servicing, including dividends, income or other distributions, or redemption or sale, carried out by persons as referred to in point (g) or by investment firms, credit institutions, collective investment undertakings or asset management companies providing investment services and any other

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	entities allowed to have the custody of financial instruments;	entities allowed to have the custody of financial instruments;	entities allowed to have the custody of financial instruments;	entities allowed to have the custody of financial instruments; Text Origin: Commission Proposal
Article 2(2), point (ha)				
188a		<u>(ha) payment transactions used for the execution of trading and settlement services using electronic money tokens as defined in Article 3(1), point (7), of Regulation (EU) 2023/1114 of the European Parliament and of the Council¹, where the payment service provider has already been authorised as a crypto-asset service provider in a Member State for those services under Title V of that Regulation;</u> <u>1. Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p. 40</u>http://data.europa.eu/eli/reg/2023/1114/oj<u>)</u>	(h1) payments transactions carried out by a crypto-asset service provider intermediating between a buyer and a seller where electronic money tokens are exchanged for electronic money tokens or crypto-assets, as well as the exchange of electronic money tokens for funds, including electronic money tokens, or crypto-assets carried out by a crypto-asset service provider acting in its own name as buyer or seller of those electronic money tokens;	<u>(ha) payments transactions carried out by a crypto-asset service provider intermediating between a buyer and a seller where electronic money tokens are exchanged for other electronic money tokens or for crypto-assets, as well as the exchange of electronic money tokens for funds, including electronic money tokens, or crypto-assets carried out by a crypto-asset service provider acting in its own name as buyer or seller of those electronic money tokens;</u> TM 4.11: only have EMTs under PSR/PSD3 when used to purchase a good. See EBA no action letter on interplay PSD2-MiCA. Wording from Council mandate comes from the non action letter of EBA. EC supports Council mandate. Text Origin: Council Mandate
Article 2(2), point (i)				
189	(i) without prejudice to Article 23(2), and Articles 58 and 87, services provided by technical service providers;	(i) without prejudice to Article 23(2), and Articles 58 and 87, services provided by technical service providers;	(i) without prejudice to Article 23(2), and Articles 58 and 87, services provided by technical service providers;	deleted TM 10.11: see addition in paragraph 1a.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2(2), point (j)				
190	(j) services based on specific payment instruments that meet one of the following conditions:	(j) services based on specific payment instruments that meet one of the following conditions:	(j) services based on specific payment instruments, including electronic money-based instruments that meet one of the following conditions:	(j) services based on specific payment instruments, <u>including electronic money-based instruments</u> , that meet one of the following conditions: TM 10.11: to include QR code, also from EMD. Text Origin: Council Mandate
Article 2(2), point (j)(i)				
191	(i) instruments allowing the holder to acquire goods or services only in the premises of the issuer or within a single limited network of service providers under direct commercial agreement with a professional issuer;	(i) instruments allowing the holder to acquire goods or services only in the <u>physical or virtual</u> premises of the issuer or within a single limited network of service providers under direct commercial agreement with a professional issuer;	(i) instruments allowing the holder to acquire goods or services only in the premises, including physical premises and/or online stores , of the issuer or within a single limited network of service providers under direct commercial agreement with a professional issuer;	(i) instruments allowing the holder to acquire goods or services only in the premises, <u>including physical premises or online stores</u> , of the issuer or within a single limited network of service providers under direct commercial agreement with a professional issuer; TM 191: EC expressed reservations: objective to refer only physical premises (see also guidelines of EBA). However, those other virtual stores can use other exemptions below. Recital 13 to be changed. Text Origin: Council Mandate
Article 2(2), point (j)(ii)				
192	(ii) instruments which can be used only to acquire a very limited range of goods or services;	(ii) instruments which can be used only to acquire a very limited range of goods or services, <u>including, but not limited to, instruments</u>	(ii) instruments which can be used only to acquire a very limited range of goods or services, including instruments restricted to be used	(ii) instruments which can be used only to acquire a very limited range of goods or services, <u>including instruments restricted to be used in</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>restricted to use in business-to-business transactions;</u>	in business-to-business transactions;	<u>transactions between payment service users who are not consumers;</u> 4/3: reference to not consumers added Text Origin: Council Mandate
Article 2(2), point (j)(iii)				
193	(iii) instruments valid only in a single Member State, which are provided at the request of an undertaking or a public sector entity and regulated by a national or regional public authority for specific social or tax purposes to acquire specific goods or services from suppliers having a commercial agreement with the issuer;	(iii) instruments valid only in a single Member State, which are provided at the request of an undertaking or a public sector entity and regulated by a national or regional public authority for specific social or tax purposes to acquire specific goods or services from suppliers having a commercial agreement with the issuer, <u>and which cannot be converted into cash;</u>	(iii) instruments valid only in a single Member State, which are provided at the request of an undertaking or a public sector entity and regulated by a national or regional public authority for specific social or tax purposes to acquire specific goods or services from suppliers having a commercial agreement with the issuer;	(iii) instruments valid only in a single Member State, which are provided at the request of an undertaking or a public sector entity and regulated by a national or regional public authority for specific social or tax purposes to acquire specific goods or services from suppliers having a commercial agreement with the issuer, <u>and which cannot be converted into cash;</u> Text Origin: EP Mandate
Article 2(2), point (k), first subparagraph				
194	(k) payment transactions by a provider of electronic communications networks as defined in Article 2, point (1), of Directive (EU) 2018/1722 of the European Parliament and of the Council ¹ , or services provided in addition to electronic communications services as defined in Article 2, point (4), of that Directive to a subscriber to the network or service: ¹ . Directive (EU) 2018/1722 of the European	(k) payment transactions by a provider of electronic communications networks as defined in Article 2, point (1), of Directive (EU) 2018/1722 of the European Parliament and of the Council ¹ , or services provided in addition to electronic communications services as defined in Article 2, point (4), of that Directive to a subscriber to the network or service: ¹ . Directive (EU) 2018/1722 of the European	(k) payment transactions by a provider of electronic communications networks as defined in Article 2, point (1), of Directive (EU) 2018/1722 of the European Parliament and of the Council ¹ , or services provided in addition to electronic communications services as defined in Article 2, point (4), of that Directive to a subscriber to the network or service: ¹ . Directive (EU) 2018/1722 of the European	(k) payment transactions by a provider of electronic communications networks as defined in Article 2, point (1), of Directive (EU) 2018/1722 of the European Parliament and of the Council ¹ , or services provided in addition to electronic communications services as defined in Article 2, point (4), of that Directive to a subscriber to the network or service: ¹ . Directive (EU) 2018/1722 of the European

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).	Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).	Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).	Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36). Text Origin: Commission Proposal
	Article 2(2), point (k), first subparagraph, point (i)			
195	(i) to purchase digital content and voice-based services, regardless of the device used for the purchase or consumption of the digital content and charged to the related bill; or	(i) to purchase digital content and voice-based services, regardless of the device used for the purchase or consumption of the digital content and charged to the related bill; or	(i) to purchase digital content and voice-based services, regardless of the device used for the purchase or consumption of the digital content and charged to the related bill; or	(i) to purchase digital content and voice-based services, regardless of the device used for the purchase or consumption of the digital content and charged to the related bill; or Text Origin: Commission Proposal
	Article 2(2), point (k), first subparagraph, point (ii)			
196	(ii) performed from or via an electronic device and charged to the related bill within the framework of a charitable activity or for the purchase of tickets;	(ii) performed from or via an electronic device and charged to the related bill within the framework of a charitable activity or for the purchase of tickets;	(ii) performed from or via an electronic device and charged to the related bill within the framework of a charitable activity or for the purchase of tickets;	(ii) performed from or via an electronic device and charged to the related bill within the framework of a charitable activity or for the purchase of tickets; Text Origin: Commission Proposal
	Article 2(2), point (k), second subparagraph			
197	provided that the value of any single payment transaction does not exceed EUR 50 and:	provided that the value of any single payment transaction does not exceed EUR ~~50~~ ⁶⁰ and:	provided that the value of any single payment transaction does not exceed EUR 50 and:	provided that the value of any single payment transaction does not exceed EUR ~~50~~ ⁶⁰ and: TM 10.12: implementation of trilogue agreement. Text Origin: EP Mandate
	Article 2(2), point (k), second subparagraph, first indent			

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
198	- the cumulative value of payment transactions for an individual subscriber does not exceed EUR 300 per month, or	- the cumulative value of payment transactions for an individual subscriber does not exceed EUR ~~300~~ 360 per month, or	- the cumulative value of payment transactions for an individual subscriber does not exceed EUR 300 per month, or	- the cumulative value of payment transactions for an individual subscriber does not exceed EUR ~~300~~ 360 per month, or TM 10.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 2(2), point (k), second subparagraph, second indent				
199	- where a subscriber pre-funds its account with the provider of the electronic communications network or service, the cumulative value of payment transactions does not exceed EUR 300 per month;	- where a subscriber pre-funds its account with the provider of the electronic communications network or service, the cumulative value of payment transactions does not exceed EUR ~~300~~ 360 per month;	- where a subscriber pre-funds its account with the provider of the electronic communications network or service, the cumulative value of payment transactions does not exceed EUR 300 per month;	- where a subscriber pre-funds its account with the provider of the electronic communications network or service, the cumulative value of payment transactions does not exceed EUR ~~300~~ 360 per month; TM 10.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 2(2), point (l)				
200	(l) payment transactions carried out between payment service providers, their agents or branches for their own account;	(l) payment transactions carried out between payment service providers, their agents or branches for their own account;	(l) payment transactions carried out between payment service providers, their agents or branches for their own account;	(l) payment transactions carried out between payment service providers, their agents or branches for their own account; Text Origin: Commission Proposal
Article 2(2), point (la)				
200a			(1l) payment transactions carried out between crypto-asset service providers or their branches for their own account;	<u>(la) payment transactions carried out between crypto-asset service providers or their branches for their own account;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
Article 2(2), point (m)								
6	201	(m) payment transactions and related services between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking, without any intermediary intervention by a payment service provider other than an undertaking belonging to the same group, and the collection of payment orders on behalf of a group by a parent undertaking or its subsidiary for onward transmission to a payment service provider.		(m) payment transactions and related services between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking, ~~without any intermediary intervention by a payment service provider other than an undertaking~~ <u>including the collection of funds as well as the execution of payments by entities</u> belonging to the same group, ~~and the collection of payment orders~~ on behalf of a group by a parent undertaking or its subsidiary ~~for onward transmission to a payment service provider.~~		(m) payment transactions and related services between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking, without any intermediary intervention by a payment service provider other than an undertaking belonging to the same group, ~~and the collection as well as the execution~~ of payment orders on behalf of a group by a parent undertaking or its subsidiary for onward transmission and processing to a payment service provider, and the collection of funds from external third parties on behalf of group entities by a parent undertaking or its subsidiary;		(m) payment transactions and related services between a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking, without any intermediary intervention by a payment service provider other than an undertaking belonging to the same group, and the collection of payment orders on behalf of a group by a parent undertaking or its subsidiary for onward transmission to a payment service provider. TM 10.11: EC points out that there should be the intervention of a licensed PSP in the transfer of funds outside the group. EP to revert. TM 16.12 Collecting orders was in a recital for PSD2. Text Origin: Commission Proposal
Article 2(2), point (ma)								
6	201a					(n) professional physical transport of banknotes and coins, including their collection, processing and delivery (cash-in-transit);		<u>(n) professional physical transport of banknotes and coins, including their collection, processing and delivery;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 10.11: exemption of PSD2 (point c), see recital 12 of PSD2. The reference to cash in transit should be added to the corresponding recital. Text Origin: Council Mandate
Article 2(2), point (mb)								
G	201b					(o) cash-to-cash currency exchange operations where the funds are not held on a payment account.		<u>(o) cash-to-cash currency exchange operations where the funds are not held on a payment account.</u> TM 10.11: exemption of PSD2 (point f of Article 3), see recital 12 of PSD2. Text Origin: Council Mandate
Article 2(3)								
G	202	3. Titles II and III apply to payment transactions in the currency of a Member State where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union.		3. Titles II and III apply to payment transactions in the currency of a Member State where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union.		3. Titles II and III apply to payment transactions in the currency of a Member State where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union.		3. Titles II and III apply to payment transactions in the currency of a Member State where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union. Text Origin: Commission Proposal
Article 2(4)								
G	203	4. Title II, except for Article 13(1), point (b), Article 20, point (2)(e) and Article 24, point (a), and Title III, except for Articles 67 to 72, apply to payment transactions in a		4. Title II, except for Article 13(1), point (b), Article 20, point (2)(e) and Article 24, point (a), and Title III, except for Articles 67 to 72, apply to payment transactions in a		4. Title II, except for Article 13(1), point (b), Article 20, point (2)(e) b) v) and Article 24, point (a), and Title III, except for Articles 67 to 72, apply to payment transactions in a		4. Title II, except for Article 13(1), point (b), Article 20, point ~~(2)(e)~~ (b)(v) and Article 24, point (a), and Title III, except for Articles 67 to 72, apply to payment transactions

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	currency that is not the currency of a Member State, where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.	currency that is not the currency of a Member State, where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.	currency that is not the currency of a Member State, where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.	in a currency that is not the currency of a Member State, where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located within the Union, in respect to those parts of the payments transaction which are carried out in the Union. Text Origin: Council Mandate
Article 2(5)				
204	5.Title II, except for Article 13(1), point (b), Article 20, point (2)(e) and point (5)(h) and Article 24, point (a), and Title III, except for Article 28(2) and (3), Articles 62, 63 and 67, Article 69(1), and Articles 75 and 78, apply to payment transactions in all currencies where only one of the payment service providers is located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.	5.Title II, except for Article 13(1), point (b), Article 20, point (2)(e) and point (5)(h) and Article 24, point (a), and Title III, except for Article 28(2) and (3), Articles 62, 63 and 67, Article 69(1), and Articles 75 and 78, apply to payment transactions in all currencies where only one of the payment service providers is located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.	5.Title II, except for Article 13(1), point (b), Article 20, ~~point (2)(e) b~~ v and point ~~(5)(h) e~~ viii and Article 24, point (a), and Title III, except for Article 28(2) and (3), Articles 50, 57 , 62, 63 and 67, Article 69(1), and Articles 75 and 78, apply to payment transactions in all currencies where only one of the payment service providers is located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.	5.Title II, except for Article 13(1), point (b), Article 20, point ~~(2)(e)~~ (b)(v) and point ~~(5)(h)~~ (e)(viii) and Article 24, point (a), and Title III, except for Article 28(2) and (3), Articles 50, 57 , 62, 63 and 67, Article 69(1), and Articles 75 and 78, apply to payment transactions in all currencies where only one of the payment service providers is located within the Union, in respect to those parts of the payments transaction which are carried out in the Union. Text Origin: Council Mandate
Article 2(6)				
205	6.Member States may exempt institutions referred to in Article 2(5), points (4) to (23), of Directive 2013/36/EU from the application of all or part of the provisions of this	6.Member States may exempt institutions referred to in Article 2(5), points (4) to (23), of Directive 2013/36/EU from the application of all or part of the provisions of this	6.Member States may exempt institutions referred to in Article 2(5), points (4) to (23), of Directive 2013/36/EU from the application of all or part of the provisions of this	6.Member States may exempt institutions referred to in Article 2(5), points (4) to (23), of Directive 2013/36/EU from the application of all or part of the provisions of this

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Regulation.	Regulation.	Regulation.	Regulation. Text Origin: Commission Proposal
Article 2(7)				
206	7.By [OP please insert the date= one year after the date of entry into force of this Regulation], the EBA shall issue Guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, addressed to the competent authorities designated under this Regulation, on the exclusion for payment transactions from the payer to the payee through a commercial agent referred to in paragraph 2, point (b) of this Article.	7.By [OP please insert the date= one year after the date of entry into force of this Regulation], the EBA shall ~~issue~~ <u>develop</u> guidelines ~~in accordance with Article 16 of Regulation (EU) No 1093/2010, addressed to the competent authorities designated under this Regulation,~~ <u>on specifying the criteria for</u> the exclusion for payment transactions from the payer to the payee through a commercial agent referred to in paragraph 2, point (b) of this Article.	7.By [OP please insert the date= one year after the date of entry into force of this Regulation], the EBA shall issue Guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, addressed to the competent authorities designated under this Regulation, on the exclusion for payment transactions from the payer to the payee through a commercial agent referred to in paragraph 2, point (b) of this Article.	7.By [OP please insert the date= one year after the date of entry into force of this Regulation], the EBA shall issue Guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, addressed to the competent authorities designated under this Regulation, on the exclusion for payment transactions from the payer to the payee through a commercial agent referred to in paragraph 2, point (b) of this Article. Text Origin: Commission Proposal
Article 2(8), first subparagraph				
207	8.The EBA shall develop draft Regulatory Technical Standards to specify the conditions of the exclusions referred to in paragraph 2, point (j). The EBA shall take into account the experience acquired in the application of the EBA guidelines of 24 February 2022 on the limited network exclusion under Directive (EU) 2015/2366.	8.The EBA shall develop draft Regulatory Technical Standards to specify the conditions of the exclusions referred to in paragraph 2, point (j). The EBA shall take into account the experience acquired in the application of the EBA guidelines of 24 February 2022 on the limited network exclusion under Directive (EU) 2015/2366.	8.The EBA shall develop draft Regulatory Technical Standards to specify the conditions of the exclusions referred to in paragraph 2, point (j). The EBA shall take into account the experience acquired in the application of the EBA guidelines of 24 February 2022 on the limited network exclusion under Directive (EU) 2015/2366.	8.The EBA shall develop draft Regulatory Technical Standards to specify the conditions of the exclusions referred to in paragraph 2, point (j). The EBA shall take into account the experience acquired in the application of the EBA guidelines of 24 February 2022 on the limited network exclusion under Directive (EU) 2015/2366. Text Origin: Commission Proposal
Article 2(8), second subparagraph				

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G	208	The EBA shall submit the Regulatory Technical Standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the Regulatory Technical Standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the Regulatory Technical Standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the Regulatory Technical Standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the Regulatory Technical Standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the Regulatory Technical Standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. Text Origin: Commission Proposal	G
Article 2(9)					
G	209	9.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 6, by the date of application of this Regulation, and, without delay, any subsequent amendment affecting them.	9.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 6, by the date of application of this Regulation, and, without delay, any subsequent amendment affecting them.	9.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 6, by the date of application of this Regulation, and, without delay, any subsequent amendment affecting them. Text Origin: Commission Proposal	G
Article 2(9a)					
G	209a	<u>9a. The provisions of Article 59 shall also apply to electronic communications service providers and online platforms.</u>		deleted TM 10.11: see paragraph 1a addition (line 172d).	G
Article 3					
G	210	Article 3	Article 3	Article 3	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
	Definitions	Definitions	Definitions	Definitions Text Origin: Commission Proposal	
Article 3, first paragraph					
G	211	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply: Text Origin: Commission Proposal	G
Article 3, first paragraph, point (1)					
G	212	(1) ‘home Member State’ means either of the following:	(1) ‘home Member State’ means either of the following:	(1) ‘home Member State’ means either of the following: Text Origin: Commission Proposal	G
Article 3, first paragraph, point (1)(a)					
G	213	(a) the Member State in which the payment service provider has its registered office; or	(a) the Member State in which the payment service provider has its registered office; or	(a) the Member State in which the payment service provider has its registered office; or Text Origin: Commission Proposal	G
Article 3, first paragraph, point (1)(b)					
G	214	(b) if the payment service provider has, under its national law, no registered office, the Member State in which the payment service provider has its head office;	(b) if the payment service provider has, under its national law, no registered office, the Member State in which the payment service provider has its head office;	(b) if the payment service provider has, under its national law, no registered office, the Member State in which the payment service provider has its head office; Text Origin: Commission Proposal	G
Article 3, first paragraph, point (2)					
G	215	(2) ‘host Member State’ means the	(2) ‘host Member State’ means the	(2) ‘host Member State’ means the	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Member State other than the home Member State in which a payment service provider has an agent, a distributor or a branch or provides payment services;	Member State other than the home Member State in which a payment service provider has an agent, a distributor or a branch or provides payment services;	Member State other than the home Member State in which a payment service provider has an agent, a distributor or a branch or provides payment services;	~~the host~~ Member State ~~other than the home Member State in which a payment service provider has an agent, a distributor or a branch or provides payment services~~ as defined in Article 2, point (2), of Directive XXX [PSD3]; Text Origin: Council Mandate
	Article 3, first paragraph, point (3)			
216	(3) ‘payment service’ means any business activity set out in Annex I;	(3) ‘payment service’ means any business activity set out in Annex I;	(3) ‘payment service’ means any business activity set out in Annex I points (1) to (8) of the Annex I to Directive XXX [PSD3];	(3) ‘payment service’ means any business activity set out in Annex I <u>of Directive XXX [PSD3];</u> TM 11.11: agreement to list the payment services in Annex to the PSD3, because PSD3 concerns authorisation, and not in PSR. Text Origin: Council Mandate
	Article 3, first paragraph, point (4)			
217	(4) ‘payment institution’ means a legal person that has been granted authorisation in accordance with Article 13 of Directive (EU) [PSD3] to provide payment services or electronic money services throughout the Union;	(4) ‘payment institution’ means a legal person that has been granted authorisation in accordance with Article 13 of Directive (EU) [PSD3] to provide payment services or electronic money services throughout the Union;	(4) ‘payment institution’ means a legal person that has been granted authorisation in accordance with payment institution as defined in Article 132 point (4) of Directive (EU) [PSD3] to provide payment services or electronic money services throughout the Union XXX [PSD3];	(4) ‘payment institution’ means a ~~legal person that has been granted authorisation in accordance with~~ <u>payment institution as defined in Article 132, point (4), of Directive (EU) [PSD3] to provide payment services or electronic money services throughout the Union XXX [PSD3];</u> Text Origin: Council Mandate
	Article 3, first paragraph, point (5)			
218	(5) ‘payment transaction’ means an	(5) ‘payment transaction’ means an	(5) ‘payment transaction’ means an	(5) ‘payment transaction’ means an

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	act of placing, transferring or withdrawing funds, based on a payment order placed by the payer, or on his behalf, or by the payee, or on his behalf, irrespective of any underlying obligations between the payer and the payee;	act of placing, transferring or withdrawing funds, based on a payment order placed by the payer, or on his behalf, or by the payee, or on his behalf, irrespective of any underlying obligations between the payer and the payee;	act of placing, transferring or withdrawing funds, based on a payment order placed by the payer, or on his behalf, or by the payee, or on his behalf, irrespective of any underlying obligations between the payer and the payee;	act of placing, transferring or withdrawing funds, based on a payment order placed by the payer, or on his behalf, or by the payee, or on his behalf, irrespective of any underlying obligations between the payer and the payee; Text Origin: Commission Proposal
	Article 3, first paragraph, point (6)			
219	(6) ‘initiation of a payment transaction’ means the steps necessary to prepare the execution of a payment transaction, including the placement of a payment order and the completion of the authentication process;	(6) ‘initiation of a payment transaction’ means the steps necessary to prepare the execution of a payment transaction, including the placement of a payment order and the completion of the authentication process;	(6) ‘initiation of a payment transaction’ means the steps necessary to prepare the execution of a payment transaction, including the placement of a payment order and the completion of the authentication process;	(6) ‘initiation of a payment transaction’ means the steps necessary to prepare the execution of a payment transaction, including the placement of a payment order and the completion of the authentication process; Text Origin: Commission Proposal
	Article 3, first paragraph, point (7)			
220	(7) ‘remote initiation of a payment transaction’ means a payment transaction for which a payment order is placed via the internet;	(7) ‘remote initiation of a payment transaction’ means a payment transaction for which a payment order is placed via the internet;	(7) ‘remote initiation of a payment transaction’ means a payment transaction for which a payment order is placed via the internet;	(7) ‘remote initiation of a payment transaction’ means a payment transaction for which a payment order is placed via the internet; Text Origin: Commission Proposal
	Article 3, first paragraph, point (8)			
221	(8) ‘execution of a payment transaction’ means the process starting once the initiation of a payment transaction is completed	(8) ‘execution of a payment transaction’ means the process starting once the initiation of a payment transaction is completed	(8) ~~‘execution of a payment transaction’ means the process starting once the initiation of a payment transaction is completed~~	(8) ‘execution of a payment transaction’ means ~~the process~~ <u>starting once the initiation</u> <u>execution</u> of a payment transaction ~~is~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and ending once the funds placed, withdrawn, or transferred are available to the payee;	and ending once the funds placed, withdrawn, or transferred are available to the payee;	~~and ending once the funds placed, withdrawn, or transferred are available to the payee;~~	~~completed and ending once the funds placed, withdrawn, or transferred are available to the payee~~ <u>as defined in Article 2, point (6) of [PSD3];</u> TM 11.10: recommendation from EBA to break down the different steps. Council to revert. Text Origin: Commission Proposal
Article 3, first paragraph, point (9)				
222	(9) ‘payment system’ means a funds transfer system with formal and standardised arrangements and common rules for the processing, clearing or settlement of payment transactions;	(9) ‘payment system’ means a funds transfer system with formal and standardised arrangements and common rules for the processing, clearing or settlement of payment transactions;	(9) ‘payment system’ means a funds transfer system with formal and standardised arrangements and common rules for the processing, clearing or settlement of payment transactions;	(9) ‘payment system’ means a funds transfer system with formal and standardised arrangements and common rules for the processing, clearing or settlement of payment transactions; Text Origin: Commission Proposal
Article 3, first paragraph, point (10)				
223	(10) ‘payment system operator’ means the legal entity legally responsible for operating a payment system;	(10) ‘payment system operator’ means the legal entity legally responsible for operating a payment system;	(10) ‘payment system operator’ means the legal entity legally responsible for operating a payment system;	(10) ‘payment system operator’ means the legal entity legally responsible for operating a payment system; Text Origin: Commission Proposal
Article 3, first paragraph, point (11)				
224	(11) ‘payer’ means a natural or legal person who holds a payment account and places a payment order from that payment account, or, where there is no payment account, a	(11) ‘payer’ means a natural or legal person who holds a payment account and places a payment order from that payment account, or, where there is no payment account, a	(11) ‘payer’ means a natural or legal person who holds a payment account and places or allows a payment order from that payment account, or, where there is no	(11) ‘payer’ means a natural or legal person who holds a payment account and places <u>or allows</u> a payment order from that payment account, or, where there is no

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	person who places a payment order;	<u>natural or legal</u> person who places a payment order;	payment account, a natural or legal person who places a payment order;	payment account, a <u>natural or legal</u> person who places a payment order; TM 11.11: 'allows' to cater for direct debits. Text Origin: Council Mandate
Article 3, first paragraph, point (12)				
225	(12) 'payee' means a natural or legal person who is the intended recipient of funds which are the subject of a payment transaction;	(12) 'payee' means a natural or legal person who is the intended recipient of funds which are the subject of a payment transaction;	(12) 'payee' means a natural or legal person— who is the intended recipient of funds which are the subject of a payment transaction;	(12) 'payee' means a natural or legal person— who is the intended recipient of funds which are the subject of a payment transaction; Text Origin: Commission Proposal
Article 3, first paragraph, point (13)				
226	(13) 'payment service user' means a natural or legal person making use of a payment service or of an electronic money service in the capacity of payer, payee, or both;	(13) 'payment service user' means a natural or legal person making use of a payment service or of an electronic money service in the capacity of payer, payee, or both;	(13) 'payment service user' means a natural or legal person making use of a payment service or of an electronic money service in the capacity of payer, payee, or both;	(13) 'payment service user' means a natural or legal person making use of a payment service or of an electronic money service in the capacity of payer, payee, or both; Text Origin: Commission Proposal
Article 3, first paragraph, point (14)				
227	(14) 'payment service provider' means a body as referred to in Article 2(1) or a natural or legal person benefiting from an exemption pursuant to Articles 34, 36 and 38 of Directive (EU) [PSD3];	(14) 'payment service provider' means a body as referred to in Article 2(1) or a natural or legal person benefiting from an exemption pursuant to Articles 34, 36 and 38 of Directive (EU) [PSD3];	(14) 'payment service provider' means a body as referred to in Article 2(1) or a natural or legal person benefiting from an exemption pursuant to Articles 34, 36 and 38 of Directive (EU) [PSD3];	(14) 'payment service provider' means a body as referred to in Article 2(1) or a natural or legal person benefiting from an exemption pursuant to Articles 34, 36 and 38 of Directive (EU) [PSD3]; Text Origin: Commission Proposal
Article 3, first paragraph, point (15)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
228	(15) ‘payment account’ means an account held by a payment service provider in the name of one or more payment service users which is used for the execution of one or more payment transactions and allows for sending and receiving funds to and from third parties;	(15) ‘payment account’ means an account held by a payment service provider in the name of one or more payment service users which is used for the execution of one or more payment transactions and allows for sending and receiving funds to and from third parties;	(15) ‘payment account’ means an account held by a payment service provider in the name of one or more payment service users which ~~is~~ can be used for the execution of one or more payment transactions and allows for sending and receiving funds to and from third parties;	(15) ‘payment account’ means an account held by a payment service provider in the name of one or more payment service users which ~~is~~ can be used for the execution of one or more payment transactions and allows for sending and receiving funds to and from third parties; Text Origin: Council Mandate
Article 3, first paragraph, point (16)				
229	(16) ‘payment order’ means an instruction by a payer or payee to its payment service provider requesting the execution of a payment transaction;	(16) ‘payment order’ means an instruction by a payer or payee to its payment service provider requesting the execution of a payment transaction;	(16) ‘payment order’ means an instruction by a payer or payee to its payment service provider requesting the execution of a payment transaction;	(16) ‘payment order’ means an instruction by a payer or payee to its payment service provider requesting the execution of a payment transaction; Text Origin: Commission Proposal
Article 3, first paragraph, point (17)				
230	(17) ‘mandate’ means the expression of authorisation given by the payer to the payee and (directly or indirectly via the payee) to the payer’s payment service provider allowing the payee to initiate a payment transaction for debiting the payer’s specified payment account and to allow the payer’s payment service provider to comply with such instructions;	(17) ‘mandate’ means the expression of authorisation given by the payer to the payee and (directly or indirectly via the payee) to the payer’s payment service provider allowing the payee to initiate a payment transaction for debiting the payer’s specified payment account and to allow the payer’s payment service provider to comply with such instructions;	(17) ‘mandate’ means the expression of authorisation given by the payer to the payee and (directly or indirectly via the payee) to the payer’s payment service provider allowing the payee to initiate a payment transaction for debiting the payer’s specified payment account and to allow the payer’s payment service provider to comply with such instructions;	(17) ‘mandate’ means the expression of authorisation given by the payer to the payee and (directly or indirectly via the payee) to the payer’s payment service provider allowing the payee to initiate a payment transaction for debiting the payer’s specified payment account and to allow the payer’s payment service provider to comply with such instructions; Text Origin: Commission Proposal
Article 3, first paragraph, point (18)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
231	(18) ‘payment instrument’ means an individualised device or devices and/or set of procedures agreed between the payment service user and the payment service provider which enables the initiation of a payment transaction;	(18) ‘payment instrument’ means an individualised device or devices and/or set of procedures agreed between the payment service user and the payment service provider which enables the initiation of a payment transaction;	(18) ‘payment instrument’ means an individualised device or devices and/or set of procedures agreed between the payment service user and the payment service provider which enables the initiation of a payment transaction;	(18) ‘payment instrument’ means an individualised device or devices and/or set of procedures agreed between the payment service user and the payment service provider which enables the initiation of a payment transaction; Text Origin: Commission Proposal
Article 3, first paragraph, point (19)				
232	(19) ‘account servicing payment service provider’ means a payment service provider providing and maintaining a payment account for a payer;	(19) ‘account servicing payment service provider’ means a payment service provider providing and maintaining a payment account for a payer;	(19) ‘account servicing payment service provider’ means a payment service provider providing and maintaining a payment account for a payment service user ~~payer~~ ;	(19) ‘account servicing payment service provider’ means a payment service provider providing and maintaining a payment account for a <u>payment service user</u> ~~payer~~ ; Text Origin: Council Mandate
Article 3, first paragraph, point (20)				
233	(20) ‘payment initiation service’ means a service to place a payment order at the request of the payer or of the payee with respect to a payment account held at another payment service provider;	(20) ‘payment initiation service’ means a service to place a payment order at the request of the payer or of the payee with respect to a payment account held at another payment service provider;	(20) ‘payment initiation service’ means a service to place a payment order at the request of the payer ~~or of~~ and, as the case may be, the payee with respect to a payment account held at another payment service provider;	(20) ‘payment initiation service’ means a service to place a payment order at the request of the ~~payer or of the payee~~ <u>payment service user</u> with respect to a payment account held at another payment service provider; TM 11.11: PSD2 uses PSU. Council: setting up a mandate vs. payment. Agreement to revert to PSD2. TM 4.12 Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 3, first paragraph, point (21)				
234	(21) ‘account information service’ means an online service of collecting, either directly or through a technical service provider, and consolidating information held on one or more payment accounts of a payment service user with one or several account servicing payment service providers;	(21) ‘account information service’ means an online service of collecting, either directly or through a technical service provider, and consolidating information held on one or more payment accounts of a payment service user with one or several account servicing payment service providers;	(21) ‘account information service’ means an online service of collecting, either directly or through a technical service provider, and consolidating information held on one or more payment accounts of a payment service user with one or several account servicing payment service providers that is accessible online in order to provide a service of aggregation and/or consolidation of payment account data to the payment service user or, subject to the consent of the payment service user and compliance with Regulation (EU) 2016/679, to transmitting the data to another entity that will provide said service to the payment service user;	(21) ‘account information service’ means an online service ~~of collecting, either directly or through a technical service~~ where a provider, ~~and consolidating information held on~~ accesses one or ~~more~~ several payment accounts ~~of a~~ held by the payment service user with one or several account servicing payment service providers <u>that are accessible online in order to provide a service of aggregation or consolidation of payment account data to the payment service user or to transmit the data to another entity that will provide that service to the payment service user;</u> TM 11.11: council: market practices should infringement to GDPR. Data aggregators should not collecting more data that they pass on. EC and EP points to risks of having compliance requirements in the definition. Recital already explains that GDPR applies anyway. "subject to the consent of the payment service user and compliance with Regulation (EU) 2016/679" should be added in a corresponding recital and possibly in Art. 46 and 47 (Specific obligations of and other provisions concerning account information service providers), incl. 637.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 16.12 Text Origin: Council Mandate
Article 3, first paragraph, point (22)				
235	(22) ‘payment initiation service provider’ means a payment service provider providing payment initiation services;	(22) ‘payment initiation service provider’ means a payment service provider providing payment initiation services;	(22) ‘payment initiation service provider’ means a payment service provider providing payment initiation services as defined in Article 2 point (20) of Directive XXX [PSD3] ;	(22) ‘payment initiation service provider’ means a payment service provider providing payment initiation services; Text Origin: Commission Proposal
Article 3, first paragraph, point (23)				
236	(23) ‘account information service provider’ means a payment service provider providing account information services;	(23) ‘account information service provider’ means a payment service provider providing account information services;	(23) ‘account information service provider’ means a payment service provider providing account information services;	(23) ‘account information service provider’ means a payment service provider providing account information services; Text Origin: Commission Proposal
Article 3, first paragraph, point (24)				
237	(24) ‘consumer’ means a natural person who, in payment service contracts covered by this Regulation, is acting for purposes other than his or her trade, business or profession;	(24) ‘consumer’ means a natural person who, in payment service contracts covered by this Regulation, is acting for purposes other than his or her trade, business or profession;	(24) ‘consumer’ means a natural person who, in payment service contracts covered by this Regulation, is acting for purposes other than his or her trade, business or profession;	(24) ‘consumer’ means a natural person who, in payment service contracts covered by this Regulation, is acting for purposes other than his or her trade, business or profession; Text Origin: Commission Proposal
Article 3, first paragraph, point (25)				
238	(25) ‘framework contract’ means a payment service contract which governs the future execution of	(25) ‘framework contract’ means a payment service contract which governs the future execution of	(25) ‘framework contract’ means a payment service contract which governs the future execution of	(25) ‘framework contract’ means a payment service contract which governs the future execution of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	individual and successive payment transactions and which may contain the obligation and conditions for setting up a payment account;	individual and successive payment transactions and which may contain the obligation and conditions for setting up a payment account;	individual and successive payment transactions and which may contain the obligation and conditions for setting up a payment account;	individual and successive payment transactions and which may contain the obligation and conditions for setting up a payment account; Text Origin: Commission Proposal
Article 3, first paragraph, point (26)				
239	(26) ‘money remittance’ means a payment service where funds are received from a payer, without any payment accounts being created in the name of the payer or the payee, for the sole purpose of transferring a corresponding amount to a payee or to another payment service provider acting on behalf of the payee, or where such funds are received on behalf of and made available to the payee;	(26) ‘money remittance’ means a payment service where funds are received from a payer, without any payment accounts being created in the name of the payer or the payee, for the sole purpose of transferring a corresponding amount to a payee or to another payment service provider acting on behalf of the payee, or where such funds are received on behalf of and made available to the payee;	(26) ‘money remittance’ means a payment service where funds are received from a payer, without any payment accounts being created in the name of the payer or the payee, for the sole purpose of transferring a corresponding amount to a payee or to another payment service provider acting on behalf of the payee, or where such funds are received on behalf of and made available to the payee;	(26) ‘money remittance’ means ~~a payment service where funds are received from a payer, without any payment accounts being created in the name of the payer or the payee, for the sole purpose of transferring a corresponding amount to a payee or to another payment service provider acting on behalf of the payee, or where such funds are received on behalf of and made available to the payee~~ <u>money remittance as defined in Article 2(22) of PSD3</u> ; TM 11.02: moved to PSD3 Text Origin: Commission Proposal
Article 3, first paragraph, point (27)				
240	(27) ‘direct debit’ means a payment service for debiting a payer’s payment account, where a payment transaction is initiated by the payee on the basis of a mandate given by the payer to the payee, to the payee’s payment service provider or to the payer’s own payment service	(27) ‘direct debit’ means a payment service for debiting a payer’s payment account, where a payment transaction is initiated by the payee on the basis of a mandate given by the payer to the payee, to the payee’s payment service provider or to the payer’s own payment service	(27) ‘direct debit’ means a payment service for debiting a payer’s payment account, where a payment transaction is initiated by the payee on the basis of a mandate given by the payer to the payee, to the payee’s payment service provider or to the payer’s own payment service	(27) ‘direct debit’ means a payment service for debiting a payer’s payment account, where a payment transaction is initiated by the payee on the basis of a mandate given by the payer to the payee, to the payee’s payment service provider or to the payer’s own payment service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	provider;	provider;	provider;	provider; Text Origin: Commission Proposal
Article 3, first paragraph, point (28)				
241	(28) ‘credit transfer’ means a payment service, including instant credit transfers, for crediting a payee’s payment account with a payment transaction or a series of payment transactions from a payer’s payment account by the payment service provider which holds the payer’s payment account, based on an instruction given by the payer;	(28) ‘credit transfer’ means a payment service, including instant credit transfers, for crediting a payee’s payment account with a payment transaction or a series of payment transactions from a payer’s payment account by the payment service provider which holds the payer’s payment account, <u>or by the payment service provider which holds the payee’s payment account,</u> based on an instruction given by the payer;	(28) ‘credit transfer’ means a payment service, including instant credit transfers, for crediting a payee’s payment account with a payment transaction or a series of payment transactions from a payer’s payment account by the payment service provider which holds the payer’s payment account, based on an instruction given by the payer;	(28) ‘credit transfer’ means a payment service, including instant credit transfers, for crediting a payee’s payment account with a payment transaction or a series of payment transactions from a payer’s payment account by the payment service provider which holds the payer’s payment account, based on an instruction given by the payer; TM 15.10 EP text not needed if Council Art. 85a is included (902b). Text Origin: Commission Proposal
Article 3, first paragraph, point (29)				
242	(29) ‘instant credit transfer’ means a credit transfer which is immediately executed, regardless of the day or hour;	(29) ‘instant credit transfer’ means a credit transfer which is immediately executed, regardless of the day or hour;	(29) ‘instant credit transfer’ means a credit transfer which is executed immediately ~~executed, regardless of the day or hour,~~ 24 hours a day and on any calendar day;	(29) ‘instant credit transfer’ means a credit transfer which is <u>executed</u> immediately ~~executed, regardless of the day or hour,~~ <u>24 hours a day and on any calendar day;</u> TM 11.11: alignment with IPR. Text Origin: Council Mandate
Article 3, first paragraph, point (30)				
243	(30) ‘funds’ means central bank money issued for retail use,	(30) ‘funds’ means central bank money issued for retail use,	(30) ‘funds’ means central bank money issued for retail use,	(30) ‘funds’ means central bank money issued for retail use,

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	scriptural money and electronic money;	scriptural money and electronic money;	scriptural money and electronic money, including electronic money tokens ;	scriptural money and electronic money, <u>including electronic money tokens</u> ; Text Origin: Council Mandate
Article 3, first paragraph, point (31)				
244	(31) ‘value date’ means a reference time used by a payment service provider for the calculation of interest on the funds debited from or credited to a payment account;	(31) ‘value date’ means a reference time used by a payment service provider for the calculation of interest on the funds debited from or credited to a payment account;	(31) ‘value date’ means a reference time used by a payment service provider for the calculation of interest on the funds debited from or credited to a payment account;	(31) ‘value date’ means a reference time used by a payment service provider for the calculation of interest on the funds debited from or credited to a payment account; Text Origin: Commission Proposal
Article 3, first paragraph, point (32)				
245	(32) ‘reference exchange rate’ means the exchange rate which is used as the basis to calculate any currency conversion cost and which is disclosed by the payment service provider or comes from a publicly available source;	(32) ‘reference exchange rate’ means the exchange rate which is used as the basis to calculate any currency conversion cost and which is disclosed by the payment service provider or comes from a publicly available source;	(32) ‘reference exchange rate’ means the exchange rate which is used as the basis to calculate any currency conversion cost and which is disclosed by the payment service provider or comes from a publicly available source;	(32) ‘reference exchange rate’ means the exchange rate which is used as the basis to calculate any currency conversion cost and which is disclosed by the payment service provider or comes from a publicly available source; Text Origin: Commission Proposal
Article 3, first paragraph, point (33)				
246	(33) ‘reference interest rate’ means the interest rate which is used as the basis for calculating any interest to be applied and which comes from a publicly available source which can be verified by both parties to a payment service contract;	(33) ‘reference interest rate’ means the interest rate which is used as the basis for calculating any interest to be applied and which comes from a publicly available source which can be verified by both parties to a payment service contract;	(33) ‘reference interest rate’ means the interest rate which is used as the basis for calculating any interest to be applied and which comes from a publicly available source which can be verified by both parties to a payment service contract;	(33) ‘reference interest rate’ means the interest rate which is used as the basis for calculating any interest to be applied and which comes from a publicly available source which can be verified by both parties to a payment service contract; Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 3, first paragraph, point (34)				
247	(34) ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a payment service user or the validity of the use of a specific payment instrument, including the use of the user’s personalised security credentials;	(34) ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a payment service user or the validity of the use of a specific payment instrument, including the use of the user’s personalised security credentials;	(34) ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a payment service user or the validity of the use of a specific payment instrument, including the use of the user’s personalised security credentials;	(34) ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a payment service user or the validity of the use of a specific payment instrument, including the use of the user’s personalised security credentials; Text Origin: Commission Proposal
Article 3, first paragraph, point (34a)				
247a		<u>(34a) ‘authorisation’ means a permission granted in a procedure where the payment service user authenticates a given transaction freely and with full knowledge of all relevant facts;</u>		deleted TM 20.10: Article 49 might need to be reopen. Also linked to Article 59. TM 10.12: implementation of trilogue.
Article 3, first paragraph, point (35)				
248	(35) ‘strong customer authentication’ means an authentication which is based on the use of two or more elements categorised as knowledge (something only the user knows), possession (something only the user possesses) and inherence (something the user is) that are independent, in that the breach of one does not compromise the reliability of the others, and is designed in such a way	(35) ‘strong customer authentication’ means an authentication which is based on the use of two or more elements categorised as knowledge (something only the user knows), possession (something only the user possesses) and inherence (something the user is) that are independent, in that the breach of one does not compromise the reliability of the others, and is designed in such a way	(35) ‘strong customer authentication’ means an authentication which is based on the use of two or more elements categorised as knowledge (something only the user knows), possession (something only the user possesses) and inherence (something the user is) that are independent, in that the breach of one does not compromise the reliability of the others, and is designed in such a way	(35) ‘strong customer authentication’ means an authentication which is based on the use of two or more elements categorised as knowledge (something only the user knows), possession (something only the user possesses) and inherence (something the user is) that are independent, in that the breach of one does not compromise the reliability of the others, and is designed in such a way

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	as to protect the confidentiality of the authentication data;	as to protect the confidentiality of the authentication data;	as to protect the confidentiality of the authentication data;	as to protect the confidentiality of the authentication data; Text Origin: Commission Proposal
Article 3, first paragraph, point (36)				
249	(36) ‘technical service provider’ means a provider of services which support the provision of payment services, without entering at any time into possession of the funds to be transferred;	(36) ‘technical service provider’ means a provider of services which support the provision of payment services, without entering at any time into possession of the funds to be transferred;	(36) ‘technical service provider’ means a provider of services which, although not being payment services , support the provision of payment services, without entering at any time into possession of the funds to be transferred;	(36) ‘technical service provider’ means a provider of services which, although not being payment services , support the provision of payment services, without entering at any time into possession of the funds to be transferred; Text Origin: Council Mandate
Article 3, first paragraph, point (37)				
250	(37) ‘personalised security credentials’ means personalised features provided by the payment service provider to a payment service user for the purposes of authentication;	(37) ‘personalised security credentials’ means personalised features provided by the payment service provider to a payment service user for the purposes of authentication;	(37) ‘personalised security credentials’ means personalised features provided by the payment service provider to a payment service user for the purposes of authentication, and taking into account Article 36(6) ;	(37) ‘personalised security credentials’ means personalised features provided by the payment service provider to a payment service user for the purposes of authentication; TM 11.11 Text Origin: Commission Proposal
Article 3, first paragraph, point (38)				
251	(38) ‘sensitive payment data’ means data which can be used to carry out fraud, including personalised security credentials;	(38) ‘sensitive payment data’ means data which can be used to carry out fraud, including personalised security credentials;	(38) ‘sensitive payment data’ means data which can be used to carry out fraud, including personalised security credentials, and taking into account Article 36(6) ;	(38) ‘sensitive payment data’ means data which can be used to carry out fraud, including personalised security credentials; TM 11.11 not needed given Art 36(5a),

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				line 539b. Text Origin: Commission Proposal
Article 3, first paragraph, point (39)				
252	(39) ‘unique identifier’ means a combination of letters, numbers or symbols specified by the payment service provider to the payment service user and to be provided by the payment service user to identify unambiguously another payment service user or the payment account of that other payment service user for a payment transaction;	(39) ‘unique identifier’ means a combination of letters, numbers or symbols specified by the payment service provider to the payment service user, <u>or an uniquely linked proxy thereof</u> , ~~and~~ to be provided by the payment service user to identify unambiguously another payment service user or the payment account of that other payment service user for a payment transaction;	(39) ‘unique identifier’ means a combination of letters, numbers or symbols specified by the payment service provider to the payment service user and to be provided by the payment service user to identify unambiguously another payment service user or the payment account of that other payment service user for a payment transaction;	(39) ‘unique identifier’ means a combination of letters, numbers or symbols specified by the payment service provider to the payment service user and to be provided by the payment service user to identify unambiguously another payment service user or the payment account of that other payment service user for a payment transaction; TM 11.11: Council: unique identifier should be provider by the PSP. EP to revert. TM 16.12: recital to clarify that other ways of identifying than the unique identifier are possible. Text Origin: Commission Proposal
Article 3, first paragraph, point (40)				
253	(40) ‘means of distance communication’ means a method which, without the simultaneous physical presence of the payment service provider and the payment service user, may be used for the conclusion of a payment services	(40) ‘means of distance communication’ means a method which, without the simultaneous physical presence of the payment service provider and the payment service user, may be used for the conclusion of a payment services	(40) ‘means of distance communication’ means a method which, without the simultaneous physical presence of the payment service provider and the payment service user, may be used for the conclusion of a payment services	(40) ‘means of distance communication’ means a method which, without the simultaneous physical presence of the payment service provider and the payment service user, may be used for the conclusion of a payment services

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	contract;	contract;	contract;	contract; Text Origin: Commission Proposal
Article 3, first paragraph, point (41)				
254	(41) ‘durable medium’ means any instrument which enables the payment service user to store information addressed personally to that payment service user in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored;	(41) ‘durable medium’ means any instrument which enables the payment service user to store information addressed personally to that payment service user in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored;	(41) ‘durable medium’ means any instrument which enables the payment service user to store information addressed personally to that payment service user in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored;	(41) ‘durable medium’ means any instrument which enables the payment service user to store information addressed personally to that payment service user in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored; Text Origin: Commission Proposal
Article 3, first paragraph, point (42)				
255	(42) ‘microenterprise’ means an enterprise which at the time of conclusion of the payment service contract is an enterprise as defined in Article 1 and Article 2(1) and (3) of the Annex to Recommendation 2003/361/EC;	(42) ‘microenterprise’ means an enterprise which at the time of conclusion of the payment service contract is an enterprise as defined in Article 1 and Article 2(1) and (3) of the Annex to Recommendation 2003/361/EC;	(42) ‘microenterprise’ means an enterprise which at the time of conclusion of the payment service contract is an enterprise as defined in Article 1 and Article 2(1) and (3) of the Annex to Recommendation 2003/361/EC;	(42) ‘microenterprise’ means an enterprise which at the time of conclusion of the payment service contract is an enterprise as defined in Article 1 and Article 2(1) and (3) of the Annex to Recommendation 2003/361/EC; Text Origin: Commission Proposal
Article 3, first paragraph, point (43)				
256	(43) ‘business day’ means a day on which the payment service provider of the payer or of the payee involved	(43) ‘business day’ means a day on which the payment service provider of the payer or of the payee involved	(43) ‘business day’ means a day on which the payment service provider of the payer or of the payee involved	(43) ‘business day’ means a day on which the payment service provider of the payer or of the payee involved

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	in the execution of a payment transaction is open for business to execute a payment transaction;	in the execution of a payment transaction is open for business to execute a payment transaction;	in the execution of a payment transaction is open for business to execute a payment transaction;	in the execution of a payment transaction is open for business to execute a payment transaction <u>other than instant credit transfers</u> ; TM 24.09: to be checked in light of IPR. TM 11.11: Instant credit transfers are executed every day. Hence the exception. Text Origin: Commission Proposal
Article 3, first paragraph, point (44)				
257	(44) ‘agent’ means a natural or legal person who acts on behalf of a payment institution in providing payment services, with the exclusion of electronic money services;	(44) ‘agent’ means a natural or legal person who acts on behalf of a payment institution in providing payment services, with the exclusion of electronic money services;	(44) ‘agent’ means ~~a natural or legal person who acts on behalf of a payment institution in providing payment services, with the exclusion of electronic money services~~ an agent as defined in Article 2 point (28) of Directive XXX [PSD3] ;	(44) ‘agent’ means ~~a natural or legal person who acts on behalf of a payment institution in providing payment services, with the exclusion of electronic money services~~ an agent as defined in Article 2, point (28), of Directive XXX [PSD3] ; Text Origin: Council Mandate
Article 3, first paragraph, point (45)				
258	(45) ‘branch’ means a place of business other than the head office which is a part of a payment institution, which has no legal personality and which carries out directly some or all of the transactions inherent in the business of a payment institution; all of the places of business set up in the same Member State by a payment institution with a head office in another Member State shall be	(45) ‘branch’ means a place of business other than the head office which is a part of a payment institution, which has no legal personality and which carries out directly some or all of the transactions inherent in the business of a payment institution; all of the places of business set up in the same Member State by a payment institution with a head office in another Member State shall be	(45) ‘branch’ means a ~~place of business other than the head office which is a part of a payment institution, which has no legal personality and which carries out directly some or all of the transactions inherent in the business of a payment institution; all of the places of business set up in the same~~ Member State by a payment institution with a head office in another Member State shall be	(45) ‘branch’ means a ~~place of business other than the head office which is a part of a payment institution, which has no legal personality and which carries out directly some or all of the transactions inherent in the business of a payment institution; all of the places of business set up in the same~~ Member State by a payment institution with a head office in another Member State shall be

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	regarded as a single branch;	regarded as a single branch;	regarded as a single branch as defined in Article 2 point (29) of Directive XXX [PSD3] ;	~~regarded as a single~~ branch <u>as defined in Article 2, point (29), of Directive XXX [PSD3]</u> ; Text Origin: Council Mandate
Article 3, first paragraph, point (46)				
259	(46) ‘group’ means a group of undertakings that are linked to each other by a relationship as referred to in Article 22(1), points (2) or (7) of Directive 2013/34/EU of the European Parliament and of the Council¹ or undertakings as referred to in Articles 4, 5, 6 and 7 of Commission Delegated Regulation (EU) No 241/2014², which are linked to each other by a relationship as referred to in Article 10(1) or Article 113(6), first subparagraph, or 113(7), first subparagraph of Regulation (EU) No 575/2013; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19). 2. Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds	(46) ‘group’ means a group of undertakings that are linked to each other by a relationship as referred to in Article 22(1), ~~points~~ (2) or (7) of Directive 2013/34/EU of the European Parliament and of the Council¹ or undertakings as referred to in Articles 4, 5, 6 and 7 of Commission Delegated Regulation (EU) No 241/2014², which are linked to each other by a relationship as referred to in Article 10(1) or Article 113(6), first subparagraph, or 113(7), first subparagraph of Regulation (EU) No 575/2013; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19). 2. Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds	(46) ‘group’ means a group of undertakings that are linked to each other by a relationship as referred to ~~as defined~~ in Article 22(1), points (2) or (7) 2 point (30) of Directive 2013/34/EU of the European Parliament and of the Council¹ or undertakings as referred to in Articles 4, 5, 6 and 7 of Commission Delegated Regulation (EU) No 241/2014², which are linked to each other by a relationship as referred to in Article 10(1) or Article 113(6), first subparagraph, or 113(7), first subparagraph of Regulation (EU) No 575/2013; XXX [PSD3]¹²; 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19). 2. Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory	(46) ‘group’ means a group ~~of undertakings that are linked to each other by a relationship as referred to~~ as defined in Article ~~22(1), points (2) or (7)~~ 2, point (30), of Directive 2013/34/EU of the European Parliament and of the Council¹ or undertakings as referred to in Articles 4, 5, 6 and 7 of Commission Delegated Regulation (EU) No 241/2014², which are linked to each other by a relationship as referred to in Article 10(1) or Article 113(6), first subparagraph, or 113(7), first subparagraph of Regulation (EU) No 575/2013; XXX [PSD3]; ~~1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).~~ ~~2. Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	requirements for institutions (OJ L 74, 14.3.2014, p. 8).	requirements for institutions (OJ L 74, 14.3.2014, p. 8).	technical standards for Own Funds requirements for institutions (OJ L 74, 14.3.2014, p. 8).	~~standards for Own Funds requirements for institutions (OJ L 74, 14.3.2014, p. 8).~~ Text Origin: Council Mandate
Article 3, first paragraph, point (47)				
260	(47) ‘digital content’ means goods or services which are produced and supplied in digital form, the use or consumption of which is restricted to a technical device and which do not include in any way the use or consumption of physical goods or services;	(47) ‘digital content’ means goods or services which are produced and supplied in digital form, the use or consumption of which is restricted to a technical device and which do not include in any way the use or consumption of physical goods or services;	(47) ‘digital content’ means goods or services which are produced and supplied in digital form, the use or consumption of which is restricted to a technical device and which do not include in any way the use or consumption of physical goods or services;	(47) ‘digital content’ means goods or services which are produced and supplied in digital form, the use or consumption of which is restricted to a technical device and which do not include in any way the use or consumption of physical goods or services; Text Origin: Commission Proposal
Article 3, first paragraph, point (48)				
261	(48) ‘acquiring of payment transactions’ means a payment service provided by a payment service provider contracting with a payee to accept and process payment transactions, which results in a transfer of funds to the payee;	(48) ‘acquiring of payment transactions’ means a payment service provided by a payment service provider contracting with a payee to accept and process payment transactions, which results in a transfer of funds to the payee;	(48) ‘acquiring of payment transactions’ means a payment service provided by a payment service provider contracting with a payee to accept and process payment transactions, which results in a transfer of funds to the payee;	(48) ‘acquiring of payment transactions’ means a payment service provided by a payment service provider contracting with a payee to accept and process payment transactions, which results in a transfer of funds to the payee; Text Origin: Commission Proposal
Article 3, first paragraph, point (49)				
262	(49) ‘issuing of payment instruments’ means a payment service by a payment service provider contracting to provide a payer with a payment instrument to initiate and process the payer’s payment transactions;	(49) ‘issuing of payment instruments’ means a payment service by a payment service provider contracting to provide a payer with a payment instrument to initiate and process the payer’s payment transactions;	(49) ‘issuing of payment instruments’ means a payment service by a payment service provider contracting to provide a payer with a payment instrument to initiate and process the payer’s payment transactions;	(49) ‘issuing of payment instruments’ means a payment service by a payment service provider contracting to provide a payer with a payment instrument to initiate and process the payer’s payment transactions;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 3, first paragraph, point (50)				
263	(50) ‘electronic money’ means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on the receipt of funds for the purpose of making payment transactions and which is accepted by other natural or legal persons than the issuer;	(50) ‘electronic money’ means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on the receipt of funds for the purpose of making payment transactions and which is accepted by other natural or legal persons than the issuer;	(50) ‘electronic money’ means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on the receipt of funds for the purpose of making payment transactions and which is accepted by other natural or legal persons than the issuer;	(50) ‘electronic money’ means electronically, including magnetically, stored monetary value ~~as represented by a claim on the issuer~~ which is issued on the receipt of funds for the purpose of making payment transactions and which is accepted by other natural or legal persons than the issuer; TM 11.11: removing "represented by a claim on the issuer" allows to extend the scope. Link with 457-458 PSR. Agreement to keep the EC proposal stemming from the EMD TM 19.11: Q&A on definition of e-money (has to be a claim on someone on the issuer, otherwise not considered e-money), also linked with Case C-661/22. EC to revert. TM 15.12: EC still against deleting 'as representing by a claim on the issuer' Council: odd to have a requirement in the definition. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 3, first paragraph, point (51)				
264	(51) ‘distributor’ means a natural or legal person that distributes or redeems electronic money on behalf of a payment institution;	(51) ‘distributor’ means a natural or legal person that distributes or redeems electronic money on behalf of a payment institution;	(51) ~~‘distributor’ means a natural or legal person that distributes or redeems electronic money on behalf of a payment institution;~~	<i>deleted</i> TM 15.12 TM 15.12 TM 15.12
Article 3, first paragraph, point (52)				
265	(52) ‘electronic money services’ means the issuance of electronic money, the maintenance of payment accounts storing electronic money units, and the transfer of electronic money units;	(52) ‘electronic money services’ means the issuance of electronic money, the maintenance of payment accounts storing electronic money units, and the transfer of electronic money units;	(52) ~~‘electronic money services’~~ means the issuance of electronic money, ~~the maintenance of payment accounts storing electronic money units, and the transfer of electronic money units;~~	<i>deleted</i> TM 11.11: e-money holder instead of emoney service users. The use of the term emoney service is to be checked in the PSD3/PSR to make it consistent with the new definition of emoney service that only consists of issuance of emoney. TM 15.12: see Annex 1 Text Origin: Council Mandate
Article 3, first paragraph, point (53)				
266	(53) ‘commercial trade name’ means the name which is commonly used by the payee to identify itself to the payer;	(53) ‘commercial trade name’ means the name which is commonly used by the payee <u>in the trade and marketing of its business</u> to identify itself to the payer;	(53) ‘commercial trade name’ means the name which is commonly used by the payee to identify itself to the payer;	(53) ‘commercial trade name’ means the name which is commonly used by the payee <u>in the trade and marketing of its business</u> to identify itself to the payer; Text Origin: EP Mandate
Article 3, first paragraph, point (54)				
267	(54) ‘ATM deployer’ means	(54) ‘ATM deployer’ means	(54) ‘ATM deployer’ means	(54) ‘ATM deployer’ means

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	operators of automated teller machines who do not service payment accounts.	operators of automated teller machines who do not ~~service~~ <u>hold</u> payment accounts.	~~operators of automated teller machines who do not service payment accounts.~~ an ATM deployer as defined in Article 2 point (38) of Directive XXX [PSD3];	~~operators of automated teller machines who do not service payment accounts.~~ <u>an ATM deployer as defined in Article 2, point (38), of Directive XXX [PSD3];</u> TM 3.11: Definition from Council (PSD3) a natural or legal person providing cash withdrawal services as referred to in Annex I, point 1, and who is not an account servicing payment service provider, pursuant to Article 2, point (16), and does not provide any other payment services referred to in Annex I;
Article 3, first paragraph, point (55)				
268	(55) ‘payment institution providing electronic money services’ means a payment institution which provides the services of issuance of electronic money, maintenance of payment accounts storing electronic money units, and transfer of electronic money units, whether or not it also provides any of the services referred to in Annex I.	(55) ‘payment institution providing electronic money services’ means a payment institution which provides the services of issuance of electronic money, maintenance of payment accounts storing electronic money units, and transfer of electronic money units, whether or not it also provides any of the services referred to in Annex I.	(55) ‘payment institution providing electronic money services’ means a payment institution ~~which provides the services of issuance of electronic money, maintenance of payment accounts storing~~ providing electronic money units, and transfer of ~~electronic money units, whether or not it also provides any of the services referred to in Annex I.~~ service as defined in point (52) of this Article ;	~~deleted~~ TM 11.11: <i>payment institution issuing emoney, could be an alternative.</i> TM 15.12
Article 3, first paragraph, point (55a)				
268a			(56) ‘merchant-initiated transaction (MIT)’ means a payment transaction where the payer has given a mandate	<u>(56) ‘merchant-initiated transaction (MIT)’ means a payment transaction where the payer has given a mandate</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						authorizing the payee to place a payment order for a payment transaction or a series of payment transactions through a particular payment instrument that is issued to be used by the payer to place payment orders for the payment transactions, and where the mandate is based on an agreement between the payer and the payee for the provision of products or services, provided that those transactions do not need to be preceded by a specific action of the payer to trigger their initiation by the payee;		<u>authorising the payee to place a payment order for a payment transaction or a series of payment transactions through a particular payment instrument that is issued to be used by the payer to place payment orders for the payment transactions, where the mandate is based on an agreement between the payer and the payee for the provision of products or services, and where those transactions do not need to be preceded by a specific action of the payer to trigger their initiation by the payee;</u> TM 11.11: this comes from Art. 85. This is broader than direct debit, because it includes card based transaction. Text Origin: Council Mandate
	Article 3, first paragraph, point (55b)							
G	268b			<u>(55a) ‘electronic communications service provider’ means any provider that falls within the scope of:</u>				deleted TM11.12 Use of ECSPs limited to interpersonal in lines 723h 880c. SPelt out in full in those lines so this definition unnecessary
	Article 3, first paragraph, point (55b)(a)							
G	268c			<u>(a) Directive (EU) 2018/1972 (European electronic communications code); or</u>				deleted
	Article 3, first paragraph, point (55b)(b)							

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G		268d		<u>(b) Regulation (EU) 2022/2065 (Digital Services Act).</u>				deleted
Article 3, first paragraph, point (55c)								
G		268e				(57) ‘mail order or telephone order transaction (MOTO)’ means a payment transaction for which payment orders are placed by the payer with modalities other than the use of electronic platforms or devices, such as paper-based payment orders, mail orders or telephone orders, irrespective of whether or not the execution of the transaction is performed electronically;		<u>(57) ‘mail order or telephone order transaction (MOTO)’ means a payment transaction for which payment orders are placed by the payer with modalities other than the use of electronic platforms or devices, such as paper-based payment orders, mail orders or telephone orders, irrespective of whether or not the execution of the transaction is performed electronically;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (55d)								
G		268f				(58) ‘aggregated mid-market exchange rate’ means a rate that represents the mid-point between the buy and sell prices of a currency pair in the foreign exchange market, and that is calculated by combining data from multiple sources to provide an accurate and real-time reflection of the market conditions;		<u>(58) ‘aggregated mid-market exchange rate’ means a rate that represents the mid-point between the buy and sell prices of a currency pair in the foreign exchange market, and that is calculated by combining data from multiple sources to provide an accurate and real-time reflection of the market conditions;</u> TM 30.10: part of ECB opinion. ECB proposed instead to refer to benchmark compliant rate, which are also problematic. EC checked this text with

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								ECB. EC: not possible to refer to the Benchmark regulation. Text Origin: Council Mandate
Article 3, first paragraph, point (55e)								
G		268g				(59) ‘periodic penalty payments’ means periodic pecuniary enforcement measures, aimed at ending ongoing breaches of this Regulation or breaches of any decisions issued by a competent authority on the basis of those provisions and compelling the natural or legal person to return to compliance with the infringed provisions or decisions;		<u>(59) ‘periodic penalty payments’ means periodic pecuniary enforcement measures, aimed at ending ongoing breaches of this Regulation or breaches of any decisions issued by a competent authority on the basis of this Regulation and compelling the natural or legal person to return to compliance with the infringed provisions or decisions;</u> TM 11.11 comes from CRD6. Also added in Art. 91 and 98. Text Origin: Council Mandate
Article 3, first paragraph, point (55f)								
G		268h				(60) ‘electronic money token’ means an electronic money token as defined in Article 3(1)(7) of Regulation (EU) 2023/1114;		<u>(60) ‘electronic money token’ means an electronic money token as defined in Article 3(1), point (7), of Regulation (EU) 2023/1114;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (55g)								
G		268i				(61) ‘crypto-asset service’ means a crypto-asset service as defined in Article 3(1), point (16), of Regulation (EU) 2023/1114;		<u>(61) ‘crypto-asset service’ means a crypto-asset service as defined in Article 3(1), point (16), of Regulation (EU) 2023/1114;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
		Article 3, first paragraph, point (55h)						
G		268j				(62) ‘providing transfer services for crypto-assets on behalf of clients’ means providing transfer services for crypto-assets on behalf of clients as defined in Article 3(1), point (26), of Regulation (EU) 2023/1114;		<u>(62) ‘providing transfer services for crypto-assets on behalf of clients’ means providing transfer services for crypto-assets on behalf of clients as defined in Article 3(1), point (26), of Regulation (EU) 2023/1114;</u> Text Origin: Council Mandate
		Article 3, first paragraph, point (55i)						
G		268k				(63) ‘crypto-asset service provider’ means a crypto-asset service provider as defined in Article 3(1)(15) of Regulation (EU) 2023/1114;		<u>(63) ‘crypto-asset service provider’ means a crypto-asset service provider as defined in Article 3(1), point (15), of Regulation (EU) 2023/1114;</u> Text Origin: Council Mandate
		Article 3, first paragraph, point (55j)						
G		268l				(64) ‘self-hosted address’ means a self-hosted address as defined in Article 3 (20) of Regulation (EU) 2023/1113;		<u>(64) ‘self-hosted address’ means a self-hosted address as defined in Article 3, point (20), of Regulation (EU) 2023/1113;</u> Text Origin: Council Mandate
		Article 3, first paragraph, point (55k)						
G		268m				(65) ‘custodial wallet’ means a crypto-asset wallet address where a crypto-asset service provider ensures the safekeeping or controlling, on behalf of its client,		<u>(65) ‘custodial wallet’ means a crypto-asset wallet address where a crypto-asset service provider ensures the safekeeping or controlling, on behalf of its client,</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						of crypto-assets or of the means of access to such crypto-assets, where applicable in the form of private cryptographic keys;		<u>of crypto-assets or of the means of access to such crypto-assets, where applicable in the form of private cryptographic keys;</u> TM 11.11: comes from MiCA Art. 3(1), point (17). Text Origin: Council Mandate
Article 3, first paragraph, point (55l)								
G		268n				(66) ‘payment card scheme’ means a payment card scheme as defined in Article 2 point (16) of Regulation No (EU) 2015/751;		<u>(66) ‘payment card scheme’ means a payment card scheme as defined in Article 2, point (16), of Regulation (EU) No 2015/751;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (55m)								
G		268o				(67) ‘processing’ means a processing as defined in Article 2 point (27) of Regulation No (EU) 2015/751;		<u>(67) ‘processing’ means processing as defined in Article 2, point (27), of Regulation (EU) No 2015/751;</u> Text Origin: Council Mandate
Article 3, first paragraph, point (55n)								
G		268p				(68) ‘processing entity’ means processing entity as defined in Article 2 point (28) of Regulation No (EU) 2015/751.		<u>(68) ‘processing entity’ means a processing entity as defined in Article 2, point (28), of Regulation No (EU) 2015/751.</u> Text Origin: Council Mandate
Article 3, first paragraph a								
G		268q				<u>For the purpose of paragraph 1, point (39), the EBA, taking into</u>		deleted

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>account relevant market practices and different methods of identification used across the Union, shall develop draft regulatory technical standards setting out a comprehensive list of the methods that can be used as a unique identifier.</u>				TM 18.11: proposal to add definition of UI and reference to UI in PSR in review clause.
		Article 3, first paragraph b						
G		268r		<u>The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by ... [12 months from the date of entry into force of this Regulation].</u>				deleted TM 16.12
		Article 3, first paragraph c						
G		268s		<u>Power is delegated to the Commission to supplement this Regulation by adopting the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.</u>				deleted TM 16.12
		TITLE II						
G		269		TITLE II TRANSPARENCY OF CONDITIONS AND INFORMATION REQUIREMENTS FOR PAYMENT SERVICES		TITLE II TRANSPARENCY OF CONDITIONS AND INFORMATION REQUIREMENTS FOR PAYMENT SERVICES		TITLE II TRANSPARENCY OF CONDITIONS AND INFORMATION REQUIREMENTS FOR PAYMENT SERVICES Text Origin: Commission

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Proposal
CHAPTER 1								
270		CHAPTER 1 General rules		CHAPTER 1 General rules		CHAPTER 1 General rules		CHAPTER 1 General rules Text Origin: Commission Proposal
Article 4								
271		Article 4 Scope		Article 4 Scope		Article 4 Scope		Article 4 Scope Text Origin: Commission Proposal
Article 4(1)								
272		1.This Title applies to single payment transactions, framework contracts and payment transactions covered by those contracts. The parties to such single payment transactions, framework contracts and payment transactions covered by them may agree that this Title shall not apply in whole or in part where the payment service user is not a consumer.		1.This Title applies to single payment transactions, framework contracts and payment transactions covered by those contracts. The parties to such single payment transactions, framework contracts and payment transactions covered by them may agree that this Title shall not apply in whole or in part where the payment service user is not a consumer.		1.This Title applies to single payment transactions, framework contracts and payment transactions covered by those contracts. The parties to such single payment transactions, framework contracts and payment transactions covered by them may agree that this Title shall not apply in whole or in part where the payment service user is not a consumer.		1.This Title applies to single payment transactions, framework contracts and payment transactions covered by those contracts. The parties to such single payment transactions, framework contracts and payment transactions covered by them may agree that this Title shall not apply in whole or in part where the payment service user is not a consumer. Text Origin: Commission Proposal
Article 4(2)								
273		2.Member States may apply this Title to microenterprises in the same way as to consumers.		2.Member States may apply this Title to microenterprises in the same way as to consumers.		2.Member States may apply this Title to microenterprises in the same way as to consumers.		2.Member States may apply this Title to microenterprises in the same way as to consumers. Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 4(3)				
274	3.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 2, by the date of application of this Regulation and, without delay, any subsequent amendment affecting them.	3.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 2, by the date of application of this Regulation and, without delay, any subsequent amendment affecting them.	3.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 2, by the date of application of this Regulation and, without delay, any subsequent amendment affecting them.	3.Member States shall notify to the Commission the provisions of its law which it adopts pursuant to paragraph 2, by the date of application of this Regulation and, without delay, any subsequent amendment affecting them. Text Origin: Commission Proposal
Article 5				
275	Article 5 Currency and currency conversion	Article 5 Currency and currency conversion	Article 5 Currency and currency conversion	Article 5 Currency and currency conversion Text Origin: Commission Proposal
Article 5(1)				
276	1.Payments shall be made in the currency agreed between the parties.	1.Payments shall be made in the currency agreed between the parties.	1. ~~Payments~~ Payment transactions shall be made in the currency agreed between the parties.	1. ~~Payments~~ <u>Payment transactions</u> shall be made in the currency agreed between the parties. Text Origin: Council Mandate
Article 5(2)				
277	2.Where a currency conversion service is offered prior to the initiation of the payment transaction and where that currency conversion service is offered at an ATM, at the point of sale or by the payee, the party offering the currency conversion service to the payer shall disclose to the payer all charges and	2.Where a currency conversion service is offered prior to the initiation of the payment transaction and where that currency conversion service is offered at an ATM, at the point of sale or by the payee, the party offering the currency conversion service to the payer shall disclose to the payer all charges and	2.Where a currency conversion service is offered prior to the initiation of the payment transaction and where that currency conversion service is offered at an ATM, at the point of sale or by the payee, the party offering the currency conversion service to the payer shall disclose to the payer all charges and	2.Where a currency conversion service is offered prior to the initiation of the payment transaction and where that currency conversion service is offered at an ATM, at the point of sale or by the payee, the party offering the currency conversion service to the payer shall disclose to the payer all charges and

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the exchange rate to be used for converting the payment transaction.	the exchange rate to be used for converting the payment transaction. <u>Those charges shall include any mark-up over the latest available applicable foreign exchange rate issued by the relevant central bank. The information on charges and the exchange rate shall be made visible in a prominent and transparent manner prior to the authorisation of the payment transaction by the payer.</u>	the exchange rate to be used for converting the payment transaction.	the exchange rate to be used for converting the payment transaction. TM 31.10: to check if there is an added value in keeping EP AM. This will depend on line 443a and in Art. 7 (independent ATMs). TM 3.11: covered by Art. 7 with revised scope. Text Origin: Commission Proposal
Article 5(2a)				
277a				<u>For the purposes of the first subparagraph, and of Articles 7, 13(1), point (f) and 20(c), point (v), of this Regulation, the aggregated mid-market exchange rate used shall accurately reflect the market, with a maximum delay of 10 minutes or, for currencies where this is not possible, it shall reflect the last traded price from a reputable trading venue. It shall be provided by a trusted administrator who complies with the IOSCO Principles for Financial Benchmarks.</u>
Article 5(3)				
278	3.The payer shall be given the possibility to agree to the currency conversion service on that basis.	3.The payer shall be given the possibility to agree to the currency conversion service on that basis.	3.The payer shall be given the possibility to agree to the currency conversion service on that basis.	3.The payer shall be given the possibility to agree to the currency conversion service on that basis. Text Origin: Commission

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Proposal
Article 5(3a)								
278a						4 For the purposes of Articles 13(1)(f) and 20(c)(v) of this Regulation, the aggregated mid-market exchange rate used shall accurately reflect the market, with a maximum delay of 10 minutes or, for currencies where this is not possible, it shall reflect the last traded price from a reputable trading venue. It shall be provided by a trusted administrator who complies with the IOSCO Principles for Financial Benchmarks.		<i>deleted</i> <i>TM 31.10: EC: reference to IOSCO principles is important. To check if references to Art. 7 and Art. 28(3a) (443a) need to be maintained. Moved further up, in line 277a.</i> <i>Text Origin: Council Mandate</i>
Article 6								
279		Article 6 Information on additional charges or reductions		Article 6 Information on additional charges or reductions		Article 6 Information on additional charges or reductions		Article 6 Information on additional charges or reductions
								<i>Text Origin: Commission Proposal</i>
Article 6(1)								
280		1.Where, for the use of a given payment instrument, the payee requests a charge or offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction.		1.Where, for the use of a given payment instrument, the payee requests a charge or offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction, <u>in a clear, transparent and accessible format.</u>		1.Where, for the use of a given payment instrument, the payee requests a charge or offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction, in a clear, neutral and comprehensible manner.		1.Where, for the use of a given payment instrument, the payee requests a charge or offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction, <u>in a clear, neutral and comprehensible manner.</u> <i>TM 31.10: overlap between EP and</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Council mandates: accessible and comprehensible. neutral and comprehensible come from CBPR. Text Origin: Council Mandate
Article 6(2)				
281	2.Where, for the use of a given payment instrument, the payment service provider or another party involved in the transaction requests a charge, it shall inform the payment service user thereof prior to the initiation of the payment transaction.	2.Where, for the use of a given payment instrument, the payment service provider or another party involved in the transaction requests a charge, it shall inform the payment service user thereof <u>in a clear, transparent and accessible format</u> , prior to the initiation of the payment transaction.	2.Where, for the use of a given payment instrument, the payment service provider or another party involved in the transaction requests a charge, it shall inform the payment service user thereof in a clear, neutral and comprehensible manner prior to the initiation of the payment transaction.	2.Where, for the use of a given payment instrument, the payment service provider or another party involved in the transaction requests a charge, it shall inform the payment service user thereof <u>in a clear, neutral and comprehensible manner</u> prior to the initiation of the payment transaction. Text Origin: Council Mandate
Article 6(3)				
282	3.The payer shall only be obliged to pay for the charges referred to in paragraphs 1 and 2 if their full amount was made known prior to the initiation of the payment transaction.	3.The payer shall only be obliged to pay for the charges referred to in paragraphs 1 and 2 if their full amount was made known prior to the initiation of the payment transaction.		3.The payer shall only be obliged to pay for the charges referred to in paragraphs 1 and 2 if their full amount was made known prior to the initiation of the payment transaction. Text Origin: Commission Proposal
Article 7				
283	Article 7 Information requirements applicable to cash withdrawal services	Article 7 Information requirements applicable to cash withdrawal services	Article 7 Information requirements applicable to cash withdrawal services	Article 7 Information requirements applicable to cash withdrawal services Text Origin: Commission Proposal
Article 7, first paragraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
284	Natural or legal persons providing cash withdrawal services as referred to in Article 38 of Directive (EU) [PSD3] shall provide or make available to their customers information on any charges before the customer carries out the withdrawal as well as upon receipt of the cash when the transaction is completed.	Natural or legal persons providing cash withdrawal services as referred to in Article 38 of Directive (EU) [PSD3] shall provide ~~or make available~~ <u>in a transparent, distinguishable and understandable way</u> to their customers information on any charges, <u>including the exchange rate and any mark-up over the latest available applicable foreign exchange rate issued by the relevant central bank, directly at the initiation of the process of</u> ~~before the customer carries out the~~ withdrawal as well as upon receipt of the cash when the transaction is completed.	~~Natural or~~ Legal persons providing cash withdrawal services as referred to in Article 38 of Directive (EU) [PSD3] shall ~~provide or make available~~ <u>display at the ATM</u> to their customers information on any charges for the withdrawal payable by the customer before the customer authorises the withdrawal and carries out the withdrawal as well as upon receipt. The information shall be displayed in a clear, neutral and comprehensible manner. The information on any charges shall also be made available to the customer upon request of the cash customer on a durable medium when the transaction is completed.	Natural or legal persons providing cash withdrawal services, <u>including those</u> ~~as~~ referred to in Article 38 of Directive (EU) [PSD3], shall ~~provide or make available~~ <u>display at the ATM</u> to their customers information on any charges ~~before the customer carries out for~~ the withdrawal ~~as well as upon receipt~~ <u>payable by the customer, including, if applicable, conversion charges in accordance with Article 5(4). The information shall be displayed in a clear, neutral and comprehensible manner prior to the initiation</u> of the ~~cash~~ <u>payment transaction. The information on any charges shall also be made available to the customer upon request of the customer on a durable medium</u> when the transaction is completed. TM 3.11: ATM providers are not PSPs. Therefore, worth having a separate provision. The other cases are covered by the provisions applicable to the payment transactions. EP: CBPR does not cover every MS. Agreement to cover both PSPs and independent ATMs. Text Origin: Council Mandate
Article 8				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
285	Article 8 Charges for information	Article 8 Charges for information	Article 8 Charges for information	Article 8 Charges for information Text Origin: Commission Proposal
Article 8(1)				
286	1.Payment service providers shall not charge payment service users for providing information under this Title.	1.Payment service providers shall not charge payment service users for providing information under this Title.	1.Payment service providers shall not charge payment service users for providing information under this Title.	1.Payment service providers shall not charge payment service users for providing information under this Title. Text Origin: Commission Proposal
Article 8(2)				
287	2.Payment service providers and payment service users may agree on charges for additional or more frequent information, or transmission by means of communication other than those specified in the framework contract, provided at the payment service user's request.	2.Payment service providers and payment service users may agree on charges for additional or more frequent information, or transmission by means of communication other than those specified in the framework contract, provided at the payment service user's request.	2.Payment service providers and payment service users may agree on charges for additional or more frequent information, or transmission by means of communication other than those specified in the framework contract, provided at the payment service user's request.	2.Payment service providers and payment service users may agree on charges for additional or more frequent information, or transmission by means of communication other than those specified in the framework contract, provided at the payment service user's request. Text Origin: Commission Proposal
Article 8(3)				
288	3.Charges for information referred to in paragraph 2 shall be reasonable and in line with the payment service provider's actual costs.	3.Charges for information referred to in paragraph 2 shall be reasonable and <u>proportionate in relation to the in line with the payment service provider's</u> actual costs.	3.Charges for information referred to in paragraph 2 shall be reasonable and in line with the payment service provider's actual costs.	3.Charges for information referred to in paragraph 2 shall be reasonable and in line with the payment service provider's actual costs. TM 31.10: EC expressed reluctance to change wording from PSD2. EP to revert.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Article 9				
289	Article 9 Burden of proof on information requirements	Article 9 Burden of proof on information requirements	Article 9 Burden of proof on information requirements	Article 9 Burden of proof on information requirements Text Origin: Commission Proposal
Article 9, first paragraph				
290	The burden of proof shall lie with the payment service providers to prove that they have complied with the information requirements set out in this Title.	The burden of proof shall lie with the payment service providers to prove that they have complied with the information requirements set out in this Title.	The burden of proof shall lie with the payment service providers to prove that they have complied with the information requirements set out in this Title.	The burden of proof shall lie with the payment service providers to prove that they have complied with the information requirements set out in this Title. Text Origin: Commission Proposal
Article 10				
291	Article 10 Derogation from information requirements for low-value payment instruments and electronic money	Article 10 Derogation from information requirements for low-value payment instruments and electronic money	Article 10 Derogation from information requirements for low-value payment instruments and electronic money	Article 10 Derogation from information requirements for low-value payment instruments and electronic money Text Origin: Commission Proposal
Article 10, 1.				
292	In cases of payment instruments which, according to the relevant framework contract, concern only individual payment transactions that do not exceed EUR 50 or that either have a spending limit of EUR 200 or store funds that do not exceed EUR	In cases of payment instruments which, according to the relevant framework contract, concern only individual payment transactions that do not exceed EUR 50 or that either have a spending limit of EUR ~~200~~ <u>250</u> or store funds that do not	1 In cases of payment instruments which, according to the relevant framework contract, concern only individual payment transactions that do not exceed EUR 50 or that either have a spending limit of EUR 200 or store funds that do not exceed EUR	<u>1.</u> In cases of payment instruments which, according to the relevant framework contract, concern only individual payment transactions that do not exceed EUR 50 or that either have a spending limit ~~of EUR~~ <u>that does not exceed EUR 300</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	200 at any time:	exceed EUR ~~200~~ <u>250</u> at any time:	200 at any time:	or store funds that do not exceed EUR ~~200~~ <u>300</u> at any time: TM 31.10: see deletion of national options in line 297a TM 16.12: implementation of trilogue agreement (October) Text Origin: Commission Proposal
Article 10, 1., point (a)				
293	(a) by way of derogation from Articles 19, 20 and 24, the payment service provider shall provide the payer only with information on the main characteristics of the payment service, including the way in which the payment instrument can be used, liability, charges levied and other material information needed for the payer to take an informed decision as well as an indication of where any other information and conditions specified in Article 20 are made available in an easily accessible manner;	(a) by way of derogation from Articles 19, 20 and 24, the payment service provider shall provide the payer only with information on the main characteristics of the payment service, including the way in which the payment instrument can be used, liability, charges levied and other material information needed for the payer to take an informed decision as well as an indication of where any other information and conditions specified in Article 20 are made available in an easily accessible manner;	(a) by way of derogation from Articles 19, 20 and 24, the payment service provider shall provide the payer only with information on the main characteristics of the payment service, including the way in which the payment instrument can be used, liability, charges levied and other material information needed for the payer to take an informed decision as well as an indication of where any other information and conditions specified in Article 20 are made available in an easily accessible manner;	(a) by way of derogation from Articles 19, 20 and 24, the payment service provider shall provide the payer only with information on the main characteristics of the payment service, including the way in which the payment instrument can be used, liability, charges levied and other material information needed for the payer to take an informed decision as well as an indication of where any other information and conditions specified in Article 20 are made available in an easily accessible manner; Text Origin: Commission Proposal
Article 10, 1., point (b)				
294	(b) it may be agreed by the parties to the framework contract that, by way of derogation from Article 22, the payment service provider is not	(b) it may be agreed by the parties to the framework contract that, by way of derogation from Article 22, the payment service provider is not	(b) it may be agreed by the parties to the framework contract that, by way of derogation from Article 22, the payment service provider is not	(b) it may be agreed by the parties to the framework contract that, by way of derogation from Article 22, the payment service provider is not

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	required to propose changes to the conditions of the framework contract in the same way as provided for in Article 19(1);	required to propose changes to the conditions of the framework contract in the same way as provided for in Article 19(1);	required to propose changes to the conditions of the framework contract in the same way as provided for in Article 19(1);	required to propose changes to the conditions of the framework contract in the same way as provided for in Article 19(1); Text Origin: Commission Proposal
Article 10, 1., point (c)				
295	(c) it may be agreed by the parties to the framework contract that, by way of derogation from Articles 25 and 26, after the execution of a payment transaction:	(c) it may be agreed by the parties to the framework contract that, by way of derogation from Articles 25 and 26, after the execution of a payment transaction:	(c) it may be agreed by the parties to the framework contract that, by way of derogation from Articles 25 and 26, after the execution of a payment transaction:	(c) it may be agreed by the parties to the framework contract that, by way of derogation from Articles 25 and 26, after the execution of a payment transaction: Text Origin: Commission Proposal
Article 10, 1., point (c)(i)				
296	(i) the payment service provider provides or makes available only a reference enabling the payment service user to identify the payment transaction, the amount of the payment transaction, any charges or, in the case of several payment transactions of the same kind made to the same payee, information on the total amount and charges for those payment transactions;	(i) the payment service provider provides or makes available only a reference enabling the payment service user to identify the payment transaction, the amount of the payment transaction, any charges or, in the case of several payment transactions of the same kind made to the same payee, information on the total amount and charges for those payment transactions;	(i) the payment service provider provides or makes available only a reference enabling the payment service user to identify the payment transaction, the amount of the payment transaction, any charges or, in the case of several payment transactions of the same kind made to the same payee, information on the total amount and charges for those payment transactions;	(i) the payment service provider provides or makes available only a reference enabling the payment service user to identify the payment transaction, the amount of the payment transaction, any charges or, in the case of several payment transactions of the same kind made to the same payee, information on the total amount and charges for those payment transactions; Text Origin: Commission Proposal
Article 10, 1., point (c)(ii)				
297	(ii) the payment service provider is not required to provide or make	(ii) the payment service provider is not required to provide or make	(ii) the payment service provider is not required to provide or make	(ii) the payment service provider is not required to provide or make

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	available information referred to in point (i) if the payment instrument is used anonymously or if the payment service provider is not otherwise technically in a position to provide it. The payment service provider shall provide the payer with a possibility to verify the amount of funds stored.	available information referred to in point (i) if the payment instrument is used anonymously or if the payment service provider is not otherwise technically in a position to provide it. The payment service provider shall provide the payer with a possibility to verify the amount of funds stored.	available information referred to in point (i) if the payment instrument is used anonymously or if the payment service provider is not otherwise technically in a position to provide it. The payment service provider shall provide the payer with a possibility to verify the amount of funds stored.	available information referred to in point (i) if the payment instrument is used anonymously or if the payment service provider is not otherwise technically in a position to provide it. The payment service provider shall provide the payer with a possibility to verify the amount of funds stored. Text Origin: Commission Proposal
	Article 10, 1., point (c)(iia)			
297a			2 For national payment transactions, Member States or their competent authorities may double the amounts referred to in paragraph 1. For prepaid payment instruments, Member States may increase those amounts up to EUR 500.	<u>2. By way of derogation from paragraph 1, the spending and storing limits for prepaid payment instruments shall not exceed EUR 500.</u> TM 16.12: implementation of trilogue agreement (October) Text Origin: Council Mandate
	Article 10, 1., point (c)(iib)			
297b			3 Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 2. They shall, without delay, notify any subsequent amendment to such provisions.	<i>deleted</i> TM 16.12: implementation of trilogue agreement (October)
CHAPTER 2				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
298	CHAPTER 2 Single payment transactions	CHAPTER 2 Single payment transactions	CHAPTER 2 Single payment transactions	CHAPTER 2 Single payment transactions Text Origin: Commission Proposal
Article 11				
299	Article 11 Scope	Article 11 Scope	Article 11 Scope	Article 11 Scope Text Origin: Commission Proposal
Article 11(1)				
300	1.This Chapter applies to single payment transactions not covered by a framework contract.	1.This Chapter applies to single payment transactions not covered by a framework contract.	1.This Chapter applies to single payment transactions not covered by a framework contract.	1.This Chapter applies to single payment transactions not covered by a framework contract. Text Origin: Commission Proposal
Article 11(2)				
301	2.Where a payment order for a single payment transaction is transmitted by a payment instrument covered by a framework contract, the payment service provider shall not be obliged to provide or make available information which is already given to the payment service user on the basis of a framework contract with another payment service provider or which will be given to the payment service user according to that framework contract.	2.Where a payment order for a single payment transaction is transmitted by a payment instrument covered by a framework contract, the payment service provider shall not be obliged to provide or make available information which is already given to the payment service user on the basis of a framework contract with another payment service provider or which will be given to the payment service user according to that framework contract.	2.Where a payment order for a single payment transaction is transmitted by a payment instrument covered by a framework contract, the payment service provider shall not be obliged to provide or make available information which is already given to the payment service user on the basis of a framework contract with another payment service provider or which will be given to the payment service user according to that framework contract.	2.Where a payment order for a single payment transaction is transmitted by a payment instrument covered by a framework contract, the payment service provider shall not be obliged to provide or make available information which is already given to the payment service user on the basis of a framework contract with another payment service provider or which will be given to the payment service user according to that framework contract. Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 12				
302	Article 12 Prior general information	Article 12 Prior general information	Article 12 Prior general information	Article 12 Prior general information Text Origin: Commission Proposal
Article 12(1)				
303	1.Before the payment service user is bound by a single payment service contract or offer, the payment service provider shall make available to the payment service user, in an easily accessible manner, the information and conditions set out in Article 13 with regard to its own services. At the payment service user's request, the payment service provider shall provide the information and conditions on paper or on another durable medium. The information and conditions shall be given in easily understandable words and in a clear and comprehensible form, in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.	1.Before the payment service user is bound by a single payment service contract or offer, the payment service provider shall make available to the payment service user, in an easily accessible manner, the information and conditions set out in Article 13 with regard to its own services. At the payment service user's request, the payment service provider shall provide the information and conditions on paper or on another durable medium. The information and conditions shall be given in easily understandable words and in a clear and comprehensible form, in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.	1.Before the payment service user is bound by a single payment service contract or offer, the payment service provider shall make available to the payment service user, in an easily accessible manner, the information and conditions set out in Article 13 with regard to its own services. At the payment service user's request, the payment service provider shall provide the information and conditions on paper or on another durable medium. The information and conditions shall be given in easily understandable words and in a clear, neutral and comprehensible ~~form~~ manner, in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.	1.Before the payment service user is bound by a single payment service contract or offer, the payment service provider shall make available to the payment service user, in an easily accessible manner, the information and conditions set out in Article 13 with regard to its own services. At the payment service user's request, the payment service provider shall provide the information and conditions on paper or on another durable medium. The information and conditions shall be given in easily understandable words and in a clear, neutral and comprehensible ~~form~~ manner, in an official language of the Member State where the payment service is offered or in any other language agreed between the parties. Text Origin: Council Mandate
Article 12(2)				
304	2.If the single payment service contract has been concluded at the	2.If the single payment service contract has been concluded at the	2.If the single payment service contract has been concluded at the	2.If the single payment service contract has been concluded at the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after the execution of the payment transaction.	request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after the execution of the payment transaction.	request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after the execution of the payment transaction.	request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after the execution of the payment transaction. Text Origin: Commission Proposal
Article 12(3)				
305	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft single payment service contract or the draft payment order including the information and conditions set out in Article 13.	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft single payment service contract or the draft payment order including the information and conditions set out in Article 13.	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft single payment service contract or the draft payment order including the information and conditions set out in Article 13.	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft single payment service contract or the draft payment order including the information and conditions set out in Article 13. Text Origin: Commission Proposal
Article 13				
306	Article 13 Information and conditions	Article 13 Information and conditions	Article 13 Information and conditions	Article 13 Information and conditions Text Origin: Commission Proposal
Article 13(1)				
307	1.Payment service providers shall provide or make available to payment service users the following	1.Payment service providers shall provide ~~or make available~~ <u>in a transparent, distinguishable and</u>	1.Payment service providers shall provide or make available to payment service users the following	1.Payment service providers shall provide or make available to payment service users the following

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	information and conditions:	<u>easily understandable way</u> to payment service users <u>at least</u> the following information and conditions:	information and conditions:	information and conditions: TM 31.10: already covered by Art. 12 (1) Text Origin: Commission Proposal
Article 13(1), point (a)				
308	(a) a specification of the information or unique identifier to be provided by the payment service user in order for a payment order to be properly placed or executed;	(a) a specification of the information or unique identifier to be provided by the payment service user in order for a payment order to be properly placed or executed;	(a) a specification of the information or unique identifier to be provided by the payment service user in order for a payment order to be properly placed or executed;	(a) a specification of the information or unique identifier to be provided by the payment service user in order for a payment order to be properly placed or executed; Text Origin: Commission Proposal
Article 13(1), point (b)				
309	(b) the maximum execution time for the payment service to be provided;	(b) the maximum execution time for the payment service to be provided;	(b) the maximum execution time for the payment service to be provided;	(b) the maximum execution time for the payment service to be provided; Text Origin: Commission Proposal
Article 13(1), point (c)				
310	(c) the estimated time for the funds of credit transfers and money remittance transactions to be received by the payment service provider of the payee located outside the Union;	(c) the estimated time for the funds of credit transfers and money remittance transactions to be received by the payment service provider of the payee located outside the Union;	(c) where applicable , the estimated time for the funds of credit transfers and money remittance transactions to be received by the payment service provider of the payee located outside the Union;	(c) <u>where the payee's payment service provider is located outside the Union</u> , the estimated time for the funds of credit transfers and money remittance transactions to be received by ~~the~~ <u>that</u> payment service provider ~~of the payee located outside the Union~~ ; Text Origin: Commission Proposal
Article 13(1), point (d)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
311	(d) all charges payable by the payment service user to the payment service provider and, where applicable, a breakdown of those charges;	(d) all charges payable by the payment service user to the payment service provider and, where applicable, a breakdown of those charges;	(d) all charges payable by the payment service user to the payment service provider and, where applicable, a breakdown of those charges;	(d) all charges payable by the payment service user to the payment service provider and, where applicable, a breakdown of those charges; Text Origin: Commission Proposal
Article 13(1), point (e)				
312	(e) where applicable, the actual or reference exchange rate to be applied to the payment transaction;	(e) where applicable, the actual or reference exchange rate to be applied to the payment transaction;	(e) where applicable, the actual or reference exchange rate to be applied to the payment transaction;	(e) where applicable, the actual or reference exchange rate to be applied to the payment transaction; Text Origin: Commission Proposal
Article 13(1), point (f)				
313	(f) where applicable, the estimated charges for currency conversion in relation to credit transfers and money remittance transactions, expressed as a percentage mark-up over the latest available applicable foreign exchange reference rate issued by the relevant central bank;	(f) where applicable, the estimated charges for currency conversion in relation to credit transfers and money remittance transactions, expressed as a percentage mark-up over ~~the latest available applicable~~ foreign exchange ~~reference rate issued by the relevant central bank~~ <u>benchmark rate which complies with Regulation (EU) 2016/1011 as well as in real monetary value in the payer's currency. Those charges shall be displayed no later than the moment when the payer authorises the payment transaction;</u>	(f) where applicable, the estimated charges for currency conversion in relation to credit transfers and money remittance transactions, expressed as a monetary amount in the currency of the payer's account and as a percentage mark-up over an aggregated mid-market exchange rate as referred to in Article 5(4) the latest available applicable foreign exchange reference rate issued by the relevant central bank. That mark-up and any other applicable charges shall be disclosed to the payer prior to the initiation of the payment transaction;	(f) where applicable, the estimated charges for currency conversion in relation to credit transfers and money remittance transactions, expressed as a <u>monetary amount in the currency of the payer's account and as a</u> percentage mark-up over ~~the latest available~~ <u>an aggregated mid-market exchange rate as referred to in Article 5(4). That mark-up and any other</u> applicable ~~foreign-exchange reference rate issued by the relevant central bank~~ <u>charges shall be disclosed to the payer prior to the initiation of the payment transaction;</u> Text Origin: Council Mandate
Article 13(1), point (g)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
314	(g) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95.	(g) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95.	(g) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95.	(g) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95. Text Origin: Commission Proposal
Article 13(2)				
315	2.In addition, payment initiation service providers shall, prior to initiation, provide the payer with, or make available to the payer clear and comprehensive information on all of the following:	2.In addition, payment initiation service providers shall, prior to initiation, provide the payer with, or make available to the payer clear and comprehensive information on all of the following:	2.In addition, payment initiation service providers shall, prior to initiation, provide the payer with, or make available to the payer clear and comprehensive information on all of the following:	2.In addition, payment initiation service providers shall, prior to initiation, provide the payer with, or make available to the payer clear and comprehensive information on all of the following: Text Origin: Commission Proposal
Article 13(2), point (a)				
316	(a) the name of the payment initiation service provider, the geographical address of its head office and, where applicable, the geographical address of its agent or branch established in the Member State where the payment service is offered, and any other contact details, including electronic mail address, relevant for communication with the payment initiation service provider; and	(a) the name of the payment initiation service provider, the geographical address of its head office and, where applicable, the geographical address of its agent or branch established in the Member State where the payment service is offered, and any other contact details, including electronic mail address, relevant for communication with the payment initiation service provider; and	(a) the name of the payment initiation service provider, the geographical address of its head office and, where applicable, the geographical address of its agent or branch established in the Member State where the payment service is offered, and any other contact details, including electronic mail address, relevant for communication with the payment initiation service provider; and	(a) the name of the payment initiation service provider, the geographical address of its head office and, where applicable, the geographical address of its agent or branch established in the Member State where the payment service is offered, and any other contact details, including electronic mail address, relevant for communication with the payment initiation service provider; and Text Origin: Commission Proposal
Article 13(2), point (b)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
317	(b) the contact details of the competent authority designated under this Regulation.	(b) the contact details of the competent authority designated under this Regulation.	(b) the contact details of the competent authority designated under this Regulation.	(b) the contact details of the competent authority designated under this Regulation. Text Origin: Commission Proposal	
Article 13(3)					
318	3.Where applicable, any other relevant information and conditions set out in Article 20 shall be made available to the payment service user in an easily accessible manner.	3.Where applicable, any other relevant information and conditions set out in Article 20 shall be made available to the payment service user in an easily accessible manner.	3.Where applicable, any other relevant information and conditions set out in Article 20 shall be made available to the payment service user in an easily accessible manner.	3.Where applicable, any other relevant information and conditions set out in Article 20 shall be made available to the payment service user in an easily accessible manner. Text Origin: Commission Proposal	
Article 14					
319	Article 14 Information for the payer and payee after the placement of a payment order	Article 14 Information for the payer and payee after the placement of a payment order	Article 14 Information for the payer and payee after the placement of a payment order	Article 14 Information for the payer and payee after the placement of a payment order Text Origin: Commission Proposal	
Article 14, first paragraph					
320	Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall, immediately after initiation, provide or make available to the payer and, where applicable, to the payee all of the following data:	Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall, immediately after initiation, provide or make available to the payer and, where applicable, to the payee all of the following data:	Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall, immediately after initiation, provide or make available to the payer and, where applicable, to the payee all of the following data:	Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall, immediately after initiation, provide or make available to the payer and, where applicable, to the payee all of the following data: Text Origin: Commission Proposal	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 14, first paragraph, point (a)				
321	(a) confirmation of the successful placement of the payment order with the payer's account servicing payment service provider;	(a) confirmation of the successful placement of the payment order with the payer's account servicing payment service provider;	(a) confirmation of the successful placement of the payment order with the payer's account servicing payment service provider;	(a) confirmation of the successful placement of the payment order with the payer's account servicing payment service provider; Text Origin: Commission Proposal
Article 14, first paragraph, point (b)				
322	(b) a reference enabling the payer and the payee to identify the payment transaction and, where appropriate, the payee to identify the payer, and any information transferred with the payment transaction;	(b) a reference enabling the payer and the payee to identify the payment transaction and, where appropriate, the payee to identify the payer, and any information transferred with the payment transaction;	(b) a reference enabling the payer and the payee to identify the payment transaction and, where appropriate, the payee to identify the payer, and any information transferred with the payment transaction;	(b) a reference enabling the payer and the payee to identify the payment transaction and, where appropriate, the payee to identify the payer, and any information transferred with the payment transaction; Text Origin: Commission Proposal
Article 14, first paragraph, point (c)				
323	(c) the amount of the payment transaction;	(c) the amount of the payment transaction;	(c) the amount of the payment transaction;	(c) the amount of the payment transaction; Text Origin: Commission Proposal
Article 14, first paragraph, point (d)				
324	(d) where applicable, the amount of any charges payable to the payment initiation service provider for the transaction, and where applicable a breakdown of the amounts of such charges.	(d) where applicable, the amount of any charges payable to the payment initiation service provider for the transaction, and where applicable a breakdown of the amounts of such charges.	(d) where applicable, the amount of any charges payable to the payment initiation service provider for the transaction, and where applicable a breakdown of the amounts of such charges.	(d) where applicable, the amount of any charges payable to the payment initiation service provider for the transaction, and where applicable a breakdown of the amounts of such charges. Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 15								
G	325	Article 15 Information for the payer’s account servicing payment service provider where a payment order is placed through a payment initiation service		Article 15 Information for the payer’s account servicing payment service provider where a payment order is placed through a payment initiation service		Article 15 Information for the payer’s account servicing payment service provider where a payment order is placed through a payment initiation service		Article 15 Information for the payer’s account servicing payment service provider where a payment order is placed through a payment initiation service Text Origin: Commission Proposal
Article 15, first paragraph								
G	326	Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall make available to the payer’s account servicing payment service provider the reference of the payment transaction.		Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall make available to the payer’s account servicing payment service provider the reference of the payment transaction.		Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall make available to the payer’s account servicing payment service provider the reference of the payment transaction.		Where a payment order is placed through a payment initiation service provider, the payment initiation service provider shall make available to the payer’s account servicing payment service provider the reference of the payment transaction. Text Origin: Commission Proposal
Article 16								
G	327	Article 16 Information for the payer after receipt of the payment order		Article 16 Information for the payer after receipt of the payment order		Article 16 Information for the payer after receipt of the payment order		Article 16 Information for the payer after receipt of the payment order Text Origin: Commission Proposal
Article 16, first paragraph								
G	328	Immediately after receipt of the payment order, the payer’s payment service provider shall provide the payer with or make available to the payer, in the same way as provided for in Article 12(1), all of the		Immediately after receipt of the payment order, the payer’s payment service provider shall provide the payer with or make available to the payer, in the same way as provided for in Article 12(1), all of the		Immediately after receipt of the payment order, the payer’s payment service provider shall provide the payer with or make available to the payer, in the same way as provided for in Article 12(1), all of the		Immediately after receipt of the payment order, the payer’s payment service provider shall provide the payer with or make available to the payer, in the same way as provided for in Article 12(1), all of the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	following data with regard to its own services:	following data with regard to its own services:	following data with regard to its own services:	following data with regard to its own services: Text Origin: Commission Proposal
Article 16, first paragraph, point (a)				
329	(a) a reference enabling the payer to identify the payment transaction and the information needed for the payer to unambiguously identify the payee, including the payee's commercial trade name;	(a) a reference enabling the payer to identify the payment transaction and the information needed for the payer to unambiguously identify the payee, including the payee's commercial trade name;	(a) a reference enabling the payer to identify the payment transaction and the information needed for the payer to unambiguously identify the payee, including, where available to the payment service provider, the payee's legal and, if different therefrom, the payee's commercial trade name;	(a) a reference enabling the payer to identify the payment transaction and the information needed for the payer to unambiguously identify the payee, including the payee's commercial trade name <u>and, where available to the payment service provider and if different from the commercial trade name, the payee's legal name;</u> TM 31.10: change to clarify that commercial trade name would always be available. Council to revert. TM 16.12 Text Origin: Council Mandate
Article 16, first paragraph, point (b)				
330	(b) the amount of the payment transaction in the currency used in the payment order;	(b) the amount of the payment transaction in the currency used in the payment order;	(b) the amount of the payment transaction in the currency used in the payment order;	(b) the amount of the payment transaction in the currency used in the payment order; Text Origin: Commission Proposal
Article 16, first paragraph, point (c)				
331	(c) the amount of any charges for the payment transaction payable by	(c) the amount of any charges for the payment transaction payable by	(c) the amount of any charges for the payment transaction payable by	(c) the amount of any charges for the payment transaction payable by

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the payer and, where applicable, a breakdown of the amounts of such charges;	the payer and, where applicable, a breakdown of the amounts of such charges;	the payer and, where applicable, a breakdown of the amounts of such charges;	the payer and, where applicable, a breakdown of the amounts of such charges; Text Origin: Commission Proposal
Article 16, first paragraph, point (d)				
G 332	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider or a reference thereto, where different from the rate provided in accordance with Article 13(1), point (e), and the amount of the payment transaction after that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider or a reference thereto, where different from the rate provided in accordance with Article 13(1), point (e), and the amount of the payment transaction after that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider or a reference thereto, where different from the rate provided in accordance with Article 13(1), point (e), and the amount of the payment transaction after that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider or a reference thereto, where different from the rate provided in accordance with Article 13(1), point (e), and the amount of the payment transaction after that currency conversion; Text Origin: Commission Proposal
Article 16, first paragraph, point (e)				
G 333	(e) the date of receipt of the payment order.	(e) the date of receipt of the payment order.	(e) the date of receipt of the payment order.	(e) the date of receipt of the payment order. Text Origin: Commission Proposal
Article 16, first paragraph, point (ea)				
G 333a			2 The EBA shall develop draft regulatory technical standards to specify what constitutes the information needed to determine the identification of the payee referred to in paragraph 1, point (a), and in Article 25, paragraph 1, point (a), in particular regarding	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			the dissociation of the legal person and the commercial trade name in accordance with Regulation (EU) 2024/886 Article 1(2).	
Article 16, first paragraph, point (eb)				
333b			The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	deleted
Article 17				
334	Article 17 Information for the payee after execution	Article 17 Information for the payee after execution	Article 17 Information for the payee after execution	Article 17 Information for the payee after execution Text Origin: Commission Proposal
Article 17, first paragraph				
335	Immediately after the execution of the payment transaction, the payee's payment service provider shall provide the payee with, or make available to the payee, in the same way as provided for in Article 12(1), all of the following data with regard	Immediately after the execution of the payment transaction, the payee's payment service provider shall provide the payee with, or make available to the payee, in the same way as provided for in Article 12(1), all of the following data with regard	Immediately after the execution of the payment transaction, the payee's payment service provider shall provide the payee with, or make available to the payee, in the same way as provided for in Article 12(1), all of the following data with regard	Immediately after the execution of the payment transaction, the payee's payment service provider shall provide the payee with, or make available to the payee, in the same way as provided for in Article 12(1), all of the following data with regard

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to its own services:	to its own services:	to its own services:	to its own services: Text Origin: Commission Proposal
Article 17, first paragraph, point (a)				
336	(a) a reference enabling the payee to identify the payment transaction and, where appropriate, the payer and any information transferred with the payment transaction;	(a) a reference enabling the payee to identify the payment transaction and, where appropriate, the payer and any information transferred with the payment transaction;	(a) a reference enabling the payee to identify the payment transaction and, where appropriate, the payer and any information transferred with the payment transaction;	(a) a reference enabling the payee to identify the payment transaction and, where appropriate, the payer and any information transferred with the payment transaction; Text Origin: Commission Proposal
Article 17, first paragraph, point (b)				
337	(b) the amount of the payment transaction in the currency in which the funds are at the payee's disposal;	(b) the amount of the payment transaction in the currency in which the funds are at the payee's disposal;	(b) the amount of the payment transaction in the currency in which the funds are at the payee's disposal;	(b) the amount of the payment transaction in the currency in which the funds are at the payee's disposal; Text Origin: Commission Proposal
Article 17, first paragraph, point (c)				
338	(c) the amount of any charges for the payment transaction payable by the payee and, where applicable, a breakdown of the amounts of such charges;	(c) the amount of any charges for the payment transaction payable by the payee and, where applicable, a breakdown of the amounts of such charges;	(c) the amount of any charges for the payment transaction payable by the payee and, where applicable, a breakdown of the amounts of such charges;	(c) the amount of any charges for the payment transaction payable by the payee and, where applicable, a breakdown of the amounts of such charges; Text Origin: Commission Proposal
Article 17, first paragraph, point (d)				
339	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment transaction before that currency conversion;	payment transaction before that currency conversion;	payment transaction before that currency conversion;	payment transaction before that currency conversion; Text Origin: Commission Proposal
Article 17, first paragraph, point (e)				
340	(e) the credit value date.	(e) the credit value date.	(e) the credit value date.	(e) the credit value date. Text Origin: Commission Proposal
CHAPTER 3				
341	CHAPTER 3 Framework contracts	CHAPTER 3 Framework contracts	CHAPTER 3 Framework contracts	CHAPTER 3 Framework contracts Text Origin: Commission Proposal
Article 18				
342	Article 18 Scope	Article 18 Scope	Article 18 Scope	Article 18 Scope Text Origin: Commission Proposal
Article 18, first paragraph				
343	This Chapter applies to payment transactions covered by a framework contract.	This Chapter applies to payment transactions covered by a framework contract.	This Chapter applies to payment transactions covered by a framework contract.	This Chapter applies to payment transactions covered by a framework contract. Text Origin: Commission Proposal
Article 19				
344	Article 19 Prior general information	Article 19 Prior general information	Article 19 Prior general information	Article 19 Prior general information Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 19(1)				
345	1.In good time before the payment service user is bound by any framework contract or offer, the payment service provider shall provide the payment service user on paper or on another durable medium with the information and conditions set out in Article 20. The information and conditions shall be given in easily understandable words and in a clear and comprehensible form, in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.	1.In good time before the payment service user is bound by any framework contract or offer, the payment service provider shall provide the payment service user on paper or on another durable medium with the information and conditions set out in Article 20. The information and conditions shall be given in easily understandable words and in a clear and comprehensible form, in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.	1.In good time before the payment service user is bound by any framework contract or offer, the payment service provider shall provide the payment service user on paper or on another durable medium with the information and conditions set out in Article 20. The information and conditions shall be given in easily understandable words and in a clear, neutral and comprehensible ~~form~~ manner , in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.	1.In good time before the payment service user is bound by any framework contract or offer, the payment service provider shall provide the payment service user on paper or on another durable medium with the information and conditions set out in Article 20. The information and conditions shall be given in easily understandable words and in a clear, neutral and comprehensible ~~form~~ manner , in an official language of the Member State where the payment service is offered or in any other language agreed between the parties. Text Origin: Council Mandate
Article 19(2)				
346	2.Where the framework contract has been concluded at the request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after conclusion of the framework contract.	2.Where the framework contract has been concluded at the request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after conclusion of the framework contract.	2.Where the framework contract has been concluded at the request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after conclusion of the framework contract.	2.Where the framework contract has been concluded at the request of the payment service user using a means of distance communication which does not enable the payment service provider to comply with paragraph 1, the payment service provider shall fulfil its obligations under that paragraph immediately after conclusion of the framework contract. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 19(3)				
347	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft framework contract including the information and conditions set out in Article 20.	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft framework contract including the information and conditions set out in Article 20.	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft framework contract including the information and conditions set out in Article 20.	3.Payment service providers may also comply with their obligations under paragraph 1 by providing to payment service users a copy of the draft framework contract including the information and conditions set out in Article 20. Text Origin: Commission Proposal
Article 20				
348	Article 20 Information and conditions	Article 20 Information and conditions	Article 20 Information and conditions	Article 20 Information and conditions Text Origin: Commission Proposal
Article 20, first paragraph				
349	The payment service provider shall provide the following information and conditions to the payment service user:	The payment service provider shall provide <u>in a transparent, distinguishable and understandable way</u> the following information and conditions to the payment service user:	The payment service provider shall provide the following information and conditions to the payment service user:	The payment service provider shall provide the following information and conditions to the payment service user: Text Origin: Commission Proposal
Article 20, first paragraph, point (a)				
350	(a) on the payment service provider:	(a) on the payment service provider:	(a) on the payment service provider:	(a) on the payment service provider: Text Origin: Commission Proposal
Article 20, first paragraph, point (a)(i)				
351	(i) the name of the payment service provider, the geographical address of its head office and, where	(i) the name of the payment service provider, the geographical address of its head office and, where	(i) the name of the payment service provider, the geographical address of its head office and, where	(i) the name of the payment service provider, the geographical address of its head office and, where

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	applicable, the geographical address of its agent, distributor or branch established in the Member State where the payment service is offered, and any other address, including electronic mail address, relevant for communication with the payment service provider;	applicable, the geographical address of its agent, distributor or branch established in the Member State where the payment service is offered, and any other address, including electronic mail address, relevant for communication with the payment service provider;	applicable, the geographical address of its ~~agent, distributor or~~ agent or branch established in the Member State where the payment service is offered, and any other address, including electronic mail address, relevant for communication with the payment service provider;	applicable, the geographical address of its agent, ~~distributor~~ or branch established in the Member State where the payment service is offered, and any other address, including electronic mail address, relevant for communication with the payment service provider; TM 31.10: depending on the discussion re: agents/distributors. TM 16.12 Text Origin: Council Mandate
Article 20, first paragraph, point (a)(ii)				
352	(ii) the particulars of the relevant supervisory authorities designated under Directive (EU) [PSD3] and of the register provided for in Articles 17 and 18 of that Directive or of any other relevant public register of authorisation of the payment service provider and the registration number or equivalent means of identification in that register;	(ii) the particulars of the relevant supervisory authorities designated under Directive (EU) [PSD3] and of the register provided for in Articles 17 and 18 of that Directive or of any other relevant public register of authorisation of the payment service provider and the registration number or equivalent means of identification in that register;	(ii) the particulars of the relevant supervisory authorities designated under Directive (EU) [PSD3] and of the register provided for in Articles 17 and 18 of that Directive or of any other relevant public register of authorisation of the payment service provider and the registration number or equivalent means of identification in that register;	(ii) the particulars of the relevant supervisory authorities designated under Directive (EU) [PSD3] and of the register provided for in Articles 17 and 18 of that Directive or of any other relevant public register of authorisation of the payment service provider and the registration number or equivalent means of identification in that register; Text Origin: Commission Proposal
Article 20, first paragraph, point (b)				
353	(b) on the use of the payment service:	(b) on the use of the payment service:	(b) on the use of the payment service:	(b) on the use of the payment service: Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 20, first paragraph, point (b)(i)				
354	(i) a description of the main characteristics of the payment service to be provided;	(i) a description of the main characteristics of the payment service to be provided;	(i) a description of the main characteristics of the payment service to be provided;	(i) a description of the main characteristics of the payment service to be provided; Text Origin: Commission Proposal
Article 20, first paragraph, point (b)(ii)				
355	(ii) a specification of the information or unique identifier that has to be provided by the payment service user in order for a payment order to be properly placed or executed;	(ii) a specification of the information or unique identifier that has to be provided by the payment service user in order for a payment order to be properly placed or executed;	(ii) a specification of the information or unique identifier that has to be provided by the payment service user in order for a payment order to be properly placed or executed;	(ii) a specification of the information or unique identifier that has to be provided by the payment service user in order for a payment order to be properly placed or executed; Text Origin: Commission Proposal
Article 20, first paragraph, point (b)(iii)				
356	(iii) the form of and procedure for placing a payment order or giving permission to execute a payment transaction and withdrawal of such permission in accordance with Articles 49 and 66;	(iii) the form of and procedure for placing a payment order or giving permission to execute a payment transaction and withdrawal of such permission in accordance with Articles 49 and 66;	(iii) the form of and procedure for placing a payment order or giving ~~permission~~ consent to execute a payment transaction and withdrawal of such ~~permission~~ consent in accordance with Articles 49 and 66;	(iii) the form of and procedure for placing a payment order or giving ~~permission~~ consent to execute a payment transaction and withdrawal of such ~~permission~~ consent in accordance with Articles 49 and 66; Text Origin: Council Mandate
Article 20, first paragraph, point (b)(iv)				
357	(iv) a reference to the time of receipt of a payment order in accordance with Article 64 and the cut-off time, if any, established by the payment service provider;	(iv) a reference to the time of receipt of a payment order in accordance with Article 64 and the cut-off time, if any, established by the payment service provider;	(iv) a reference to the time of receipt of a payment order in accordance with Article 64 and the cut-off time, if any, established by the payment service provider;	(iv) a reference to the time of receipt of a payment order in accordance with Article 64 and the cut-off time, if any, established by the payment service provider; Text Origin: Commission Proposal
Article 20, first paragraph, point (b)(v)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
358	(v) the maximum execution time for the payment services to be provided;	(v) the maximum execution time for the payment services to be provided;	(v) the maximum execution time for the payment services to be provided;	(v) the maximum execution time for the payment services to be provided; Text Origin: Commission Proposal
Article 20, first paragraph, point (b)(vi)				
359	(vi) the estimated time for the funds of credit transfers to be received by the payment service provider of the payee located outside the Union;	(vi) the estimated time for the funds of credit transfers to be received by the payment service provider of the payee located outside the Union;	(vi) where applicable , the estimated time for the funds of credit transfers to be received by the payment service provider of the payee located outside the Union;	(vi) the estimated time for the funds of credit transfers to be received by the payment service provider of the payee located outside the Union; TM 3.11: flexibility already provided by "estimated time" Text Origin: Commission Proposal
Article 20, first paragraph, point (b)(vii)				
360	(vii) whether there is a possibility to agree on spending limits for the use of the payment instrument in accordance with Article 51(1);	(vii) whether there is a possibility to agree on spending limits for the use of the payment instrument in accordance with Article 51(1);	(vii) ~~whether there is a possibility to agree on the~~ spending limits for the use of the payment instrument in accordance with Article 51(1) with information on the length of a delay for any resulting increase in spending limits to come into effect and description how the payment service user can modify the spending limits and adjust or opt-out of the application of a delay period;	(vii) ~~whether there is a possibility to agree on the~~ spending limits for the use of ~~the~~ <u>each</u> payment instrument in accordance with Article 51(1) <u>with information on the length of a delay for any resulting increase in spending limits to come into effect and description of how the payment service user can modify the spending limits and adjust or opt out of the application of a delay period;</u> TM 16.12 Text Origin: Council Mandate
Article 20, first paragraph, point (b)(viii)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
361	(viii) in the case of co-badged card-based payment instruments, the payment service user's rights under Article 8 of Regulation (EU) 2015/751;	(viii) in the case of co-badged card-based payment instruments, the payment service user's rights under Article 8 of Regulation (EU) 2015/751;	(viii) in the case of co-badged card-based payment instruments, the payment service user's rights under Article 8 of Regulation (EU) 2015/751;	(viii) in the case of co-badged card-based payment instruments, the payment service user's rights under Article 8 of Regulation (EU) 2015/751; Text Origin: Commission Proposal
Article 20, first paragraph, point (c)				
362	(c) on charges, interest and exchange rates:	(c) on charges, interest and exchange rates:	(c) on charges, interest and exchange rates:	(c) on charges, interest and exchange rates: Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(i)				
363	(i) all charges payable by the payment service user to the payment service provider including those connected to the manner in and frequency with which information under this Regulation is provided or made available and, where applicable, the breakdown of the amounts of such charges;	(i) all charges payable by the payment service user to the payment service provider including those connected to the manner in and frequency with which information under this Regulation is provided or made available and, where applicable, the breakdown of the amounts of such charges;	(i) all charges payable by the payment service user to the payment service provider including those connected to the manner in and frequency with which information under this Regulation is provided or made available and, where applicable, the breakdown of the amounts of such charges;	(i) all charges payable by the payment service user to the payment service provider including those connected to the manner in and frequency with which information under this Regulation is provided or made available and, where applicable, the breakdown of the amounts of such charges; Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(ii)				
364	(ii) all charges, if any, for domestic, automated teller machines (ATMs) withdrawals payable by payment service users to their payment service provider at an ATM of:	(ii) all charges, if any, for ~~domestic~~ <u>Union</u> , automated teller machines (ATMs) withdrawals payable by payment service users to their payment service provider at an ATM of:	(ii) all charges, if any, for domestic, automated teller machines (ATMs) withdrawals payable by payment service users to their payment service provider at an ATM of:	(ii) all charges, if any, for domestic, automated teller machines (ATMs) withdrawals payable by payment service users to their payment service provider at an ATM of: TM 3.11: Art. 3 CBPR establishes the

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				principle of equality, as applicable to ATMs (NOTE ON THE APPLICATION OF REGULATION 924/20091 TO ATM WITHDRAWALS). This will also be addressed in the review of the CBPR. EC to draft recital explaining that this domestic charge should be the same in other countries based on Art. 3 and the note. Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(ii)(1)				
365	(1) their payment service provider;	(1) their payment service provider;	(1) their payment service provider;	(1) their payment service provider; Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(ii)(2)				
366	(2) a payment service provider belonging to the same network of ATMs as the user's payment service provider;	<i>deleted</i>	(2) a payment service provider belonging to the same network of ATMs as the user's payment service provider;	(2) a payment service provider belonging to the same network of ATMs as the user's payment service provider; TM 3.11: Art. 3 CBPR establishes the principle of equality, as applicable to ATMs (NOTE ON THE APPLICATION OF REGULATION 924/20091 TO ATM WITHDRAWALS). This will also be addressed in the review of the CBPR. EP to revert. Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(ii)(3)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
367	(3) a payment service provider belonging to a network of ATMs with whom the user's payment service provider has a contractual relationship;	(3) a payment service provider belonging to a network of ATMs with whom the user's payment service provider has a contractual relationship;	(3) a payment service provider belonging to a network of ATMs with whom the user's payment service provider has a contractual relationship;	(3) a payment service provider belonging to a network of ATMs with whom the user's payment service provider has a contractual relationship; Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(ii)(4)				
368	(4) an ATM provider not servicing payment accounts when offering cash withdrawal services;	(4) an ATM provider not servicing payment accounts when offering cash withdrawal services;	(4) an ATM provider not servicing payment accounts when offering cash withdrawal services;	(4) an ATM ~~provider not servicing payment accounts when offering cash withdrawal services~~ <u>deployer</u> ; Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(iii)				
369	(iii) where applicable, the interest and exchange rates to be applied or, if reference interest and exchange rates are to be used, the method of calculating the actual interest, and the relevant date and index or base for determining such reference interest or exchange rate;	(iii) where applicable, the interest and exchange rates to be applied or, if reference interest and exchange rates are to be used, the method of calculating the actual interest, and the relevant date and index or base for determining such reference interest or exchange rate;	(iii) where applicable, the interest and exchange rates to be applied or, if reference interest and exchange rates are to be used, the method of calculating the actual interest, and the relevant date and index or base for determining such reference interest or exchange rate;	(iii) where applicable, the interest and exchange rates to be applied or, if reference interest and exchange rates are to be used, the method of calculating the actual interest, and the relevant date and index or base for determining such reference interest or exchange rate; Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(iv)				
370	(iv) where agreed, the immediate application of changes in reference interest or exchange rate and information requirements relating to the changes in accordance with Article 22(3);	(iv) where agreed, the immediate application of changes in reference interest or exchange rate and information requirements relating to the changes in accordance with Article 22(3);	(iv) where agreed, the immediate application of changes in reference interest or exchange rate and information requirements relating to the changes in accordance with Article 22(3);	(iv) where agreed, the immediate application of changes in reference interest or exchange rate and information requirements relating to the changes in accordance with Article 22(3);

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 20, first paragraph, point (c)(v)				
371	(v) where applicable, the estimated charges for currency conversion services in relation to a credit transfer expressed as a percentage mark-up over the latest available applicable foreign exchange reference rate issued by the relevant central bank;	(v) where applicable, the estimated charges for currency conversion services in relation to a credit transfer expressed as a <u>total amount in real monetary value and a percentage mark-up over ~~the latest available applicable~~ foreign exchange ~~reference rate issued~~ benchmark rate which complies with Regulation (EU) 2016/1011. Those charges, and the percentage mark-up, shall be clearly displayed before the final execution of the transaction</u> by the ~~relevant central bank~~ <u>payer in the home currency of the payer</u> ;	(v) where applicable, the estimated charges for currency conversion services in relation to a credit transfer expressed as a monetary amount in the currency of the payer's account and as a percentage mark-up over the latest available aggregated mid-market exchange rate as referred to in Article 5(4). That mark-up and any other applicable foreign exchange reference rate issued by the relevant central bank charges shall be disclosed to the payer prior to the initiation of the payment transaction;	(v) where applicable, the estimated charges for currency conversion services in relation to a credit transfer expressed as a percentage mark-up over ~~the latest available~~ <u>aggregated mid-market exchange rate as referred to in Article 5(4). That mark-up and any other applicable ~~foreign exchange reference rate issued by the relevant central bank~~ charges, also expressed as a monetary amount in the currency of the payer's account, shall be disclosed to the payer prior to the initiation of each payment transaction</u> ;
				TM 30.10: implementation of decisions taken at trilogue of 23.10. TM 30.10: the obligation to show the transaction amount is already foreseen under Article 11. TM 30.10: the reference to the monetary amount to be moved to Art. 24? Text Origin: Council Mandate
Article 20, first paragraph, point (d)				
372	(d) on communication:	(d) on communication:	(d) on communication:	(d) on communication: Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 20, first paragraph, point (d)(i)				
G 373	(i) where applicable, the means of communication, including the technical requirements for the payment service user's equipment and software, agreed between the parties for the transmission of information or notifications under this Regulation;	(i) where applicable, the means of communication, including the technical requirements for the payment service user's equipment and software, agreed between the parties for the transmission of information or notifications under this Regulation;	(i) where applicable, the means of communication, including the technical requirements for the payment service user's equipment and software, agreed between the parties for the transmission of information or notifications under this Regulation;	(i) where applicable, the means of communication, including the technical requirements for the payment service user's equipment and software, agreed between the parties for the transmission of information or notifications under this Regulation; Text Origin: Commission Proposal
Article 20, first paragraph, point (d)(ii)				
G 374	(ii) the manner in, and frequency with which, information under this Regulation is to be provided or made available;	(ii) the manner in, and frequency with which, information under this Regulation is to be provided or made available;	(ii) the manner in, and frequency with which, information under this Regulation is to be provided or made available;	(ii) the manner in, and frequency with which, information under this Regulation is to be provided or made available; Text Origin: Commission Proposal
Article 20, first paragraph, point (d)(iii)				
G 375	(iii) the language or languages in which the framework contract will be concluded and communication during that contractual relationship undertaken;	(iii) the language or languages in which the framework contract will be concluded and communication during that contractual relationship undertaken;	(iii) the language or languages in which the framework contract will be concluded and communication during that contractual relationship undertaken;	(iii) the language or languages in which the framework contract will be concluded and communication during that contractual relationship undertaken; Text Origin: Commission Proposal
Article 20, first paragraph, point (d)(iv)				
G 376	(iv) the payment service user's right to receive the contractual terms of the framework contract and	(iv) the payment service user's right to receive the contractual terms of the framework contract and	(iv) the payment service user's right to receive the contractual terms of the framework contract and	(iv) the payment service user's right to receive the contractual terms of the framework contract and

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	information and conditions in accordance with Article 21;	information and conditions in accordance with Article 21;	information and conditions in accordance with Article 21;	information and conditions in accordance with Article 21; Text Origin: Commission Proposal
Article 20, first paragraph, point (e)				
377	(e) on safeguards and corrective measures:	(e) on safeguards and corrective measures:	(e) on safeguards and corrective measures:	(e) on safeguards and corrective measures: Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(i)				
378	(i) where applicable, a description of the steps that the payment service user is to take in order to keep safe a payment instrument and how to notify the payment service provider for the purposes of Article 52, point (b);	(i) where applicable, a description of the steps that the payment service user is to take in order to keep safe a payment instrument and how to notify the payment service provider for the purposes of Article 52, point (b);	(i) where applicable, a description of the steps that the payment service user is to take in order to keep safe a payment instrument and how to notify the payment service provider for the purposes of Article 52, point (b);	(i) where applicable, a description of the steps that the payment service user is to take in order to keep safe a payment instrument and how to notify the payment service provider for the purposes of Article 52, point (b); Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(ii)				
379	(ii) the secure procedure for notification of the payment service user by the payment service provider in the event of suspected or actual fraud or security threats;	(ii) the secure procedure for notification of the payment service user by the payment service provider in the event of suspected or actual fraud or security threats;	(ii) the secure procedure for notification of the payment service user by the payment service provider in the event of suspected or actual fraud or security threats;	(ii) the secure procedure for notification of the payment service user by the payment service provider in the event of suspected or actual fraud or security threats; Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(iii)				
380	(iii) where agreed, the conditions under which the payment service	(iii) where agreed, the conditions under which the payment service	(iii) where agreed, the conditions under which the payment service	(iii) ~~where agreed~~ , the conditions under which the payment service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	provider reserves the right to block a payment instrument in accordance with Article 51;	provider reserves the right to block a payment instrument in accordance with Article 51;	provider reserves the right to block a payment instrument in accordance with Article 51;	provider reserves the right to block a payment instrument in accordance with Article 51; TM 3.12 - to align wording in Art. 51(2) Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(iv)				
381	(iv) the liability of the payer in accordance with Article 57(5), Article 59(3) and Article 60, including information on the relevant amount;	(iv) the liability of the payer in accordance with Article 57(5), Article 59(3) and Article 60, including information on the relevant amount;	(iv) the liability of the payer in accordance with Article 57(5), Article 59(3) and Article 60, including information on the relevant amount;	(iv) the liability of the payer in accordance with Article ~~57(5)~~ ⁵⁷ , Article 59(3) and Article 60, including information on the relevant amount; 4/3: reference to Art; 57 is correct. Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(v)				
382	(v) how and within what period of time the payment service user is to notify the payment service provider, and the police in case of impersonation fraud referred to in Article 59, of any unauthorised or incorrectly initiated or executed payment transaction or of any authorised credit transfer made following an incorrect application of the name and unique identifier matching verification service or impersonation fraud, in accordance with Article 54;	(v) how and within what period of time the payment service user is to notify the payment service provider, and the police in case of impersonation fraud referred to in Article 59, of any unauthorised or incorrectly initiated or executed payment transaction or of any authorised credit transfer made following an incorrect application of the name and unique identifier matching verification service or impersonation fraud, in accordance with Article 54;	(v) how and within what period of time the payment service user is to notify the payment service provider, and the police in case of impersonation fraud referred to in Article 59, of any unauthorised or incorrectly initiated or executed payment transaction or of any authorised credit transfer made following an incorrect application of the name and unique identifier matching verification service or impersonation fraud, in accordance with Article 54;	(v) how and within what period of time the payment service user is to notify the payment service provider, and the police in case of impersonation fraud referred to in Article 59- ^{or} of any unauthorised or incorrectly initiated or executed payment transaction- ~~or of any authorised credit transfer made following an incorrect application of the name and unique identifier matching verification service or impersonation fraud~~ , in accordance with Article 54;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				4/3: to reflect changes to VoP provisions Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(vi)				
383	(vi) the payment service provider's liability for unauthorised payment transactions in accordance with Article 56, for the incorrect application of the name and unique identifier matching verification service in accordance with Article 57, and for impersonation fraud in accordance with Article 59;	(vi) the payment service provider's liability for unauthorised payment transactions in accordance with Article 56, for the incorrect application of the name and unique identifier matching verification service in accordance with Article 57, and for impersonation fraud in accordance with Article 59;	(vi) the payment service provider's liability for unauthorised payment transactions in accordance with Article 56, for the incorrect application of the name and unique identifier matching verification service in accordance with Article 57, and for impersonation fraud in accordance with Article 59;	(vi) the payment service provider's liability for unauthorised payment transactions in accordance with Article 56, for the incorrect application of the name and unique identifier matching verification service in accordance with Article 57, and for impersonation fraud in accordance with Article 59; Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(vii)				
384	(vii) the liability of the payment service provider for the initiation or execution of payment transactions in accordance with Articles 75 and 76;	(vii) the liability of the payment service provider for the initiation or execution of payment transactions in accordance with Articles 75 and 76;	(vii) the liability of the payment service provider for the initiation or execution of payment transactions in accordance with Articles 75 and 76;	(vii) the liability of the payment service provider for the initiation or execution of payment transactions in accordance with Articles 75 and 76; Text Origin: Commission Proposal
Article 20, first paragraph, point (e)(viii)				
385	(viii) the conditions for refund in accordance with Articles 62 and 63;	(viii) the conditions for refund in accordance with Articles 62 and 63;	(viii) the conditions for refund in accordance with Articles 62 and 63;	(viii) the conditions for refund in accordance with Articles 62 and 63; Text Origin: Commission Proposal
Article 20, first paragraph, point (f)				
386	(f) on changes to, and termination	(f) on changes to, and termination	(f) on changes to, and termination	(f) on changes to, and termination

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of, the framework contract:	of, the framework contract:	of, the framework contract:	of, the framework contract: Text Origin: Commission Proposal
Article 20, first paragraph, point (f)(i)				
387	(i) where agreed, information that the payment service user will be deemed to have accepted changes in the conditions in accordance with Article 22, unless the payment service user notifies the payment service provider before the date of their proposed date of entry into force that they are not accepted;	(i) where agreed, information that the payment service user will be deemed to have accepted changes in the conditions in accordance with Article 22, unless the payment service user notifies the payment service provider before the date of their proposed date of entry into force that they are not accepted;	(i) where agreed, information that the payment service user will be deemed to have accepted changes in the conditions in accordance with Article 22, unless the payment service user notifies the payment service provider before the date of their proposed date of entry into force that they are not accepted;	(i) where agreed, information that the payment service user will be deemed to have accepted changes in the conditions in accordance with Article 22, unless the payment service user notifies the payment service provider before the date of their proposed date of entry into force that they are not accepted; Text Origin: Commission Proposal
Article 20, first paragraph, point (f)(ii)				
388	(ii) the duration of the framework contract;	(ii) the duration of the framework contract;	(ii) the duration of the framework contract;	(ii) the duration of the framework contract; Text Origin: Commission Proposal
Article 20, first paragraph, point (f)(iii)				
389	(iii) the right of the payment service user to terminate the framework contract and any agreements relating to termination in accordance with Article 22(1) and Article 23;	(iii) the right of the payment service user to terminate the framework contract and any agreements relating to termination in accordance with Article 22(1) and Article 23;	(iii) the right of the payment service user to terminate the framework contract and any agreements relating to termination in accordance with Article 22(1) and Article 23;	(iii) the right of the payment service user to terminate the framework contract and any agreements relating to termination in accordance with Article 22(1) and Article 23; Text Origin: Commission Proposal
Article 20, first paragraph, point (g)				
390	(g) on redress:	(g) on redress:	(g) on redress:	(g) on redress:

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 20, first paragraph, point (g)(i)				
391	(i) any contractual clause on the law applicable to the framework contract or the competent courts;	(i) any contractual clause on the law applicable to the framework contract or the competent courts;	(i) any contractual clause on the law applicable to the framework contract or the competent courts;	(i) any contractual clause on the law applicable to the framework contract or the competent courts; Text Origin: Commission Proposal
Article 20, first paragraph, point (g)(ii)				
392	(ii) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95.	(ii) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95.	(ii) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95.	(ii) the alternative dispute resolution procedures available to the payment service user in accordance with Articles 90, 94 and 95. Text Origin: Commission Proposal
Article 21				
393	Article 21 Accessibility of information and conditions of the framework contract	Article 21 Accessibility of information and conditions of the framework contract	Article 21 Accessibility of information and conditions of the framework contract	Article 21 Accessibility of information and conditions of the framework contract Text Origin: Commission Proposal
Article 21, first paragraph				
394	At any time during the contractual relationship the payment service user shall have a right to receive, on request, the contractual terms of the framework contract and the information and conditions set out in Article 20 on paper or on another durable medium.	At any time during the contractual relationship the payment service user shall have a right to receive, on request, the contractual terms of the framework contract and the information and conditions set out in Article 20 on paper or on another durable medium.	At any time during the contractual relationship the payment service user shall have a right to receive, on request, the contractual terms of the framework contract and the information and conditions set out in Article 20 on paper or on another durable medium.	At any time during the contractual relationship the payment service user shall have a right to receive, on request, the contractual terms of the framework contract and the information and conditions set out in Article 20 on paper or on another durable medium.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 22				
395	Article 22 Changes in conditions of the framework contract	Article 22 Changes in conditions of the framework contract	Article 22 Changes in conditions of the framework contract	Article 22 Changes ~~in conditions of~~ <u>to</u> the framework contract Text Origin: Commission Proposal
Article 22(1)				
396	1.The payment service provider shall propose any changes in the framework contract or in the information and conditions set out in Article 20 in the same way as provided for in Article 19(1) and no later than 2 months before their proposed date of application. The payment service user can either accept or reject the changes before the date of their proposed date of entry into force.	1.The payment service provider shall propose any changes in the framework contract or in the information and conditions set out in Article 20 in the same way as provided for in Article 19(1) and no later than 2 months before their proposed date of application. The payment service user can either accept or reject the changes before the date of their proposed date of entry into force.	1.The payment service provider shall propose any changes in conditions of the framework contract ~~or in the~~ ~~information and conditions set out in~~ ~~Article 20~~ in the same way as provided for in Article 19(1) and no later than 2 months before their proposed date of application. The payment service user can either accept or reject the changes before the date of their proposed date of entry into force.	1.The payment service provider shall propose any changes ~~into~~ <u>to</u> the framework contract ~~or in~~ <u>,including</u> <u>to</u> the information and conditions set out in Article 20, in the same way as provided for in Article 19(1) and no later than 2 months before their proposed date of application. The payment service user can either accept or reject the changes before the date of their proposed date of entry into force. TM 3.11: to align with 347. Text Origin: Commission Proposal
Article 22(2)				
397	2.Where applicable, in accordance with Article 20, point (f)(i), the payment service provider shall inform the payment service user that the payment service user is to be deemed to have accepted those	2.Where applicable, in accordance with Article 20, point (f)(i), the payment service provider shall inform the payment service user that the payment service user is to be deemed to have accepted those	2.Where applicable, in accordance with Article 20, point (f)(i), the payment service provider shall inform the payment service user that the payment service user is to be deemed to have accepted those	2.Where applicable, in accordance with Article 20, point (f)(i), the payment service provider shall inform the payment service user that the payment service user is to be deemed to have accepted those

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	changes if the payment service user does not notify the payment service provider before the proposed date of their entry into force that they are not accepted. The payment service provider shall also inform the payment service user that, if the payment service user rejects those changes, the payment service user has the right to terminate the framework contract free of charge and with effect at any time until the date when the changes would have applied.	changes if the payment service user does not notify the payment service provider before the proposed date of their entry into force that they are not accepted. The payment service provider shall also inform the payment service user that, if the payment service user rejects those changes, the payment service user has the right to terminate the framework contract free of charge and with effect at any time until the date when the changes would have applied.	changes if the payment service user does not notify the payment service provider before the proposed date of their entry into force that they are not accepted. The payment service provider shall also inform the payment service user that, if the payment service user rejects those changes, the payment service user has the right to terminate the framework contract free of charge and with effect at any time until the date when the changes would have applied.	changes if the payment service user does not notify the payment service provider before the proposed date of their entry into force that they are not accepted. The payment service provider shall also inform the payment service user that, if the payment service user rejects those changes, the payment service user has the right to terminate the framework contract free of charge and with effect at any time until the date when the changes would have applied. Text Origin: Commission Proposal
Article 22(3)				
398	3.Changes in the interest or exchange rates may be applied by the payment service provider immediately and without notice, provided that such a right is agreed upon in the framework contract and that the changes in the interest or exchange rates are based on the reference interest or exchange rates agreed on in accordance with Article 20, point (c)(iii) and (iv). The payment service provider shall inform the payment service user of any change in the interest rate at the earliest opportunity in the same way as provided for in Article 19(1), unless the parties have agreed on a	3.Changes in the interest or exchange rates may be applied by the payment service provider immediately and without notice, provided that such a right is agreed upon in the framework contract and that the changes in the interest or exchange rates are based on the reference interest or exchange rates agreed on in accordance with Article 20, point (c)(iii) and (iv). The payment service provider shall inform the payment service user of any change in the interest rate at the earliest opportunity in the same way as provided for in Article 19(1), unless the parties have agreed on a	3.Changes in the interest or exchange rates may be applied by the payment service provider immediately and without notice, provided that such a right is agreed upon in the framework contract and that the changes in the interest or exchange rates are based on the reference interest or exchange rates agreed on in accordance with Article 20, point (c)(iii) and (iv). The payment service provider shall inform the payment service user of any change in the interest rate at the earliest opportunity in the same way as provided for in Article 19(1), unless the parties have agreed on a	3.Changes in the interest or exchange rates may be applied by the payment service provider immediately and without notice, provided that such a right is agreed upon in the framework contract and that the changes in the interest or exchange rates are based on the reference interest or exchange rates agreed on in accordance with Article 20, point (c)(iii) and (iv). The payment service provider shall inform the payment service user of any change in the interest rate at the earliest opportunity in the same way as provided for in Article 19(1), unless the parties have agreed on a

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	specific frequency or manner in which the information is to be provided or made available. However, changes in interest or exchange rates which are more favourable to the payment service users, may be applied by the payment service provider without notice.	specific frequency or manner in which the information is to be provided or made available. However, changes in interest or exchange rates which are more favourable to the payment service users, may be applied by the payment service provider without notice.	specific frequency or manner in which the information is to be provided or made available. However, changes in interest or exchange rates which are more favourable to the payment service users, may be applied by the payment service provider without notice.	specific frequency or manner in which the information is to be provided or made available. However, changes in interest or exchange rates which are more favourable to the payment service users, may be applied by the payment service provider without notice. Text Origin: Commission Proposal
Article 22(4)				
399	4.The payment service provider shall implement and calculate changes in the interest or exchange rate used in payment transactions in a neutral manner that does not discriminate against payment service users.	4.The payment service provider shall implement and calculate changes in the interest or exchange rate used in payment transactions in a neutral manner that does not discriminate against payment service users.	4.The payment service provider shall implement and calculate changes in the interest or exchange rate used in payment transactions in a neutral manner that does not discriminate against payment service users.	4.The payment service provider shall implement and calculate changes in the interest or exchange rate used in payment transactions in a neutral manner that does not discriminate against payment service users. Text Origin: Commission Proposal
Article 22(4a)				
399a			5 Without prejudice to the preceding paragraphs, the payment service provider shall communicate to the payment service user any other changes in the information set out in Article 20, before they take effect.	<i>deleted</i> TM 3.11: covered under revised para 1. Council to revert. TM 16.12
Article 22(4b)				
399b			6 Member States may maintain or introduce restrictions or	<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						prohibitions on unilateral changes in the conditions of a framework contract.		TM 3.11: internal market reservations. Council to revert. TM 16.12
Article 22(4c)								
G		399c				7 Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 6. They shall, without undue delay, notify any subsequent amendment to such provisions.		deleted TM 16.12
Article 23								
G		400	Article 23 Termination	Article 23 Termination		Article 23 Termination		Article 23 Termination Text Origin: Commission Proposal
Article 23(1)								
G		401	1.The payment service user may terminate the framework contract at any time, unless the parties have agreed on a period of notice. Such a period shall not exceed 1 month.	1.The payment service user may terminate the framework contract at any time, unless the parties have agreed on a period of notice. Such a period shall not exceed 1 month.		1.The payment service user may terminate the framework contract at any time, unless the parties have agreed on a period of notice. Such a period shall not exceed 1 month.		1.The payment service user may terminate the framework contract at any time, unless the parties have agreed on a period of notice. Such a period shall not exceed 1 month. Text Origin: Commission Proposal
Article 23(2)								
G		402	2.Termination of the framework contract shall be free of charge for	2.Termination of the framework contract shall be free of charge for		2.Termination of the framework contract shall be free of charge for		2.Termination of the framework contract shall be free of charge for

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the payment service user except where the contract has been in force for less than 6 months. Charges, if any, for termination of the framework contract shall be appropriate and in line with costs. Where, under the framework contract, payment services are offered jointly with technical services aimed at supporting the provision of payment services and provided by the payment service provider or by a third party the payment service provider has partnered with, such technical services shall be subject to the same framework contract requirements on termination fees.	the payment service user except where the contract has been in force for less than ~~6~~³ months. Charges, if any, for termination of the framework contract shall be appropriate and in line with costs. Where, under the framework contract, payment services are offered jointly with technical services aimed at supporting the provision of payment services and provided by the payment service provider or by a third party the payment service provider has partnered with, such technical services shall be subject to the same framework contract requirements on termination fees.	the payment service user except where the contract has been in force for less than 6 months. Charges, if any, for termination of the framework contract shall be appropriate and in line with costs. Where, under the framework contract, payment services are offered jointly with technical services aimed at supporting the provision of payment services and provided by the payment service provider or by a third party the payment service provider has partnered with, such technical services shall be subject to the same framework contract requirements on termination fees.	the payment service user except where the contract has been in force for less than ~~6~~³ months. Charges, if any, for termination of the framework contract shall be appropriate and in line with costs. Where, under the framework contract, payment services are offered jointly with technical services aimed at supporting the provision of payment services and provided by the payment service provider or by a third party the payment service provider has partnered with, such technical services shall be subject to the same framework contract requirements on termination fees. TM 3.11: EP and Council to revert. TM 10.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 23(3)				
403	3.If agreed in the framework contract, the payment service provider may terminate a framework contract concluded for an indefinite period by giving at least 2 months' notice in the same way as provided for in Article 19(1).	3.If agreed in the framework contract, the payment service provider may terminate a framework contract concluded for an indefinite period by giving at least ~~2~~³ months' notice in the same way as provided for in Article 19(1).	3.If agreed in the framework contract, the payment service provider may terminate a framework contract concluded for an indefinite period by giving at least 2 months' notice in the same way as provided for in Article 19(1).	3.If agreed in the framework contract, the payment service provider may terminate a framework contract concluded for an indefinite period by giving at least ~~2~~³ months' notice in the same way as provided for in Article 19(1). TM 3.11: EP and Council to revert.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 10.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 23(4)				
404	4.Charges for payment services levied on a regular basis shall be payable by the payment service user only proportionally up to the termination of the contract. If such charges are paid in advance, those charges shall be reimbursed proportionally by the payment service provider.	4.Charges for payment services levied on a regular basis shall be payable by the payment service user only proportionally up to the termination of the contract. If such charges are paid in advance, those charges shall be reimbursed proportionally by the payment service provider.	4.Charges for payment services levied on a regular basis shall be payable by the payment service user only proportionally up to the termination of the contract. If such charges are paid in advance, those charges shall be reimbursed proportionally by the payment service provider.	4.Charges for payment services levied on a regular basis shall be payable by the payment service user only proportionally up to the termination of the contract. If such charges are paid in advance, those charges shall be reimbursed proportionally by the payment service provider. Text Origin: Commission Proposal
Article 23(5)				
405	5.The provisions of this Article are without prejudice to the Member States' laws and regulations governing the rights of the parties to declare the framework contract unenforceable or void.	5.The provisions of this Article are without prejudice to the Member States' laws and regulations governing the rights of the parties to declare the framework contract unenforceable or void.	5.The provisions of this Article are without prejudice to the Member States' laws and regulations governing the rights of the parties to declare the framework contract unenforceable or void.	5.The provisions of this Article are without prejudice to the Member States' laws and regulations governing the rights of the parties to declare the framework contract unenforceable or void. Text Origin: Commission Proposal
Article 23(6)				
406	6.Member States may provide for more favourable provisions on termination for payment service users.	6.Member States may provide for more favourable provisions on termination for payment service users. <u>The objectives of those provisions shall be aligned with this</u>	6.Member States may provide for more favourable provisions on termination for payment service users.	6.Member States may provide for more favourable provisions on termination for payment service users.

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		<u>Regulation and shall be communicated to the Commission.</u>		TM 3.11: EP to revert. EC has reservations about the EP AM. TM 16.12 Text Origin: Commission Proposal
Article 23(7)				
407	7.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 6. They shall, without delay, notify any subsequent amendment to such provisions.	7.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 6. They shall, without delay, notify any subsequent amendment to such provisions.	7.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 6. They shall, without delay, notify any subsequent amendment to such provisions.	7.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 6. They shall, without delay, notify any subsequent amendment to such provisions. Text Origin: Commission Proposal
Article 24				
408	Article 24 Information before execution of individual payment transactions	Article 24 Information before execution of individual payment transactions	Article 24 Information before execution of individual payment transactions	Article 24 Information before execution of individual payment transactions Text Origin: Commission Proposal
Article 24, first paragraph				
409	In the case of an individual payment transaction initiated by the payer under a framework contract, a payment service provider shall, at the payer's request for this specific payment transaction, provide explicit information on all of the following:	In the case of an individual payment transaction initiated by the payer under a framework contract, a payment service provider shall, at the payer's request for this specific payment transaction, provide explicit information on all of the following:	In the case of an individual payment transaction initiated by the payer under a framework contract, a payment service provider shall, at the payer's request for this specific payment transaction, provide explicit information on all of the following:	In the case of an individual payment transaction initiated by the payer under a framework contract, a payment service provider shall, at the payer's request for this specific payment transaction, provide, <u>prior to the initiation of the payment transaction</u> , explicit information on

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								all of the following: Text Origin: Commission Proposal
Article 24, first paragraph, point (a)								
G	410	(a) the maximum execution time;		(a) the maximum execution time;		(a) the maximum execution time;		(a) the maximum execution time; Text Origin: Commission Proposal
Article 24, first paragraph, point (b)								
G	411	(b) the charges payable by the payer;		(b) the charges payable by the payer <u>expressed in the currency of the payment and, if applicable, the percentage mark-up on any applicable exchange rates as compared to a foreign exchange benchmark rate which complies with Regulation (EU) 2016/1011</u> ;		(b) the charges payable by the payer;		(b) the charges payable by the payer; TM 30.10: already covered by 371 (second sentence). Text Origin: Commission Proposal
Article 24, first paragraph, point (c)								
G	412	(c) where applicable, a breakdown of the amounts of any charges.		(c) where applicable, a breakdown of the amounts of any charges <u>before the payer executes the payment</u> .		(c) where applicable, a breakdown of the amounts of any charges.		(c) where applicable, a breakdown of the amounts of any charges. Text Origin: Commission Proposal
Article 25								
G	413	Article 25 Information for the payer on individual payment transactions		Article 25 Information for the payer on individual payment transactions		Article 25 Information for the payer on individual payment transactions		Article 25 Information for the payer on individual payment transactions Text Origin: Commission Proposal
Article 25(1)								
G	414	1.After the amount of an individual		1.After the amount of an individual		1.After the amount of an individual		1.After the amount of an individual

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	payment transaction is debited from the payer's account or, where the payer does not use a payment account, after receipt of the payment order, the payer's payment service provider shall provide the payer, without undue delay and in the same way as laid down in Article 19(1), with all of the following information:	payment transaction is debited from the payer's account or, where the payer does not use a payment account, after receipt of the payment order, the payer's payment service provider shall provide the payer, without undue delay and in the same way as laid down in Article 19(1), with all of the following information:	payment transaction is debited from the payer's account or, where the payer does not use a payment account, after receipt of the payment order, the payer's payment service provider shall provide the payer, without undue delay and in the same way as laid down in Article 19(1), with all of the following information:	payment transaction is debited from the payer's account or, where the payer does not use a payment account, after receipt of the payment order, the payer's payment service provider shall provide the payer, without undue delay and in the same way as laid down in Article 19(1), with all of the following information: Text Origin: Commission Proposal
Article 25(1), point (a)				
415	(a) a reference enabling the payer to identify each the payment transaction and the information needed to unambiguously identify the payee, including the payee's commercial trade name;	(a) a reference enabling the payer to identify each the payment transaction and the information needed to unambiguously identify the payee, including the payee's commercial trade name;	(a) a reference enabling the payer to identify each the payment transaction and the information needed to unambiguously identify the payee, including, where available to the payment service provider, the payee's legal name, and, if different therefrom, the payee's commercial trade name;	(a) a reference enabling the payer to identify each the payment transaction and the information needed to unambiguously identify the payee, including the payee's commercial trade name <u>and, where available to the payment service provider and if different from the commercial trade name, the payee's legal name;</u> TM 3.11: Council to revert this line and on line 329. TM 16.12 Text Origin: Council Mandate
Article 25(1), point (b)				
416	(b) the amount of the payment transaction in the currency in which the payer's payment account is	(b) the amount of the payment transaction in the currency in which the payer's payment account is	(b) the amount of the payment transaction in the currency in which the payer's payment account is	(b) the amount of the payment transaction in the currency in which the payer's payment account is

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	debited or in the currency used for the payment order;	debited or in the currency used for the payment order;	debited or in the currency used for the payment order;	debited or in the currency used for the payment order; Text Origin: Commission Proposal
Article 25(1), point (c)				
417	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payer;	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payer;	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payer;	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payer; Text Origin: Commission Proposal
Article 25(1), point (d)				
418	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider, and the amount of the payment transaction after that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider, and the amount of the payment transaction after that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider, and the amount of the payment transaction after that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payer's payment service provider, and the amount of the payment transaction after that currency conversion; Text Origin: Commission Proposal
Article 25(1), point (e)				
419	(e) the debit value date or the date of receipt of the payment order.	(e) the debit value date or the date of receipt of the payment order.	(e) the debit value date or the date of receipt of the payment order.	(e) the debit value date or the date of receipt of the payment order. Text Origin: Commission Proposal
Article 25(2)				
420	2.A framework contract shall include a condition that the payer may require the information referred	2.A framework contract shall include a condition that the payer may require the information referred	2.A framework contract shall include a condition that the payer may require the information referred	2.A framework contract shall include a condition that the payer may require the information referred

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to in paragraph 1 to be provided or made available periodically, at least once a month, free of charge and in an agreed manner which allows the payer to store and reproduce information unchanged.	to in paragraph 1 to be provided or made available periodically, ~~at least once a month,~~ free of charge and in an agreed manner which allows the payer to store and reproduce information unchanged.	to in paragraph 1 to be provided or made available periodically, at least once a month, free of charge and in an agreed manner which allows the payer to store and reproduce information unchanged.	to in paragraph 1 to be provided or made available periodically, at <u>a frequency to be determined by the payer of up to at</u> least once a month, free of charge and in an agreed manner which allows the payer to store and reproduce information unchanged. 3.11: the language comes from PSD2. EP to revert. TM 16.12 Text Origin: Commission Proposal
Article 25(3)				
421	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge.	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge.	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge.	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge. Text Origin: Commission Proposal
Article 25(4)				
422	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 26				
423	Article 26 Information for the payee on individual payment transactions	Article 26 Information for the payee on individual payment transactions	Article 26 Information for the payee on individual payment transactions	Article 26 Information for the payee on individual payment transactions Text Origin: Commission Proposal
Article 26(1)				
424	1.After the execution of an individual payment transaction, the payee's payment service provider shall provide the payee without undue delay in the same way as laid down in Article 19(1) with all of the following information:	1.After the execution of an individual payment transaction, the payee's payment service provider shall provide the payee without undue delay in the same way as laid down in Article 19(1) with all of the following information:	1.After the execution of an individual payment transaction, the payee's payment service provider shall provide the payee without undue delay in the same way as laid down in Article 19(1) with all of the following information:	1.After the execution of an individual payment transaction, the payee's payment service provider shall provide the payee without undue delay in the same way as laid down in Article 19(1) with all of the following information: Text Origin: Commission Proposal
Article 26(1), point (a)				
425	(a) a reference enabling the payee to identify the payment transaction and the payer, and any information transferred with the payment transaction;	(a) a reference enabling the payee to identify the payment transaction and the payer, and any information transferred with the payment transaction;	(a) a reference enabling the payee to identify the payment transaction and the payer, and any information transferred with the payment transaction;	(a) a reference enabling the payee to identify the payment transaction and the payer, and any information transferred with the payment transaction; Text Origin: Commission Proposal
Article 26(1), point (b)				
426	(b) the amount of the payment transaction in the currency in which the payee's payment account is credited;	(b) the amount of the payment transaction in the currency in which the payee's payment account is credited;	(b) the amount of the payment transaction in the currency in which the payee's payment account is credited;	(b) the amount of the payment transaction in the currency in which the payee's payment account is credited;

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				Text Origin: Commission Proposal
Article 26(1), point (c)				
427	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payee;	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payee;	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payee;	(c) the amount of any charges for the payment transaction and, where applicable, a breakdown of the amounts of such charges, or the interest payable by the payee; Text Origin: Commission Proposal
Article 26(1), point (d)				
428	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the payment transaction before that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the payment transaction before that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the payment transaction before that currency conversion;	(d) where applicable, the exchange rate used in the payment transaction by the payee's payment service provider, and the amount of the payment transaction before that currency conversion; Text Origin: Commission Proposal
Article 26(1), point (e)				
429	(e) the credit value date.	(e) the credit value date.	(e) the credit value date.	(e) the credit value date. Text Origin: Commission Proposal
Article 26(2)				
430	2.A framework contract may include a condition that the information referred to in paragraph 1 is to be provided or made available periodically, at least once a month and in an agreed manner which	2.A framework contract may include a condition that the information referred to in paragraph 1 is to be provided or made available periodically, at least once a month and in an agreed manner which	2.A framework contract may include a condition that the information referred to in paragraph 1 is to be provided or made available periodically, at least once a month and in an agreed manner which	2.A framework contract may include a condition that the information referred to in paragraph 1 is to be provided or made available periodically, at least once a month and in an agreed manner which

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	allows the payee to store and reproduce information unchanged.	allows the payee to store and reproduce information unchanged.	allows the payee to store and reproduce information unchanged.	allows the payee to store and reproduce information unchanged. Text Origin: Commission Proposal
Article 26(3)				
431	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge.	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge.	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge.	3.Member States may require payment service providers to provide information on paper or on another durable medium at least once a month, free of charge. Text Origin: Commission Proposal
Article 26(4)				
432	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall by [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 3. They shall, without delay, notify any subsequent amendment to such provisions. Text Origin: Commission Proposal
TITLE III				
433	TITLE III RIGHTS AND OBLIGATIONS IN RELATION TO THE PROVISION AND USE OF PAYMENT SERVICES	TITLE III RIGHTS AND OBLIGATIONS IN RELATION TO THE PROVISION AND USE OF PAYMENT SERVICES	TITLE III RIGHTS AND OBLIGATIONS IN RELATION TO THE PROVISION AND USE OF PAYMENT SERVICES	TITLE III RIGHTS AND OBLIGATIONS IN RELATION TO THE PROVISION AND USE OF PAYMENT SERVICES Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
CHAPTER 1								
G	434	CHAPTER 1 Common provisions		CHAPTER 1 Common provisions		CHAPTER 1 Common provisions		CHAPTER 1 Common provisions Text Origin: Commission Proposal
Article 27								
G	435	Article 27 Scope		Article 27 Scope		Article 27 Scope		Article 27 Scope Text Origin: Commission Proposal
Article 27(1)								
G	436	1.Where the payment service user is not a consumer, the payment service user and the payment service provider may agree that Article 28(1), Article 49(7), and Articles 55, 60, 62, 63, 66, 75 and 76 do not apply in whole or in part. The payment service user and the payment service provider may also agree on time limits that are different from those laid down in Article 54.		1.Where the payment service user is not a consumer, the payment service user and the payment service provider may agree that Article 28(1), Article 49(7), and Articles 55, 60, 62, 63, 66, 75 and 76 do not apply in whole or in part. The payment service user and the payment service provider may also agree on time limits that are different from those laid down in Article 54.		1.Where the payment service user is not a consumer, the payment service user and the payment service provider may agree that Article 28(1), Article 49(7), and Articles 55, 60, 62, 63, 66, 75 and 76 do not apply in whole or in part. The payment service user and the payment service provider may also agree on time limits that are different from those laid down in Article 54.		1.Where the payment service user is not a consumer, the payment service user and the payment service provider may agree that Article 28(1), Article 49(7), and Articles 55, 60, 62, 63, 66, 75 and 76 do not apply in whole or in part. The payment service user and the payment service provider may also agree on time limits that are different from those laid down in Article 54. Text Origin: Commission Proposal
Article 27(2)								
G	437	2.Member States may provide that Article 95 does not apply where the payment service user is not a consumer.		2.Member States may provide that Article 95 does not apply where the payment service user is not a consumer.		2.Member States may provide that Article 95 does not apply where the payment service user is not a consumer.		2.Member States may provide that Article 95 does not apply where the payment service user is not a consumer. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 27(3)				
438	3.Member States may provide that provisions in this Title are applied to microenterprises in the same way as to consumers.	3.Member States may provide that provisions in this Title are applied to microenterprises in the same way as to consumers. <u>Those provisions shall be fully aligned with this Regulation and its objectives and shall be communicated to the Commission.</u>	3.Member States may provide that provisions in this Title are applied to microenterprises in the same way as to consumers.	3.Member States may provide that provisions in this Title are applied to microenterprises in the same way as to consumers. EP to revert. TM 16.12 Text Origin: Commission Proposal
Article 27(4)				
439	4.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 2 and 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 2 and 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 2 and 3. They shall, without delay, notify any subsequent amendment to such provisions.	4.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 2 and 3. They shall, without delay, notify any subsequent amendment to such provisions. Text Origin: Commission Proposal
Article 28				
440	Article 28 Charges applicable	Article 28 Charges applicable	Article 28 Charges applicable	Article 28 Charges applicable Text Origin: Commission Proposal
Article 28(1)				
441	1.The payment service provider shall not charge the payment service user for fulfilment of its information	1.The payment service provider shall not charge the payment service user for fulfilment of its information	1.The payment service provider shall not charge the payment service user for fulfilment of its information	1.The payment service provider shall not charge the payment service user for fulfilment of its information

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	obligations or corrective and preventive measures under this Title, unless otherwise specified in Article 65(1), Article 66(5) and Article 74(4). Those charges shall be agreed between the payment service user and the payment service provider and shall be reasonable and in line with the payment service provider's actual costs.	obligations or corrective and preventive measures under this Title, unless otherwise specified in Article 65(1), Article 66(5) and Article 74(4). Those charges shall be agreed between the payment service user and the payment service provider and shall be reasonable and ~~in line with the payment service provider's~~ <u>proportionate to</u> actual costs.	obligations or corrective and preventive measures under this Title, unless otherwise specified in Article 65(1), Article 66(5) and Article 74(4). Those charges shall be agreed between the payment service user and the payment service provider and shall be reasonable and in line with the payment service provider's actual costs.	obligations or corrective and preventive measures under this Title, unless otherwise specified in Article 65(1), Article 66(5) and Article 74(4). Those charges shall be agreed between the payment service user and the payment service provider and shall be reasonable and in line with the payment service provider's actual costs. TM 16.12 Text Origin: Commission Proposal
Article 28(2)				
442	2.For payment transactions provided within the Union, where both the payer's and the payee's payment service providers are, or the sole payment service provider in the payment transaction is, located in the Union, the payee shall pay the charges levied by his payment service provider, and the payer shall pay the charges levied by his payment service provider.	2.For payment transactions provided within the Union, where both the payer's and the payee's payment service providers are, or the sole payment service provider in the payment transaction is, located in the Union, the payee shall pay the charges levied by his payment service provider, and the payer shall pay the charges levied by his payment service provider.	2.For payment transactions provided within the Union, where both the payer's and the payee's payment service providers are, or the sole payment service provider in the payment transaction is, located in the Union, the payee shall pay the charges levied by his payment service provider, and the payer shall pay the charges levied by his payment service provider.	2.For payment transactions provided within the Union, where both the payer's and the payee's payment service providers are, or the sole payment service provider in the payment transaction is, located in the Union, the payee shall pay the charges levied by his payment service provider, and the payer shall pay the charges levied by his payment service provider. Text Origin: Commission Proposal
Article 28(3)				
443	3.The payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Chapter II	3.The payee shall not request charges for the use of payment ~~instruments for which interchange fees are regulated under Chapter II~~	3.The payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Chapter II	3.The payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Chapter II

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of Regulation (EU) 2015/751 and for credit transfers, including instant credit transfers, and direct debit transactions within the Union.	~~of Regulation (EU) 2015/751 and for credit transfers, including instant credit transfers, and direct debit transactions within the Union.~~	of Regulation (EU) 2015/751 and for credit transfers, including instant credit transfers, and direct debit transactions within the Union.	of Regulation (EU) 2015/751 and for credit transfers, including instant credit transfers, and direct debit transactions within the Union. TM 30.10: EC: competition cannot solve everything. No data to change the surcharging rules; risk that merchants have to pass on the costs to the customers. Text Origin: Commission Proposal
Article 28(3a)				
443a		<u>3a. When an operator of an automatic teller machine (ATM) is authorised as a credit institution or payment service provider in the Union, and provides cash withdrawal services, that operator shall provide or make available information about any fixed fee applicable at the initiation of the withdrawal process, specifically at or before the moment the user's card is inserted into, or tapped against, the ATM. Any such fixed fee shall be displayed in monetary value and ensure that the user is informed in a transparent, distinguishable and understandable way of any fixed fees charged by that ATM operator for the cash withdrawal, regardless of the provenance of the ATM card used.</u>		deleted TM 3.11: no longer necessary because covered under Art. 7 as revised.

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Article 28(3b)								
443b				<u>3b. The payment service provider shall not prevent the payee from offering the payer a reduction or otherwise steering the payer towards the use of a given payment instrument.</u>				<i>deleted</i> ITM 27.11: covered by 445. Text Origin: EP Mandate
Article 28(4)								
444		4.Member States may extend the prohibition or limit the right of the payee to request charges for the use of payment instruments other than the ones referred to in paragraph 3, taking into account the need to encourage competition and promote the use of efficient payment instruments.		<i>deleted</i>		4.Member States may extend the prohibition or limit the right of the payee to request charges for the use of payment instruments other than the ones referred to in paragraph 3, taking into account the need to encourage competition and promote the use of efficient payment instruments.		4.Member States may extend the prohibition or limit the right of the payee to request charges for the use of payment instruments other than the ones referred to in paragraph 3, taking into account the need to encourage competition and promote the use of efficient payment instruments. Text Origin: Commission Proposal
Article 28(5)								
445		5.Without prejudice to paragraphs 3 and 4 and for instruments not covered in those paragraphs, the payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering the payer towards the use of a given payment instrument. Any charges applied shall not exceed the direct costs borne by the payee for the use of the specific payment instrument.		<i>deleted</i>		5.Without prejudice to paragraphs 3 and 4 and for instruments not covered in those paragraphs, the payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering the payer towards the use of a given payment instrument. Any charges applied shall not exceed the direct costs borne by the payee for the use of the specific payment instrument.		5.Without prejudice to paragraphs 3 and 4 and for instruments not covered in those paragraphs, the payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering the payer towards the use of a given payment instrument. Any charges applied shall not exceed the direct costs borne by the payee for the use of the specific payment instrument.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 28(6)				
6 446	6.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 4. They shall, without delay, notify any subsequent amendment to such provisions.	<i>deleted</i>	6.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 4. They shall, without delay, notify any subsequent amendment to such provisions.	6.Member States shall [OP please insert the date = data of application of this Regulation] notify to the Commission the provisions of their law adopted pursuant to paragraph 4. They shall, without delay, notify any subsequent amendment to such provisions. Text Origin: Commission Proposal
Article 29				
6 447	Article 29 Derogation for low value payment instruments and electronic money	Article 29 Derogation for low value payment instruments and electronic money	Article 29 Derogation for low value payment instruments and electronic money	Article 29 Derogation for low value payment instruments and electronic money Text Origin: Commission Proposal
Article 29(1)				
6 448	1.In the case of payment instruments which, according to the framework contract, solely concern individual payment transactions not exceeding EUR 50 or which either have a spending limit of EUR 200, or store funds which do not exceed EUR 200 at any time, payment service providers may agree with their payment service users that:	1.In the case of payment instruments which, according to the framework contract, solely concern individual payment transactions not exceeding EUR 50 or which either have a spending limit of EUR ~~200~~ <u>250</u> , or store funds which do not exceed EUR ~~200~~ <u>250</u> at any time, payment service providers may agree with their payment service users that:	1.In the case of payment instruments which, according to the framework contract, solely concern individual payment transactions not exceeding EUR 50 or which either have a spending limit of EUR 200, or store funds which do not exceed EUR 200 at any time, payment service providers may agree with their payment service users that:	1.In the case of payment instruments which, according to the framework contract, solely concern individual payment transactions not exceeding EUR 50 or which either have a spending limit ~~of EUR 200~~ <u>that does not exceed EUR 300</u> , or store funds which do not exceed EUR ~~200~~ <u>300</u> at any time, payment service providers may agree with their payment service users that:

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 31.10: implementation of agreement at trilogue of 23 Oct. TM 16.12 Text Origin: EP Mandate
Article 29(1), point (a)				
449	(a) Article 52, point (b), Article 53(1), points (c) and (d) , and Article 60(4) do not apply if the payment instrument does not allow its blocking or prevention of its further use;	(a) Article 52, point (b), Article 53(1), points (c) and (d) , and Article 60(4) do not apply if the payment instrument does not allow its blocking or prevention of its further use;	(a) Article 52, point (b), Article 53(1), points (c) and (d) , and Article 60(4) do not apply if the payment instrument does not allow its blocking or prevention of its further use;	(a) Article 52, point (b), Article 53(1), points (c) and (d) , and Article 60(4) do not apply if the payment instrument does not allow its blocking or prevention of its further use; Text Origin: Commission Proposal
Article 29(1), point (b)				
450	(b) Articles 55 and 56, and Article 60(1) and (4), do not apply if the payment instrument is used anonymously or the payment service provider is not in a position for other reasons which are intrinsic to the payment instrument to prove that a payment transaction was authorised;	(b) Articles 55 and 56, and Article 60(1) and (4), do not apply if the payment instrument is used anonymously or the payment service provider is not in a position for other reasons which are intrinsic to the payment instrument to prove that a payment transaction was authorised;	(b) Articles 55 and 56, and Article 60(1) and (4), do not apply if the payment instrument is used anonymously or the payment service provider is not in a position for other reasons which are intrinsic to the payment instrument to prove that a payment transaction was authorised;	(b) Articles 55 and 56, and Article 60(1) and (4), do not apply if the payment instrument is used anonymously or the payment service provider is not in a position for other reasons which are intrinsic to the payment instrument to prove that a payment transaction was authorised; Text Origin: Commission Proposal
Article 29(1), point (c)				
451	(c) by way of derogation from Article 65(1), the payment service provider is not required to notify the payment service user of the refusal	(c) by way of derogation from Article 65(1), the payment service provider is not required to notify the payment service user of the refusal	(c) by way of derogation from Article 65(1), the payment service provider is not required to notify the payment service user of the refusal	(c) by way of derogation from Article 65(1), the payment service provider is not required to notify the payment service user of the refusal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of a payment order, if the non-execution is apparent from the context;	of a payment order, if the non-execution is apparent from the context;	of a payment order, if the non-execution is apparent from the context;	of a payment order, if the non-execution is apparent from the context; Text Origin: Commission Proposal
Article 29(1), point (d)				
452	(d) by way of derogation from Article 66, the payer shall not revoke the payment order after transmitting the payment order or authorising the payment transaction to the payee;	(d) by way of derogation from Article 66, the payer shall not revoke the payment order after transmitting the payment order or authorising the payment transaction to the payee;	(d) by way of derogation from Article 66, the payer shall not revoke the payment order after transmitting the payment order or authorising the payment transaction to the payee;	(d) by way of derogation from Article 66, the payer shall not revoke the payment order after transmitting the payment order or authorising the payment transaction to the payee; Text Origin: Commission Proposal
Article 29(1), point (e)				
453	(e) by way of derogation from Articles 69 and 70, other execution periods apply.	(e) by way of derogation from Articles 69 and 70, other execution periods apply.	(e) by way of derogation from Articles 69 and 70, other execution periods apply.	(e) by way of derogation from Articles 69 and 70, other execution periods apply. Text Origin: Commission Proposal
Article 29(1), point (ea)				
453a			1a For national payment transactions, Member States or their competent authorities may double the amounts referred to in paragraph 1. For prepaid payment instruments, Member States may increase those amounts up to EUR 500.	<u>1a By way of derogation from paragraph 1, the spending and storing limits for prepaid payment instruments shall not exceed EUR 500.</u> TM 31.10: see corresponding changes in 297a. TM 16.12 Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 29(2)				
454	2.Articles 56 and 60 shall apply also to electronic money, except where the payer's payment service provider does not have the ability to freeze the payment account on which the electronic money is stored or block the payment instrument. Member States may limit that derogation to payment accounts on which the electronic money is stored or to payment instruments of a certain value.	2.Articles 56 and 60 shall apply also to electronic money, except where the payer's payment service provider does not have the ability to freeze the payment account on which the electronic money is stored or block the payment instrument. Member States may limit that derogation to payment accounts on which the electronic money is stored or to payment instruments of a certain value.	2.Articles 56 and 60 shall apply also to electronic money, except where the payer's payment service provider does not have the ability to freeze the payment account on which the electronic money is stored or block the payment instrument. Member States may limit that derogation to payment accounts on which the electronic money is stored or to payment instruments of a certain value.	2.Articles 56 and 60 shall apply also to electronic money, except where the payer's payment service provider does not have the ability to freeze the payment account on which the electronic money is stored or block the payment instrument. Member States may limit that derogation to payment accounts on which the electronic money is stored or to payment instruments of a certain value. Text Origin: Commission Proposal
Article 29(3)				
455	3.Member States shall, by the date of application of this Regulation, notify to the Commission the provisions of their law adopted pursuant to paragraph 2. They shall, without delay, notify any subsequent amendment to such provisions.	3.Member States shall, by the date of application of this Regulation, notify to the Commission the provisions of their law adopted pursuant to paragraph 2. They shall, without delay, notify any subsequent amendment to such provisions.	3.Member States shall, by the date of application of this Regulation, notify to the Commission the provisions of their law adopted pursuant to paragraph 2. They shall, without delay, notify any subsequent amendment to such provisions.	3.Member States shall, by the date of application of this Regulation, notify to the Commission the provisions of their law adopted pursuant to paragraph 2. They shall, without delay, notify any subsequent amendment to such provisions. Text Origin: Commission Proposal
Article 30				
456	Article 30 Issuance and redeemability of electronic money	Article 30 Issuance and redeemability of electronic money	Article 30 Issuance and redeemability of electronic money	Article 30 Issuance and redeemability of electronic money Text Origin: Commission Proposal
Article 30(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	457	1.Issuers of electronic money shall issue electronic money at par value on the receipt of funds.	1.Issuers of electronic money shall issue electronic money at par value on the receipt of funds.	1.Issuers of electronic money shall issue electronic money at par value on the receipt of funds. Text Origin: Commission Proposal	G
Article 30(2)					
G	458	2.Upon request by the holder of the electronic money, the issuer of the electronic money shall redeem, at any moment and at par value, the monetary value of the electronic money held.	2.Upon request by the holder of the electronic money, the issuer of the electronic money shall redeem, at any moment and at par value, the monetary value of the electronic money held.	2.Upon request by the holder of the electronic money, the issuer of the electronic money shall redeem, at any moment and at par value, the monetary value of the electronic money held. Text Origin: Commission Proposal	G
Article 30(3)					
G	459	3.The contract between the issuer of the electronic money and the holder of the electronic money shall clearly and prominently state the conditions of redemption, including any applicable fees, and the electronic money holder shall be informed of those conditions before being bound by any contract or offer.	3.The contract between the issuer of the electronic money and the holder of the electronic money shall clearly and prominently state the conditions of redemption, including any applicable fees, and the electronic money holder shall be informed of those conditions before being bound by any contract or offer.	3.The contract between the issuer of the electronic money and the holder of the electronic money shall clearly and prominently state the conditions of redemption, including any applicable fees, and the electronic money holder shall be informed of those conditions before being bound by any contract or offer. Text Origin: Commission Proposal	G
Article 30(4), first subparagraph					
G	460	4.Redemption of electronic money may be subject to a fee only if stated in the contract in accordance with paragraph 3 and only in any of the	4.Redemption of electronic money may be subject to a fee only if stated in the contract in accordance with paragraph 3 and only in any of the	4.Redemption of electronic money may be subject to a fee only if stated in the contract in accordance with paragraph 3 and only in any of the	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	following cases:	following cases:	following cases:	following cases: Text Origin: Commission Proposal
Article 30(4), first subparagraph, point (a)				
461	(a) where the holder of electronic money requests redemption before the termination of the contract;	(a) where the holder of electronic money requests redemption before the termination of the contract;	(a) where the holder of electronic money requests redemption before the termination of the contract;	(a) where the holder of electronic money requests redemption before the termination of the contract; Text Origin: Commission Proposal
Article 30(4), first subparagraph, point (b)				
462	(b) where the contract provides for a termination date and the holder of electronic money terminates the contract before that date;	(b) where the contract provides for a termination date and the holder of electronic money terminates the contract before that date;	(b) where the contract provides for a termination date and the holder of electronic money terminates the contract before that date;	(b) where the contract provides for a termination date and the holder of electronic money terminates the contract before that date; Text Origin: Commission Proposal
Article 30(4), first subparagraph, point (c)				
463	(c) where redemption is requested more than one year after the date of termination of the contract.	(c) where redemption is requested more than one year after the date of termination of the contract.	(c) where redemption is requested more than one year after the date of termination of the contract.	(c) where redemption is requested more than one year after the date of termination of the contract. Text Origin: Commission Proposal
Article 30(4), second subparagraph				
464	Any such fee shall be proportionate to and commensurate with the actual costs incurred by the electronic money issuer.	Any such fee shall be proportionate to and commensurate with the actual costs incurred by the electronic money issuer.	Any such fee shall be proportionate to and commensurate with the actual costs incurred by the electronic money issuer.	Any such fee shall be proportionate to and commensurate with the actual costs incurred by the electronic money issuer. Text Origin: Commission Proposal
Article 30(5)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
465	5.Where the holder of electronic money requests redemption before the termination of the contract, the holder may request redemption of the electronic money in whole or in part.	5.Where the holder of electronic money requests redemption before the termination of the contract, the holder may request redemption of the electronic money in whole or in part.	5.Where the holder of electronic money requests redemption before the termination of the contract, the holder may request redemption of the electronic money in whole or in part.	5.Where the holder of electronic money requests redemption before the termination of the contract, the holder may request redemption of the electronic money in whole or in part. Text Origin: Commission Proposal
Article 30(6)				
466	6.Where redemption is requested by the holder of the electronic money on the date of the termination of the contract, or up to one year after such termination, the issuer of the electronic money shall do either of the following:	6.Where redemption is requested by the holder of the electronic money on the date of the termination of the contract, or up to one year after such termination, the issuer of the electronic money shall do either of the following:	6.Where redemption is requested by the holder of the electronic money on the date of the termination of the contract, or up to one year after such termination, the issuer of the electronic money shall do either of the following:	6.Where redemption is requested by the holder of the electronic money on the date of the termination of the contract, or up to one year after such termination, the issuer of the electronic money shall do either of the following: Text Origin: Commission Proposal
Article 30(6), point (a)				
467	(a) Redeem the total monetary value of the electronic money; or	(a) Redeem the total monetary value of the electronic money; or	(a) Redeem the total monetary value of the electronic money; or	(a) Redeem the total monetary value of the electronic money; or Text Origin: Commission Proposal
Article 30(6), point (b)				
468	(b) Redeem all funds requested by the electronic money holder where the payment institution carries out one or more of the activities as referred to in Article 10(1)(c) of Directive XXX [PSD3] and it is unknown in advance what	(b) Redeem all funds requested by the electronic money holder where the payment institution carries out one or more of the activities as referred to in Article 10(1)(c) of Directive XXX [PSD3] and it is unknown in advance what	(b) Redeem all funds requested by the electronic money holder where the payment institution carries out one or more of the activities as referred to in Article 10(1)(c) of Directive XXX [PSD3] and it is unknown in advance what	(b) Redeem all funds requested by the electronic money holder where the payment institution carries out one or more of the activities as referred to in Article 10(1)(c) of Directive XXX [PSD3] and it is unknown in advance what

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	proportion of funds is to be used as electronic money by electronic money holders.	proportion of funds is to be used as electronic money by electronic money holders.	proportion of funds is to be used as electronic money by electronic money holders.	proportion of funds is to be used as electronic money by electronic money holders. Text Origin: Commission Proposal
Article 30(7)				
469	7. Notwithstanding paragraphs 4, 5 and 6, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person.	7. Notwithstanding paragraphs 4, 5 and 6, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person.	7. Notwithstanding paragraphs 4, 5 and 6, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person.	7. Notwithstanding paragraphs 4, 5 and 6, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person. Text Origin: Commission Proposal
Article 30(8)				
470	8. A payment institution providing electronic money services shall not grant to the holder of electronic money interest or any other benefit related to the length of time during which he or she holds the electronic money.	8. A payment institution providing electronic money services shall not grant to the holder of electronic money interest or any other benefit related to the length of time during which he or she holds the electronic money.	8. A payment institution providing electronic money services shall not grant to the holder of electronic money interest or any other benefit related to the length of time during which he or she holds the electronic money.	8. A payment institution ~~providing~~ <i>that issues</i> electronic money ~~services~~ shall not grant to the holder of electronic money interest or any other benefit related to the length of time during which he or she holds the electronic money. TM 16.12 Text Origin: Commission Proposal
CHAPTER 2				
471	CHAPTER 2 Access to payment systems and to accounts maintained with credit institutions	CHAPTER 2 Access to payment systems and to accounts maintained with credit institutions	CHAPTER 2 Access to payment systems and to accounts maintained with credit institutions	CHAPTER 2 Access to payment systems and to accounts maintained with credit institutions

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 31				
472	Article 31 Access to payment systems	Article 31 Access to payment systems	Article 31 Access to payment systems	Article 31 Access to payment systems Text Origin: Commission Proposal
Article 31(1)				
473	1.Payment system operators shall have in place objective non-discriminatory, transparent and proportionate rules on access to a payment system by authorised or registered payment service providers that are legal persons. Payment system operators shall not inhibit access to a payment system more than is necessary to safeguard against specific risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk or more than is necessary to protect the financial and operational stability of the payment system.	1.Payment system operators shall have in place objective non-discriminatory, transparent and proportionate rules on access to a payment system by authorised or registered payment service providers that are legal persons. Payment system operators shall not inhibit access to a payment system more than is necessary to safeguard against specific risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk or more than is necessary to protect the financial and operational stability of the payment system.	1.Payment system operators shall have in place objective non-discriminatory, transparent and proportionate rules on access to a payment system by authorised or registered payment service providers that are legal persons. Payment system operators shall not inhibit access to a payment system more than is necessary to safeguard against specific risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk or more than is necessary to protect the financial and operational stability of the payment system.	1.Payment system operators shall have in place objective non-discriminatory, transparent and proportionate rules on access to a payment system by authorised or registered payment service providers that are legal persons. Payment system operators shall not inhibit access to a payment system more than is necessary to safeguard against specific risks, including where applicable settlement risk, operational risk, credit risk, liquidity risk and business risk or more than is necessary to protect the financial and operational stability of the payment system. Text Origin: Commission Proposal
Article 31(2)				
474	2.A payment system operator shall make publicly available its rules and procedures for admission to	2.A payment system operator shall make publicly available its rules and procedures for admission to	2.A payment system operator shall make publicly available its rules and procedures for admission to	2.A payment system operator shall make publicly available its rules and procedures for admission to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	participation to that payment system and the criteria and methodology it uses for risk assessment of applicants for participation.	participation to that payment system and the criteria and methodology it uses for risk assessment of applicants for participation.	participation to that payment system and the criteria and methodology it uses for risk assessment of applicants for participation.	participation ~~to~~ ⁱⁿ that payment system and the criteria and methodology it uses for risk assessment of applicants for participation. Text Origin: Commission Proposal
Article 31(3)				
475	3.Upon receiving an application for participation by a payment service provider, a payment system operator shall assess the relevant risks of granting the applicant payment service provider access to the system. A payment system operator shall only refuse participation to an applicant payment service provider where the applicant poses risks to the system, as referred to in paragraph 1. The payment system operator shall notify that applicant payment service provider in writing whether the request for participation is granted or refused and shall provide full reasons for any refusal.	3.Upon receiving an application for participation by a payment service provider, a payment system operator shall assess the relevant risks of granting the applicant payment service provider access to the system. A payment system operator shall only refuse participation to an applicant payment service provider where the applicant poses risks to the system, as referred to in paragraph 1. The payment system operator shall notify that applicant payment service provider in writing whether the request for participation is granted or refused and shall provide full reasons for any refusal.	3.Upon receiving an application for participation by a payment service provider, a payment system operator shall assess the relevant risks of granting the applicant payment service provider access to the system. A payment system operator shall only refuse participation to an applicant payment service provider where the applicant poses risks to the system, as referred to in paragraph 1. The payment system operator shall notify that applicant payment service provider in writing whether the request for participation is granted or refused and shall provide full reasons for any refusal.	3.Upon receiving an application for participation by a payment service provider, a payment system operator shall assess the relevant risks of granting the applicant payment service provider access to the system. A payment system operator shall only refuse participation to an applicant payment service provider where the applicant poses risks to the system, as referred to in paragraph 1. The payment system operator shall notify that applicant payment service provider in writing whether the request for participation is granted or refused and shall provide full reasons for any refusal. Text Origin: Commission Proposal
Article 31(4)				
476	4.Paragraphs 1, 2 and 3 shall not apply to payment systems composed exclusively of payment service providers belonging to the same group.	4.Paragraphs 1, 2 and 3 shall not apply to payment systems composed exclusively of payment service providers belonging to the same group.	4.Paragraphs 1, 2 and 3 shall not apply to payment systems composed exclusively of payment service providers belonging to the same group.	<i>deleted</i> TM 16.12: see line 480a

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<i>Text Origin: Commission Proposal</i>
Article 31(5)				
477	5.Payment system operators shall not have in place any of the following requirements:	5.Payment system operators shall not have in place any of the following requirements:	5.Payment system operators shall not have in place any of the following requirements:	5.Payment system operators shall not have in place any of the following requirements: <i>Text Origin: Commission Proposal</i>
Article 31(5), point (a)				
478	(a) restrictive rules on effective membership in other payment systems;	(a) restrictive rules on effective membership in other payment systems;	(a) restrictive rules on effective membership in other payment systems;	(a) restrictive rules on effective membership in other payment systems; <i>Text Origin: Commission Proposal</i>
Article 31(5), point (b)				
479	(b) rules which discriminate between authorised payment service providers or between registered payment service providers in relation to the rights, obligations and entitlements of members;	(b) rules which discriminate between authorised payment service providers or between registered payment service providers in relation to the rights, obligations and entitlements of members;	(b) rules which discriminate between authorised payment service providers or between registered payment service providers in relation to the rights, obligations and entitlements of members;	(b) rules which discriminate between authorised payment service providers or between registered payment service providers in relation to the rights, obligations and entitlements of members; <i>Text Origin: Commission Proposal</i>
Article 31(5), point (c)				
480	(c) restrictions on the basis of institutional status.	(c) restrictions on the basis of institutional status.	(c) restrictions on the basis of institutional status.	(c) restrictions on the basis of institutional status. <i>Text Origin: Commission Proposal</i>
Article 31(5a)				
480a				<u>5a. Paragraphs 1, 2, 3 and 5 shall</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>apply to operators of payment schemes. Those paragraphs shall not apply to operators of payment systems and payment schemes composed exclusively of payment service providers belonging to the same group.</u> TM 16.12 TM 11.02: to make the exception applicable to operators of payment schemes.
Article 31(6)				
481	6.A participant of a payment system that allows an authorised or registered payment service provider that is not a participant of the payment system to pass transfer orders through that payment system shall, when requested, give the same possibility to other authorised or registered payment service providers in an objective, proportionate, transparent and non-discriminatory manner. In case of a rejection of such request, the participant of a payment system shall provide any requesting payment service provider with full reasons for such rejection.	6.A participant of a payment system that allows an authorised or registered payment service provider that is not a participant of the payment system to pass transfer orders through that payment system shall, when requested, give the same possibility to other authorised or registered payment service providers in an objective, proportionate, transparent and non-discriminatory manner. In case of a rejection of such request, the participant of a payment system shall provide any requesting payment service provider with full reasons for such rejection.	6.A participant of a payment system that allows an authorised or registered payment service provider that is not a participant of the payment system to pass transfer orders through that payment system shall, when requested, give the same possibility to other authorised or registered payment service providers in an objective, proportionate, transparent and non-discriminatory manner. In case of a rejection of such request, the participant of a payment system shall provide any requesting payment service provider with full reasons for such rejection.	6.A participant of a payment system that allows an authorised or registered payment service provider that is not a participant of the payment system to pass transfer orders through that payment system shall, when requested, give the same possibility to other authorised or registered payment service providers in an objective, proportionate, transparent and non-discriminatory manner. In case of a rejection of such request, the participant of a payment system shall provide any requesting payment service provider with full reasons for such rejection. Text Origin: Commission Proposal
Article 31(7)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
482	7. For payment systems that are not covered by Eurosystem oversight, pursuant to Regulation (EU) No 795/2014, Member States shall designate a competent authority responsible for oversight of payment systems to ensure enforcement of paragraphs 1 2, 3, 5 and 6 by payment systems governed by their national law.	7. For payment systems that are not covered by Eurosystem oversight, pursuant to Regulation (EU) No 795/2014, Member States shall designate a competent authority responsible for oversight of payment systems to ensure enforcement of paragraphs 1 2, 3, 5 and 6 by payment systems governed by their national law.	7. For payment systems that are not covered by Eurosystem oversight, pursuant to Regulation (EU) No 795/2014, Member States shall designate a competent authority responsible for oversight of payment systems to ensure enforcement of paragraphs 1 2, 3, 5 and 6 by payment systems governed by their national law.	~~7. For payment systems that are not covered by Eurosystem oversight, pursuant to Regulation (EU) No 795/2014,~~ Member States shall designate a competent authority ~~responsible for oversight of payment systems~~ to ensure ~~enforcement of compliance with~~ paragraphs ~~1-2~~<u>1, 2</u>, 3, 5 and 6 <u>as applicable</u> by payment systems <u>and payment schemes</u> governed by their national law, <u>except for cases where those requirements are enforced by the Eurosystem or central banks of non euro area Member States as part of the oversight of the operations of those payment systems or schemes, such as payment systems subject to Regulation (EU) 2025/1355.</u> TM 19.11: payment systems not overseen by SIPs. Linked to line 956. EC to revert. TM 4.12: compromise language by EC carving out operations of Eurosystem. Other payment systems should be covered. Regulation N 795/2014 has been repealed by Regulation 2025/1355. Council to revert. Eurosystem could be changed by ECB

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								and national central banks. TM 16.12 4/3: SIPS regulation contains this obligation, with CA in charge of ensuring compliance. Hence, exclusion of payment systems subject to SIPS Regulation. In some MS, there are comparable laws, this is clarified in recital 32 (if those requirements are not enforced under the oversight of the operations of those other payment systems or schemes by the Eurosystem or central banks of non euro area Member States) and should accommodate the concerns from MS. 5/3: minor revisions aimed to clarify the exceptions.
Article 31(7a)								
482a						Article 31a Transparent practices of payment card schemes and processing entities		<u>Article 31a</u> <u>Transparent practices of payment card schemes, processing entities and acquirers</u> TM 11.11: EC proposal was checked with DG COMP. TM 16.12 Text Origin: Council Mandate
Article 31(7b)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
6	482b					1 To support business payment service users better understand their card based payment transaction acceptance costs:		deleted TM 11.11: moved to recital.
	Article 31(7c)							
6	482c					i) payment card schemes and processing entities shall ensure that the rules and fees imposed on payment service providers providing acquiring services are disclosed in a transparent and consistent manner allowing comparability of billing categories between schemes and processing entities with a sufficient notice before their implementation.		<u>1. Operators of payment card schemes and processing entities shall ensure that the fees imposed on payment service providers providing acquiring services are categorised and disclosed in a clear and consistent manner allowing for the comparability of billing categories between schemes and processing entities, based on at least the following categories:</u> <u>interchange fees; processing fees; and scheme fees of which:</u> <u>- mandatory fees;</u> <u>- fees linked to a specific behaviour or to the use or non use of a technology; and</u> <u>- fees related to optional services.</u> <u>The categories of fees shall be clearly defined.</u> <u>That information shall be disclosed to payment service providers providing acquiring services in a manner ensuring full clarity as to which fees correspond to which services.</u> <u>The information shall be as specific</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>as possible and, where possible, distinguish the fees applied according to the card category, the sales channel, the transaction volume and value of the merchant and the geographical location.</u> TM 11.11: Council to revert. TM10.12 'at least' added
Article 31(7d)								
G		482d				ii) payment service providers providing acquiring services shall transparently disclose merchant services charges applied to their business payments services users of the payment card scheme consistently with their obligations set by Chapter 3 and Articles 9 and 12 of Regulation No (EU) 2015/751.		<u>2.Payment service providers providing acquiring services shall use the information disclosed under paragraph 1 when fulfilling their obligations set by Articles 9 and 12 of Regulation (EU) 2015/751.</u> TM 11.11: rephrasing. TM10.12 redraft and greened
Article 31(7e)								
G		482e						<u>3.For the purposes of paragraph 1, operators of payment card schemes and operators of processing entities shall:</u> <u>- communicate any new fees and any change in scheme and processing fees unambiguously in a transparent and consistent manner to the payment service providers providing acquiring services no later than 6 months prior to their implementation;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>- maintain a single EU public repository of their scheme and processing rules and fees, according to the categories of fees referred to in paragraph 1.</u> TM10.12 edited and greened
Article 31(7f)								
G	482f					1a The EBA shall, in close cooperation with the ECB, develop Regulatory Technical Standards to specify the criteria for what constitutes a transparent and consistent disclosure of fees and rules referred to in paragraph 1 (i).		<u>4.The Commission shall adopt a delegated act in accordance with Article 106 to supplement this Regulation by further specifying the information to be disclosed to payment service providers providing acquiring services under paragraph 1. The Commission shall adopt that delegated act by [OP please insert the date= 15 months after the date of entry into force of this Regulation.</u> TM 11.11: EC proposes to replace the EBA RTS by the EC delegated act. The Commission shall be empowered to adopt delegated acts in accordance with Article XX in order to specify further XX.
Article 31(7g)								
G	482g					EBA shall submit those draft regulatory technical standards to the Commission by [OP please insert the date= 18 months after		<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						the date of entry into force of this Regulation].		
		Article 31(7h)						
G		482h				Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.		deleted
		Article 31(7i)						
G		482i				2 For the purposes of paragraph 1 (i), operators of payment card schemes and operators of processing entities, shall communicate, where applicable, any change in scheme and processing rules and fees unambiguously in a transparent and consistent manner to the payment service providers providing acquiring of payment transactions no later than 6 months prior to their implementation.		deleted
		Article 31(7j)						
G		482j						deleted
		Article 32						
G		483	Article 32 Provision by credit institutions of	Article 32 Provision by credit institutions of	Article 32 Provision by credit institutions of	Article 32 Provision by credit institutions of	Article 32 Provision by credit institutions of	Article 32 Provision by credit institutions of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment accounts to payment institutions	payment accounts to payment institutions	payment accounts to payment institutions	payment accounts to payment institutions Text Origin: Commission Proposal
Article 32(-1)				
483a			1.A payment institution, its agents and applicants for authorisation as a payment institution shall have access to payment accounts provided by credit institutions on an objective, non-discriminatory and proportionate basis. Such access shall be sufficiently extensive as to allow payment institutions to provide payment services in an unhindered and efficient manner.	<u><i>-1. Credit institutions shall provide access to payment accounts to payment institutions, their agents and applicants for authorisation as a payment institution on an objective, non-discriminatory and proportionate basis. Such access shall be sufficiently extensive as to allow payment institutions to provide payment services in an unhindered and efficient manner.</i></u> TM 4.11: EC comment: on who is this obligation? more suited to recital. doubt about implementation. Text Origin: Council Mandate
Article 32(1)				
484	1.A credit institution shall only refuse to open or shall only close a payment account for a payment institution for its agents or distributors or for an applicant for a license as a payment institution in the following cases:	1.A credit institution shall only refuse to open or shall only close a payment account for a payment institution for its agents or distributors or for an applicant for a license as a payment institution in <u><i>cases where it is justified on objective, non-discriminatory and proportionate grounds, in particular in</i></u> the following cases:	~~1.2~~ A credit institution shall only be allowed to refuse to open or ~~shall only to~~ close a payment account for a payment institution for its agents or distributors or for an applicant for a ~~license authorisation~~ as a payment institution in the following cases:	1.A credit institution ~~shall only~~ <u>may</u> refuse to open or ~~shall only~~ <u>may</u> close a payment account for a payment institution for its agents or ~~distributors or~~ for an applicant for ~~a~~ <u>licensean authorisation</u> as a payment institution <u>only</u> in the following cases: TM 4.11: de-risking risk is relevant; hence the closed list.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				EP to revert. TM 2.12: grounds moved to the line above TM 4.12 Text Origin: Commission Proposal
Article 32(1), point (a)				
485	(a) The credit institution has serious grounds to suspect defective money laundering or terrorism financing controls by the applicant or that illegal activities are being committed either by the applicant or its customers;	(a) The credit institution has serious grounds to suspect defective money laundering or terrorism financing controls by the applicant or that illegal activities are being committed either by the applicant or its customers;	(a) ~~The credit institution has serious grounds to suspect defective money laundering or terrorism financing controls by the applicant or that illegal activities are being committed either by the applicant or its customers;~~ Where opening or maintaining such an account would result in an infringement of Regulation (EU) 2024/1624 of the European Parliament and of the Council¹; 1. OP: Please insert in the text the number of the Regulation contained in document 2021/0239(COD) (Proposal for a regulation of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing - COM/2021/420 final) and insert the number, date, title and OJ reference of that Regulation in the footnote.	(a) the ~~credit institution has serious grounds to suspect defective money laundering or terrorism financing controls by the applicant or that illegal activities are being committed either by the applicant or its customers;~~<u>opening or maintaining such a payment account would result in an infringement of Regulation (EU) 2024/1624 of the European Parliament and of the Council¹;</u> <u>1. OP: Please insert in the text the number of the Regulation contained in document 2021/0239(COD) (Proposal for a regulation of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing - COM/2021/420 final) and insert the number, date, title and OJ reference of that Regulation in the footnote.</u> TM 4.11: EC could support Council change. The provision is more concrete.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 32(1), point (b)				
G 486	(b) there is or has been a breach of contract committed by the applicant for an account;	(b) there is or has been a <u>material</u> breach of contract committed by the applicant for an account;	(b) there is or has been a substantive breach of contract committed by the applicant for an account payment institution or its agents;	(b) there is or has been a <u>material</u> breach of contract committed by the ~~applicant for an account~~ <u>payment institution or its agents;</u> TM 3.11: applicant cannot be, in breach, only account holders. Text Origin: Commission Proposal
Article 32(1), point (c)				
G 487	(c) insufficient information and documents have been received from the applicant for an account;	(c) insufficient information and documents <u>pertaining to matters set out in this paragraph</u> have been received from the applicant for an account;	(c) insufficient information ~~and~~ documents have been received from the applicant for an account;	(c) ~~insufficient~~ <u>relevant</u> information ~~and/or~~ documents have <u>not</u> been received from the applicant for an account; Text Origin: Council Mandate
Article 32(1), point (d)				
G 488	(d) the applicant for an account or its business model presents an excessive risk profile;	(d) the applicant for an account or its business model presents an excessive risk profile;	(d) ~~the applicant for an account or its business model presents an excessive risk profile;~~	<i>deleted</i> TM 4.11: this could put limitations on some business model, and hinder innovation. EC: PI are relatively safe and regulated/supervised. Ok to drop.
Article 32(1), point (e)				
G 489	(e) the applicant for an account would present a disproportionately high compliance cost for the credit institution.	<i>deleted</i>	(e) ~~the applicant for an account would present a disproportionately high compliance cost for the credit institution.~~	<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 32(1), point (ea)								
G	489a			<u>(ea) the competent authority has refused to grant or has withdrawn an authorisation as a payment institution.</u>				<u>(ea) the competent authority has refused to grant or has withdrawn an authorisation as a payment institution.</u> Text Origin: EP Mandate
Article 32(1), point (eb)								
G	489b			<u>Where a credit institution decides to close a payment account in accordance with this paragraph, the account closure shall take effect upon the expiry of a notice period which shall not be less than four months, unless the payment account is closed due to fraud-related reasons or reasons connected to illegal activities.</u>				deleted TM 4.11: exception linked to AMLR. The substance of the AM is covered by lines 491a and b below. Text Origin: EP Mandate
Article 32(2)								
G	490	2.Rights granted under paragraph 1 to agents or distributors shall be granted exclusively for the provision of payment services on behalf of the payment institution.		2.Rights granted under paragraph 1 to agents or distributors shall be granted exclusively for the provision of payment services on behalf of the payment institution.		~~23.~~ Rights granted under paragraph 1 to agents ~~or distributors~~ shall be granted exclusively for the provision of payment services on behalf of the payment institution.		2.Rights granted under paragraph 1 to agents ~~or distributors~~ shall be granted exclusively for the provision of payment services on behalf of the payment institution. Text Origin: Council Mandate
Article 32(3)								
G	491	3.A credit institution shall notify to the payment institution or to its agents or distributors, or to the applicant for a license as a payment institution, any decision to refuse to open or to close a payment account		3.A credit institution shall notify to the payment institution or to its agents or distributors, or to the applicant for a license as a payment institution, any decision to refuse to open or to close a payment account		~~34.~~ Without undue delay and at the latest one month after receiving an application, a credit institution shall notify to the payment institution or to its agents or ~~distributors, or~~ to the applicant for		3. <u>Without undue delay and at the latest one month after receiving a complete application,</u> a credit institution shall notify to the payment institution or to its agents or ~~distributors, or~~ to the applicant

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to a payment institution or to its agents or distributors, or to an applicant for a license as a payment institution; it shall duly motivate any such decision. Such motivation must be specific to the risks posed by the activity or planned activity of that payment institution or of its agents or distributors, as assessed by the credit institution, and not be generic in nature.	to a payment institution or to its agents or distributors, or to an applicant for a license as a payment institution; it shall duly motivate any such decision. Such motivation must be specific to the risks posed by the activity or planned activity of that payment institution or of its agents or distributors, as assessed by the credit institution, and not be generic in nature.	~~a license authorisation~~ as a payment institution, any decision to refuse to open ~~or to close~~ a payment account to a payment institution or to its agents ~~or distributors~~ , or to an applicant for ~~a license~~ authorisation as a payment institution; it shall duly motivate any such decision. Such motivation must be specific to the risks posed by the activity or planned activity of that payment institution or of its agents ~~or distributors~~ , as assessed by the credit institution, based upon grounds referred to in paragraph 2 and not be generic in nature.	for ~~a license~~ <u>authorisation</u> as a payment institution, <u>as well as to the competent authority</u> , any decision to refuse to open ~~or to close~~ a payment account to a payment institution or to its agents ~~or distributors~~ , or to an applicant for ~~a license~~ <u>authorisation</u> as a payment institution; it shall duly motivate any such decision. Such motivation must be specific to the risks posed by the activity or planned activity of that payment institution or of its agents ~~or distributors~~ , as assessed by the credit institution, <u>based upon grounds referred to in paragraph 1</u> and not be generic in nature. @LL: 'motivate' should be changed, also line 493 and corresponding recital (line 46) Text Origin: Council Mandate
Article 32(3a)				
491a			Without prejudice to Article 21 of Regulation (EU) 2024/1624 of the European Parliament and of the Council , the credit institution shall notify to the payment institution or to its agents of the decision to close the payment account at least 3 months before closing the payment account. Any decision to close a payment account shall be duly motivated,	<u>The credit institution shall notify to the payment institution or to its agents, as well as to the competent authority, of the decision to close the payment account at least 4 months before closing the payment account. Any decision to close a payment account shall be duly motivated, specific and based upon grounds referred to in paragraph 1, and shall consider the payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						specific and based upon grounds referred to in paragraph 2.		<u>institution's ability to comply with the safeguarding requirement as set out in Article 9 of Directive (EU) [PSD3].</u> Text Origin: Council Mandate
		Article 32(3b)						
G		491b				By way of derogation from the first and second subparagraph, in the cases covered under paragraph 2, point (a), credit institutions shall only notify to the payment institution, its agents or the applicant for a license as a payment institution that the opening, refusal or closing of an account would result in an infringement of Regulation and shall not disclose any detail on the nature of that infringement.		<u>By way of derogation from the first and second subparagraphs, credit institutions shall in the cases covered under paragraph 1, point (a):</u> <u>- only notify to the payment institution, its agents or the applicant for authorisation as a payment institution that opening or maintaining a payment account would result in an infringement of Regulation (EU) 2024/1624 and shall not disclose any detail on the nature of that infringement;</u> <u>- be entitled to close the payment account following a shorter notice period.</u> Text Origin: Council Mandate
		Article 32(3c)						
G		491c				5.The closure of the payment account must take into account the payment institution's ability to comply with its safeguarding duties as set out in Article 9 of Directive (EU) [PSD3].		<i>deleted</i> <i>TM 4.11: covered under revised 491a.</i>
		Article 32(3d)						

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
491d				<u>3a. In addition to the notification referred to in paragraph 3, a credit institution shall also notify the national competent authority of its decision to refuse to open or to close a specific payment account. The competent authorities shall publish aggregate data on payment account refusals and closures.</u>				<u>3a. The competent authority may publish aggregate data on payment account refusals and closures.</u> TM 04.11: notification requirement included in 491 and 491a Text Origin: EP Mandate
Article 32(4)								
492		4.A payment institution or its agents or distributors, or an applicant for a license as a payment institution which is the subject of a negative decision by a credit institution on access or of a decision on closure from payment accounts services may appeal to a competent authority.		4.A payment institution or its agents or distributors, or an applicant for a license as a payment institution which is the subject of a negative decision by a credit institution on access or of a decision on closure from payment accounts services may appeal to a competent authority.		46. A payment institution or its agents ~~or distributors~~ , or an applicant for a license as a payment institution which is the subject of a negative decision by a credit institution on access or of a decision on closure from payment accounts services may appeal to a competent authority.		4.A payment institution or its agents ~~or distributors~~ , or an applicant for ~~a~~ <u>license authorisation</u> as a payment institution which is the subject of a negative decision by a credit institution on access or of a decision on closure from payment accounts services may appeal to a competent authority. TM 4.12 Text Origin: Council Mandate
Article 32(5), first subparagraph								
493		5.The EBA shall develop draft regulatory technical standards specifying the harmonised format and information to be contained in the notification and motivation referred to in paragraph 3 of this Article.		5.The EBA shall develop draft regulatory technical standards specifying the harmonised format and information to be contained in the notification and motivation referred to in paragraph 3 of this Article <u>and specifying the objective, non-discriminatory and proportionate grounds and situations when a credit institution</u>		57. The EBA shall develop draft regulatory technical standards specifying the harmonised format and information to be contained in the notification and motivation referred to in paragraph ~~3~~ 4 of this Article.		5.The EBA shall develop draft regulatory technical standards specifying the harmonised format and information to be contained in the notification and motivation referred to in paragraph 3 of this Article. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>is able to refuse to open or is able to close a payment account for a payment institution, its agents, or distributors or for an applicant for a licence as a payment institution. Those draft regulatory technical standards shall also develop the harmonised objectives, powers and procedures to be followed by the competent authorities in respect of appeals referred to them under paragraph 4 of this Article.</u>		
Article 32(5), second subparagraph				
494	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. With a view to enhancing the sound application of the grounds referred to in paragraph 2, the EBA shall issue guidelines on ‘substantive breach of contract’ pursuant to Article 16 of Regulation No 1093/2010 by 18 March 2025.	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. Text Origin: Commission Proposal
Article 32(5), second subparagraph a				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	494a					In order to specify the rules for determining of insufficient documentation in terms of the access of payment account for payment institutions, its agents and applicants referred to in paragraph 1 point c, the EBA shall submit draft regulatory technical standards, after consultation with AMLA, to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.		<i>deleted</i>
Article 32(5), second subparagraph b								
G	494b					Article 32a Virtual IBANs		<i>deleted</i> <i>TM 21.10: clear link to Art. 50a as regards the underlying objective of Art. 50a.</i> <i>Council to revert on the applicability of the concept in PSR.</i> <i>This change to be made to SEPA directly (see 1117m).</i>
Article 32(5), second subparagraph c								
G	494c					A virtual IBAN as defined in Article 2(20c) of Regulation (EU) No. XXX [AML Regulation] is to		<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			be considered as an IBAN as defined in Article 2(15) of Regulation (EU) No 260/2012 [SEPA].	<i>TM 21.10: there is no money held; always directed to master account.</i> <i>reference should be to 2(26) AMLR</i> <i>This change to be made to SEPA directly (see 1117m).</i>
Chapter 3				
495	Chapter 3 Account information services and payment initiation services	Chapter 3 Account information services and payment initiation services	Chapter 3 Account information services and payment initiation services	Chapter 3 Account information services and payment initiation services Text Origin: Commission Proposal
Section 1				
496	Section 1 General Principles	Section 1 General Principles	Section 1 General Principles	Section 1 General Principles Text Origin: Commission Proposal
Article 33				
497	Article 33 Rights of payment service users	Article 33 Rights of payment service users	Article 33 Rights of payment service users	Article 33 Rights of payment service users Text Origin: Commission Proposal
Article 33(1)				
498	1.Payment service providers shall not prevent payment service users from making use of a payment initiation service provider to obtain payment initiation services as referred to in point (6) of Annex I. That obligation shall apply to all the payment accounts held by the	1.Payment service providers shall not prevent payment service users from making use of a payment initiation service provider to obtain payment initiation services as referred to in point (6) of Annex I. That obligation shall apply to all the payment accounts held by the	1.Payment service providers shall not prevent payment service users from making use of a payment initiation service provider to obtain payment initiation services as referred to in point (6) of Annex I to Directive XXX [PSD3] . That obligation shall apply to all the	1.Payment service providers shall not prevent payment service users from making use of a payment initiation service provider to obtain payment initiation services as referred to in point (6) of Annex I <u>to Directive XXX [PSD3]</u> . That obligation shall apply to all the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service user that are accessible online.	payment service user that are accessible online.	payment accounts held by the payment service user that are accessible online.	payment accounts held by the payment service user that are accessible online. Text Origin: Council Mandate
Article 33(1a)				
498a		<u>1a. Payees shall offer to payment service users at least one payment method without surcharges which does not rely on the use of a payment initiation service provider.</u>		deleted TM 1.9.2025: parked until Art. 28 is discussed TM 1.9.2025: COM resistance to this addition, because of discriminatory nature. Council also expressed concerns. TM 2.12: EP to revert. TM 16.12
Article 33(2)				
499	2.Payment service providers shall not prevent payment service users from making use of account information services as referred to in point (7) of Annex I. That obligation shall apply to all the payment accounts held by the payment service user that are accessible online.	2.Payment service providers shall not prevent payment service users from making use of account information services as referred to in point (7) of Annex I. That obligation shall apply to all the payment accounts held by the payment service user that are accessible online.	2.Payment service providers shall not prevent payment service users from making use of account information services as referred to in point (7) of Annex I to Directive XXX [PSD3] . That obligation shall apply to all the payment accounts held by the payment service user that are accessible online.	2.Payment service providers shall not prevent payment service users from making use of account information services as referred to in point (7) of Annex I to <u>Directive XXX [PSD3]</u> . That obligation shall apply to all the payment accounts held by the payment service user that are accessible online. Text Origin: Council Mandate
Article 33(2a)				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	499a			<u>2a. Traders such as creditors and insurance operators shall offer to payment service users a way to share their data which does not rely on the use of account information service providers.</u>				deleted TM 1.9.2025: Link with FiDA to be double checked. COM: PSR is not the right place, questioning whether this falls within the scope of this Regulation. This is also discriminatory towards AISP. COM not in favor of keeping this addition. EP to check internally. TM 2.12: to be dealt with in FiDA.
Article 33(2b)								
G	499b			<u>2b. Without prejudice to Regulation (EU) 2016/679, payment service providers shall inform consumers in a clear and comprehensible manner when they are presented with a personalised offer that is based on the automated processing of personal data.</u>				deleted TM 2.12: EP to revert TM 2.12: to be dealt with in FiDA. TM 1.9.2025: COM does not believe it is necessary. This requirement should be covered by GDPR. Similar provision in consumer credit directive (Art. 13). More information on the intention for adding this provision here. This would need to be moved somewhere else. No need to have an explicit provision to GDPR. EP to revert on the need to maintain this provision here.
Article 34								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
500	Article 34 Contractual relations	Article 34 Contractual relations	Article 34 Contractual relations	Article 34 Contractual relations Text Origin: Commission Proposal
Article 34(1)				
501	1.The provision of account information services and payment initiation services shall not be conditioned by any party on the existence of a contractual relationship to that end between providers of such services and an account servicing payment service provider.	1.The provision of account information services and payment initiation services shall not be conditioned by any party on the existence of a contractual relationship to that end between providers of such services and an account servicing payment service provider.	1.The provision of account information services and payment initiation services shall not be conditioned by any party on the existence of a contractual relationship to that end between providers of such services and an account servicing payment service provider.	1.The provision of account information services and payment initiation services shall not be conditioned by any party on the existence of a contractual relationship to that end between providers of such services and an account servicing payment service provider. Text Origin: Commission Proposal
Article 34(2)				
502	2.Where a multilateral contractual arrangement is in place and where the same payment account data as regulated under this Regulation is also available in the framework of that multilateral contractual arrangement, access by account information and payment initiation service providers to payment account data regulated under this Regulation shall always be possible without the need to be part of such multilateral contractual arrangement.	2.Where a multilateral contractual arrangement is in place and where the same payment account data as regulated under this Regulation is also available in the framework of that multilateral contractual arrangement, access by account information and payment initiation service providers to payment account data regulated under this Regulation shall always be possible without the need to be part of such multilateral contractual arrangement.	2.Where a multilateral contractual arrangement is in place and where the same payment account data as regulated under this Regulation is also available in the framework of that multilateral contractual arrangement, access by account information and payment initiation service providers to payment account data regulated under this Regulation shall always be possible without the need to be part of such multilateral contractual arrangement.	2.Where a multilateral contractual arrangement is in place and where the same payment account data as regulated under this Regulation is also available in the framework of that multilateral contractual arrangement, access by account information and payment initiation service providers to payment account data regulated under this Regulation shall always be possible without the need to be part of such multilateral contractual arrangement. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Section 2				
503	Section 2 Data access interfaces for account information services and payment initiation services	Section 2 Data access interfaces for account information services and payment initiation services	Section 2 Data access interfaces for account information services and payment initiation services	Section 2 Data access interfaces for account information services and payment initiation services Text Origin: Commission Proposal
Article 35				
504	Article 35 Provision of dedicated access interfaces	Article 35 Provision of dedicated access interfaces	Article 35 Provision of dedicated access interfaces	Article 35 Provision of dedicated access interfaces Text Origin: Commission Proposal
Article 35(1)				
505	1.Account servicing payment service providers that offer to a payer a payment account that is accessible online shall have in place at least one dedicated interface for the purpose of data exchange with account information and payment initiation service providers.	1.Account servicing payment service providers that offer to a payer a payment account that is accessible online shall have in place at least one dedicated interface for the purpose of data exchange with account information and payment initiation service providers.	1.Account servicing payment service providers that offer to a payer a payment account that is accessible online shall have in place at least one dedicated interface for the purpose of data exchange with account information and payment initiation service providers.	1.Account servicing payment service providers that offer to a payer a payment account that is accessible online shall have in place at least one dedicated interface for the purpose of data exchange with account information and payment initiation service providers. Text Origin: Commission Proposal
Article 35(2)				
506	2.Without prejudice to Articles 38 and 39, account servicing payment service providers that offer to a payer a payment account that is accessible online and have put in place a dedicated interface as referred to in paragraph 1 of this	2.Without prejudice to Articles 38 and 39, account servicing payment service providers that offer to a payer a payment account that is accessible online and have put in place a dedicated interface as referred to in paragraph 1 of this	2. ~~Without prejudice to Articles 38 and 39,~~ Account servicing payment service providers ~~that offer to a payer a payment account that is accessible online and have~~ shall put in place ~~at~~ their dedicated interface within three months of obtaining	2. ~~Without prejudice to Articles 38 and 39,~~ Account servicing payment service providers ~~that offer to a payer a payment account that is accessible online and have~~ shall put in place ~~at~~ <u>their dedicated interface within three months of obtaining</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Article, shall not be obliged to also maintain permanently another interface as fall-back for the purpose of data exchange with account information and payment initiation service providers.	Article, shall not be obliged to also maintain permanently another interface as fall-back for the purpose of data exchange with account information and payment initiation service providers <u>but shall always permit access to interfaces which allow business continuity for those providers.</u>	their license. The account servicing payment service provider shall provide the relevant technical documentation of the dedicated interface as referred to in paragraph 1 of this Article, shall not be obliged to also maintain permanently another interface as fall back for the purpose of data exchange with account information and without undue delay, upon request by authorised payment initiation service providers, account information service providers or by undertakings that have applied to their competent authorities for the relevant authorisation so that these service providers can use the dedicated interface as soon as possible.	<u>their authorisation. The account servicing payment service provider shall provide the relevant technical documentation of the</u> dedicated interface ~~as referred to in paragraph 1 of this Article, shall not be obliged to also maintain permanently another interface as fall back for the purpose of data exchange with account information and~~ <u>without undue delay, upon request by authorised payment initiation service providers, account information service providers or by undertakings that have applied to their competent authorities for the relevant authorisation so that these service providers can use the dedicated interface as soon as possible.</u> <u>Account servicing payment service providers shall always permit access to the dedicated interface in order to allow business continuity for payment initiation service providers and account information service providers.</u> TM 1.9.2025: COM not in favor of the deletion of the possibility to access customers' interface. Council: priority to develop the dedicated interface, in order to make the contingency mechanism obsolete.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Also this mechanism only carries few benefits. Counterbalanced by quality requirements and reporting requirements. To have a dedicated interface is a requirement for banks. RTS provided the possibility for banks to avoid building contingency mechanisms when the dedicated interface was well functioning. The only exception being the one provided in line 553. EP: business continuity is key. COM: fine with 506 as amended by Council. Also important to see changes on the obstacles. COM: quality of the interface would need to be beefed up. Council: ok to replace 'licence' by 'authorisation'. The second sentence needs to be checked against what is provided in paragraph 3 below to avoid duplication. EP will reflect on its business continuity AM and if necessary raise at political level in context of discussion on Art 38 (line 548). TM 2.12. Text Origin: Council Mandate
Article 35(3)				
507	3.Account servicing payment service providers shall ensure that their dedicated interfaces referred to in paragraph 1 use standards of communication which are issued by European or international	3.Account servicing payment service providers shall ensure that their dedicated interfaces referred to in paragraph 1 use standards of communication which are issued by European or international	3.Account servicing payment service providers shall ensure that their dedicated interfaces referred to in paragraph 1 use standards of communication which are issued by European or international	3.Account servicing payment service providers shall ensure that their dedicated interfaces referred to in paragraph 1 use standards of communication which are issued by European or international

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	standardisation organisations including the European Committee for Standardization (CEN) or the International Organization for Standardization (ISO). Account servicing payment service providers shall also ensure that the technical specifications of any of the dedicated interfaces referred to in paragraph 1 are documented specifying a set of routines, protocols and tools needed by payment initiation service providers and account information service providers for allowing their software and applications to interoperate with the systems of the account servicing payment service provider. Account servicing payment service providers shall make the documentation on technical specifications of their dedicated interfaces referred to in paragraph 1 available, at no charge and without delay, upon request by authorised payment initiation service providers, account information service providers or by payment service providers that have applied to their competent authorities for the relevant authorisation and shall make a summary of that documentation publicly available on their website.	standardisation organisations including the European Committee for Standardization (CEN) or the International Organization for Standardization (ISO). Account servicing payment service providers shall also ensure that the technical specifications of any of the dedicated interfaces referred to in paragraph 1 are documented specifying a set of routines, protocols and tools needed by payment initiation service providers and account information service providers for allowing their software and applications to interoperate with the systems of the account servicing payment service provider. Account servicing payment service providers shall make the documentation on technical specifications of their dedicated interfaces referred to in paragraph 1 available, at no charge and without delay, upon request by authorised payment initiation service providers, account information service providers or by payment service providers that have applied to their competent authorities for the relevant authorisation and shall make a summary of that documentation publicly available on their website.	standardisation organisations including the European Committee for Standardization (CEN) or the International Organization for Standardization (ISO) or other relevant standards. Account servicing payment service providers shall also ensure that the technical specifications of any of the dedicated interfaces referred to in paragraph 1 are documented specifying a set of routines, protocols and tools needed by payment initiation service providers and account information service providers for allowing their software and applications to interoperate with the systems of the account servicing payment service provider. Account servicing payment service providers shall make the documentation on technical specifications of their dedicated interfaces referred to in paragraph 1 available, ~~at no~~ free of charge and without undue delay, upon request by authorised payment initiation service providers, account information service providers or by payment service providers that have applied to their competent authorities for the relevant authorisation and shall make a summary of that documentation publicly available on their website.	standardisation organisations including the European Committee for Standardization (CEN) or the International Organization for Standardization (ISO) <u>or other relevant, widely recognised standards offering equivalent security</u>. Account servicing payment service providers shall also ensure that the technical specifications of any of the dedicated interfaces referred to in paragraph 1 are documented specifying a set of routines, protocols and tools needed by payment initiation service providers and account information service providers for allowing their software and applications to interoperate with the systems of the account servicing payment service provider. Account servicing payment service providers shall make the documentation on technical specifications of their dedicated interfaces referred to in paragraph 1 available, ~~at no~~ <u>free of</u> charge and without <u>undue</u> delay, upon request by authorised payment initiation service providers, account information service providers or by payment service providers that have applied to their competent authorities for the relevant authorisation and shall make a summary of that documentation publicly available on their website.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 1.9.2025: Council: it could be other standards than ISO. Objective is to allow banks to use those standards. Banks have the incentive to cluster. Ok to specify that the security requirements should be equivalent and to further specify in a recital 58. Council to come back on this; Text Origin: Council Mandate
Article 35(4)				
508	4.Account servicing payment service providers shall ensure that, except for emergency situations which prevent them from doing so, any change to the technical specifications of their dedicated interface referred to in paragraph 1 is made available to authorised payment initiation service providers, account information service providers, or payment service providers that have applied to their competent authorities for the relevant authorisation, in advance, as soon as possible and not less than 3 months before the change is implemented. Account servicing payment service providers shall document emergency situations where changes were implemented without such advance information and make the documentation available to competent authorities on	4.Account servicing payment service providers shall ensure that, except for emergency situations which prevent them from doing so, any change to the technical specifications of their dedicated interface referred to in paragraph 1 is made available to authorised payment initiation service providers, account information service providers, or payment service providers that have applied to their competent authorities for the relevant authorisation, in advance, as soon as possible and not less than ~~3 months~~^{six weeks} before the change is implemented. Account servicing payment service providers shall document emergency situations where changes were implemented without such advance information and make the documentation available to competent authorities on	4.Account servicing payment service providers shall ensure that, except for emergency situations which prevent them from doing so, any change to the technical specifications of their dedicated interface referred to in paragraph 1 is made available, as a minimum through publication on their website, to authorised payment initiation service providers, account information service providers, or payment service providers that have applied to their competent authorities for the relevant authorisation, in advance, as soon as possible and not less than 3 months before the change is implemented. Account servicing payment service providers shall document emergency situations where changes were implemented without such advance information and make the	4.Account servicing payment service providers shall ensure that, except for emergency situations which prevent them from doing so, any change to the technical specifications of their dedicated interface referred to in paragraph 1 is made available, <u>as a minimum through publication on their website</u>, to authorised payment initiation service providers, account information service providers, or ~~payment service providers that have applied to their competent authorities for the relevant~~ <u>applicant payment institutions as defined in Article 2(39b) of [PSD3]</u>, in advance, as soon as possible and not less than ~~3~~² months before the change is implemented. Account servicing payment service providers shall document emergency situations

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	request.	request.	documentation available to competent authorities on request.	where changes were implemented without such advance information and make the documentation available to competent authorities on request. TM 1.9.2025: COM would like to keep three months. in RTS (art. 30, paragraph 4): 3 months API forum: improvements (not changes) can be implemented without delay (national interpretation). To check whether the addition of the Council should be reflected also somewhere else, or in a recital. Text Origin: Council Mandate
Article 35(5)				
509	5.Account servicing payment service providers shall publish on their website quarterly statistics on the availability and performance of their dedicated interface. The performance of the dedicated interfaces shall be measured by the number of successful account information requests over the total number of account information requests, and by the number and transaction volume of the successful payment initiation requests over the total number and transaction volume of the total number of payment initiation requests.	5.Account servicing payment service providers shall publish on their website quarterly statistics on the availability and performance of their dedicated interface. The performance of the dedicated interfaces shall be measured by the number of successful account information requests over the total number of account information requests, and by the number and transaction volume of the successful payment initiation requests over the total number and transaction volume of the total number of payment initiation requests.	5.Account servicing payment service providers shall publish on their website quarterly statistics on the availability, unplanned unavailability and performance of their dedicated interface, and, for comparison purposes, of the interfaces that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account online . The performance of the dedicated interfaces shall be measured by the number of successful account information requests over the total number of	5.Account servicing payment service providers shall publish on their website quarterly statistics on the availability, <u>unplanned unavailability</u> and performance of their dedicated interface, <u>and, for comparison purposes, of the interfaces that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account online</u> . The performance of the dedicated interfaces shall be measured by the number of successful account information requests over the total number of account information

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			account information requests, and by the number and transaction volume of the successful payment initiation requests over the total number and transaction volume of the total number of payment initiation requests.	requests, and by the number and transaction volume of the successful payment initiation requests over the total number and transaction volume of the total number of payment initiation requests. TM 1.9.2025: COM in favor of AM by Council. This is linked to the removal of the requirement to have a fall back interface. Text Origin: Council Mandate
Article 35(6)				
510	6.Account servicing payment service providers shall make available a testing facility, including support, for connection to the dedicated interfaces and functional testing to enable authorised payment initiation service providers and account information service providers, or payment service providers that have applied for the relevant authorisation, to test their software and applications used for offering a payment service to users. No sensitive payment data or any other personal data shall be shared through the testing facility.	6.Account servicing payment service providers shall make available a testing facility, including support, for connection to the dedicated interfaces and functional testing to enable authorised payment initiation service providers and account information service providers, or payment service providers that have applied for the relevant authorisation, to test their software and applications used for offering a payment service to users. No sensitive payment data or any other personal data shall be shared through the testing facility.	6.Account servicing payment service providers shall make available a testing facility, including support, for connection to the dedicated interfaces and functional testing to enable authorised payment initiation service providers and account information service providers, or payment service providers that have applied for the relevant authorisation, to test their software and applications used for offering a payment service to users. No sensitive payment data or any other personal data shall be shared through the testing facility.	6.Account servicing payment service providers shall make available a testing facility, including support, for connection to the dedicated interfaces and functional testing to enable authorised payment initiation service providers and account information service providers, or ~~payment service providers that have applied for the relevant authorisation~~<u>applicant payment institutions as defined in Article 2(39b) of [PSD3]</u>, to test their software and applications used for offering a payment service to users. No sensitive payment data or any other personal data shall be shared through the testing facility. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 35(7)				
511	7.In case of an unexpected event or error occurring during the process of identification, authentication, or the exchange of the data elements via the dedicated interface, the account servicing payment service provider shall provide for notification messages to the payment initiation service provider or the account information service provider which explains the reason for the unexpected event or error.	7.In case of an unexpected event or error occurring during the process of identification, authentication, or the exchange of the data elements via the dedicated interface, the account servicing payment service provider shall provide for notification messages to the payment initiation service provider or the account information service provider which explains the reason for the unexpected event or error.	7.In case of an unexpected event or error occurring during the process of identification, authentication, or the exchange of the data elements via the dedicated interface, the account servicing payment service provider shall provide for notification messages to the payment initiation service provider or the account information service provider which explains the reason for the unexpected event or error.	7.In case of an unexpected event or error occurring during the process of identification, authentication, or the exchange of the data elements via the dedicated interface, the account servicing payment service provider shall provide for notification messages to the payment initiation service provider or the account information service provider which explains the reason for the unexpected event or error. Text Origin: Commission Proposal
Article 36				
512	Article 36 Requirements regarding dedicated data access interfaces	Article 36 Requirements regarding dedicated data access interfaces	Article 36 Requirements regarding dedicated data access interfaces	Article 36 Requirements regarding dedicated data access interfaces Text Origin: Commission Proposal
Article 36(1)				
513	1.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) meets the following security and performance requirements:	1.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) meets the following security and performance requirements:	1.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) meets the following security and performance requirements:	1.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) meets the following security and performance requirements: Text Origin: Commission Proposal
Article 36(1), point (a)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
514	(a) the dedicated interface shall establish and maintain communication sessions between the account servicing payment service provider, the account information service provider, the payment initiation service provider and any payment service user concerned throughout the authentication of the payment service user;	(a) the dedicated interface shall establish and maintain communication sessions between the account servicing payment service provider, the account information service provider, the payment initiation service provider and any payment service user concerned throughout the authentication of the payment service user;	(a) the dedicated interface shall establish and maintain communication sessions between the account servicing payment service provider, the account information service provider, the payment initiation service provider and any payment service user concerned throughout the authentication of the payment service user;	(a) the dedicated interface shall establish and maintain communication sessions between the account servicing payment service provider, the account information service provider, the payment initiation service provider and any payment service user concerned throughout the authentication of the payment service user; Text Origin: Commission Proposal
Article 36(1), point (b)				
515	(b) the dedicated interface shall ensure the integrity and confidentiality of the personalised security credentials and of authentication codes transmitted by or through the payment initiation service provider or the account information service provider;	(b) the dedicated interface shall ensure the integrity and confidentiality of the personalised security credentials and of authentication codes transmitted by or through the payment initiation service provider or the account information service provider;	(b) the dedicated interface shall ensure the integrity and confidentiality of the personalised security credentials and of authentication codes transmitted by or through the payment initiation service provider or the account information service provider;	(b) the dedicated interface shall ensure the integrity and confidentiality of the personalised security credentials and of authentication codes transmitted by or through the payment initiation service provider or the account information service provider; Text Origin: Commission Proposal
Article 36(1), point (c)				
516	(c) the response time of the dedicated interface to account information service providers' and payment initiation service providers' access requests shall not be longer than the response time of the interface that the account servicing payment service provider makes available to its payment service	(c) the response time of the dedicated interface to account information service providers' and payment initiation service providers' access requests shall not be longer than the response time of the interface that the account servicing payment service provider makes available to its payment service	(c) the response time of the dedicated interface to account information service providers' and payment initiation service providers' access requests shall not be longer than the response time of the interface that the account servicing payment service provider makes available to its payment service	(c) the response time of the dedicated interface to account information service providers' and payment initiation service providers' access requests shall not be longer than the response time of the interface that the account servicing payment service provider makes available to its payment service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	users for directly accessing their payment account online.	users for directly accessing their payment account online.	users for directly accessing their payment account online.	users for directly accessing their payment account online. Text Origin: Commission Proposal
Article 36(2)				
517	2.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) allows both account information service providers and payment initiation service providers to:	2.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) allows both account information service providers and payment initiation service providers to:	2.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) allows both account information service providers and payment initiation service providers to:	2.Account servicing payment service providers shall ensure that the dedicated interface referred to in Article 35(1) allows both account information service providers and payment initiation service providers to: Text Origin: Commission Proposal
Article 36(2), point (a)				
518	(a) identify themselves towards the account servicing payment service provider;	(a) identify themselves towards the account servicing payment service provider;	(a) identify themselves towards the account servicing payment service provider;	(a) identify themselves towards the account servicing payment service provider; Text Origin: Commission Proposal
Article 36(2), point (b)				
519	(b) instruct the account servicing payment service provider to start the authentication based on the permission of the payment service user given to the account information service provider or the payment initiation service providers in accordance with Article 49(2);	(b) instruct the account servicing payment service provider to start the authentication based on the permission of the payment service user given to the account information service provider or the payment initiation service providers in accordance with Article 49(2);	(b) instruct the account servicing payment service provider to start the authentication based on the permission of the payment service user given to the account information service provider or the payment initiation service providers in accordance with Article 49(2);	(b) instruct the account servicing payment service provider to start the authentication based on the ~~permission~~ consent of the payment service user given to the account information service provider or the payment initiation service providers in accordance with Article 49(2); TM 16.12

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 36(2), point (c)				
520	(c) make use, in a non-discriminatory manner, of any authentication exemptions applied by the account servicing payment service provider;	(c) make use, in a non-discriminatory manner, of any authentication exemptions applied by the account servicing payment service provider;	(c) make use, in a non-discriminatory manner, of any authentication exemptions applied by the account servicing payment service provider;	(c) make use, in a non-discriminatory manner, of any authentication exemptions applied by the account servicing payment service provider; Text Origin: Commission Proposal
Article 36(2), point (d)				
521	(d) see, prior to initiation of the payment in the case of payment initiation service providers, the unique identifier of the account, the associated names of the account holder and the currencies as available to the payment service user.	(d) see, prior to initiation of the payment ~~in the case of payment initiation service providers~~ , <u>at least</u> , the unique identifier of the account, the associated names <u>or other identifiers</u> of the account holder and the currencies <u>and the account balance</u> as available to the payment service user.	(d) see, prior to initiation of the payment in the case of payment initiation service providers, the unique identifier of the account, the associated names of the account holder and the currencies as available to the payment service user.	<i>deleted</i> TM 1.9.2025: COM: para. 3 includes the unique identifier. Council: 537 already allows the PISP to know whether the amount available is sufficient. To check whether this line should be moved under para 4 rather, as it concerns only PISP. EP AMs reflected in line 522. TM 12.11: moved under para 4 (see 535c). Text Origin: Commission Proposal
Article 36(3)				
522	3.Account servicing payment service providers shall allow account information service providers to communicate securely, via the	3.Account servicing payment service providers shall allow account information service providers to communicate securely, via the	3.Account servicing payment service providers shall allow account information service providers to communicate securely, via the	3.Account servicing payment service providers shall allow account information service providers to communicate securely, via the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	dedicated interface, to request and receive information on one or more designated payment accounts and associated payment transactions.	dedicated interface, to request and receive information on one or more designated payment accounts and associated payment transactions.	dedicated interface, to request and receive information on one or more designated payment accounts and associated payment transactions. This includes payment transactions initiated through a payment instrument which have not yet been charged to the payment account, if these transactions are already visible in the customer interface.	dedicated interface, <u>in order</u> to request and receive information on one or more designated payment accounts and associated payment transactions. <u>That information shall include the unique identifier of the account, the associated name of the account holder, the currencies, the account balance, and payment transactions initiated through a payment instrument which have not yet been charged to the payment account, if those transactions are already visible in the customer interface.</u> TM 1.9.2025: account balance comes from 521. TM 12.11.2025: Text Origin: Commission Proposal
Article 36(4)				
523	4.Account servicing payment service providers shall ensure that the dedicated interface allows payment initiation service providers, at a minimum, to:	4.Account servicing payment service providers shall ensure that the dedicated interface allows payment initiation service providers, at a minimum, to:	4.Account servicing payment service providers shall ensure that the dedicated interface allows payment initiation service providers, at a minimum, to:	4.Account servicing payment service providers shall ensure that the dedicated interface allows payment initiation service providers, at a minimum, to: Text Origin: Commission Proposal
Article 36(4), point (a)				
524	(a) place and revoke a standing payment order or a direct debit;	(a) place and revoke a standing payment order or a direct debit;	(a) place and revoke a standing payment order or a direct debit;	(a) place and revoke a standing payment order ~~or a direct debit~~ ;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 1.9.2025: Council: from payer's perspective, a direct debit amounts to giving a mandate, not initiating a payment. Payee places a direct debit. Equally, revoking a direct debit amounts to revoking a mandate, not a payment. Placing direct debit is place by the payee (not the payer). Is direct debit within the concept of basic payment functionalities? COM: against the AM, to keep level playing field and because it is limiting innovation. Definition 240: includes possibility that you can as payer give it to your own bank. Council to revert. TM 12.11: mandate to focus on action by payer. TM 2.12: Council and EC to revert. TM 16.12 Text Origin: Council Mandate
Article 36(4), point (b)				
525	(b) initiate a single payment;	(b) initiate a single payment;	(b) initiate a single payment;	(b) initiate a single payment; Text Origin: Commission Proposal
Article 36(4), point (c)				
526	(c) initiate and revoke a future dated payment;	(c) initiate and revoke a future dated payment;	(c) initiate and revoke a future dated payment;	(c) initiate and revoke a future dated payment;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 36(4), point (d)				
G 527	(d) initiate payments to multiple beneficiaries;	(d) initiate payments to multiple beneficiaries;	(d) initiate payments to multiple beneficiaries;	(d) initiate payments to multiple beneficiaries; Text Origin: Commission Proposal
Article 36(4), point (e)				
G 528	(e) initiate payments, regardless of whether the payee is on the payer's beneficiaries list;	(e) initiate payments, regardless of whether the payee is on the payer's beneficiaries list;	(e) initiate payments, regardless of whether the payee is on the payer's beneficiaries list; provided that the payment service user has the ability to perform these payments in the interface that the account servicing payment service provider uses for authentication and communication with its users	(e) initiate payments, regardless of whether the payee is on the payer's beneficiaries list, <u>unless the payment service user is unable to perform those payments in the customer interface</u> ; TM 1.9.2025: Council to avoid negative effect and to close loopholes, and limitation in the underlying payment account. Crucial for financial inclusion aspects. COM: does not support the AM by Council. Text Origin: Commission Proposal
Article 36(4), point (f)				
G 529	(f) communicate securely to place a payment order from the payer's payment account and receive all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider	(f) communicate securely to place a payment order from the payer's payment account and receive all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider	(f) communicate securely to place a payment order from the payer's payment account and receive all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider	(f) communicate securely to place a payment order from the payer's payment account and receive all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	regarding the execution of the payment transaction;	regarding the execution of the payment transaction;	regarding the execution of the payment transaction;	regarding the execution of the payment transaction; Text Origin: Commission Proposal
Article 36(4), point (g)				
530	(g) verify the name of the account holder before the payment is initiated and regardless of whether the name of the account holder is available via the direct interface;	(g) verify the name of the account holder before the payment is initiated and regardless of whether the name of the account holder is available via the direct interface;	(g) verify the name of the account holder before the payment is initiated and regardless of whether the name of the account holder is available via the direct interface;	(g) verify the name of the account holder before the payment is initiated and regardless of whether the name of the account holder is available via the direct interface; TM 12.11: EC: no partial or abbreviated name. This needs to be checked against the VoP system for payees. Perhaps in a recital. TM 2.12: recital to be added to specify that no abbreviation - exactly what is in the bank's system. TM 2.12: EC to revert with recital on the full name. Text Origin: Commission Proposal
Article 36(4), point (h)				
531	(h) initiate a payment with one single strong customer authentication, provided the payment initiation service provider has provided the account servicing payment service provider with all of the following:	(h) initiate a payment with one single strong customer authentication, provided the payment initiation service provider has provided the account servicing payment service provider with all of the following:	~~(h) initiate a payment with one single strong customer authentication, provided the payment initiation service provider has provided the account servicing payment service provider with all of the following:~~	<i>deleted</i> Council: provision is already included in 604.
Article 36(4), point (h)(i)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	532	(i) the payer's unique identifier,	(i) ~~the payer's unique identifier,~~	<i>deleted</i>	G
Article 36(4), point (h)(ii)					
G	533	(ii) the payee's legal and commercial name and 'unique identifier',	(ii) ~~the payee's legal and commercial name and 'unique identifier',~~	<i>deleted</i>	G
Article 36(4), point (h)(iii)					
G	534	(iii) a transaction reference,	(iii) ~~a transaction reference,~~	<i>deleted</i>	G
Article 36(4), point (h)(iv)					
G	535	(iv) the payment amount and the currency of the payment, based on which the single strong customer authentication is triggered.	(iv) ~~the payment amount and the currency of the payment, based on which the single strong customer authentication is triggered.~~	<i>deleted</i>	G
Article 36(4), point (ha)					
G	535a	<u>(ha) in cases where the account servicing payment service provider offers multiple authentication options, choose which authentication method is to be presented to the payer, taking into account the least cumbersome choice for the payer;</u>		<u>(ha) in cases where the account servicing payment service provider offers multiple authentication procedures, choose which authentication procedure is to be presented to the payer;</u> ITM 1.9.2025: COM ok with the principle, except for the last part "taking into account the least cumbersome choice for the payer" Council: already in 601 - redundant? also, the PISP should not be able to choose for the PSU. This could be problematic for certain groups of	G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								persons from a financial inclusion perspective. EP: consistent with 601 - the last part could be in a recital. Connection with line 912 to be looked at. TM 12.11: "taking into account the least cumbersome choice for the payer" to be added in the corresponding recital. 4/3: procedure in place of options. Text Origin: EP Mandate
		Article 36(4), point (hb)						
G		535b		<u>(hb) refuse to initiate a payment transaction on justified grounds.</u>				<i>deleted</i> ITM 1.9.2025: This is about dedicated interface and the ability to communicate to the API. Art. 65 (refusal) already allows refusal. To be checked if that provision is sufficient. TM 12.10: PISP is not obligated to initiate payment. 765a: the ASPSP can refuse on the basis of Art. 65. Moved to Art. 46.
		Article 36(4), point (hc)						
G		535c						<u>(hc) prior to initiation of the payment, see the unique identifier of the account, the associated names of the account holder and</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>the currencies, where available to the payment service user.</u> TM 12.11: comes from lines 521. EP to revert in particular re: other identifiers. TM 2.12
Article 36(5), first subparagraph				
536	5.Account servicing payment service providers shall ensure that the dedicated interface provides to payment initiation service providers:	5.Account servicing payment service providers shall ensure that the dedicated interface provides to payment initiation service providers:	5.Account servicing payment service providers shall ensure that the dedicated interface provides to payment initiation service providers:	5.Account servicing payment service providers shall ensure that the dedicated interface provides to payment initiation service providers: Text Origin: Commission Proposal
Article 36(5), first subparagraph, point (a)				
537	(a) the immediate confirmation, upon request, in a simple ‘yes’ or ‘no’ format, of whether the amount necessary for the execution of a payment transaction is available on the payment account of the payer;	(a) the immediate confirmation, upon request, in a simple ‘yes’ or ‘no’ format, of whether the amount necessary for the execution of a payment transaction is available on the payment account of the payer;	(a) the immediate confirmation, upon request, in a simple ‘yes’ or ‘no’ format, of whether the amount necessary for the execution of a payment transaction is available on the payment account of the payer;	(a) the immediate confirmation, upon request, in a simple ‘yes’ or ‘no’ format, of whether the amount necessary for the execution of a payment transaction is available on the payment account of the payer; Text Origin: Commission Proposal
Article 36(5), first subparagraph, point (b)				
538	(b) the confirmation from the account servicing payment service provider that the payment will be executed on the basis of the information available to the account servicing payment service provider,	(b) the confirmation from the account servicing payment service provider <u>as soon as possible, and not longer than 30 seconds after the authorisation by the payer</u> that the payment <u>has been or</u> will be	(b) the confirmation from the account servicing payment service provider that the payment will be executed on the basis of the information available to the account servicing payment service provider,	(b) the confirmation from the account servicing payment service provider <u>as soon as possible</u> , that the payment <u>has been or</u> will be executed on the basis of the information available to the account

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	taking into account any pre-existing payment orders that might affect the full execution of the payment order being placed.	executed on the basis of the information available to the account servicing payment service provider, taking into account any pre-existing payment orders that might affect the full execution of the payment order being placed.	taking into account any pre-existing payment orders that might affect the full execution of the payment order being placed.	servicing payment service provider, taking into account any pre-existing payment orders that might affect the full execution of the payment order being placed. TM 2.9.2025: only based on the information available. within 30 seconds, difficult to imagine that banks can perform those checks. Art. 5d of IPR does not include sanction checks. 12.11: 30 seconds is too long. Text Origin: EP Mandate
Article 36(5), second subparagraph				
539	The information referred to in point (b) shall not be shared with the payment initiation service provider but may be used by the account servicing payment service provider in order to provide confirmation of the execution of the operation.	The information referred to in point (b) shall not be shared with the payment initiation service provider but may be used by the account servicing payment service provider in order to provide confirmation of the execution of the operation.	The information referred to in point (b) shall not be shared with the payment— initiation service provider but may be used by the account servicing payment service provider in order to provide confirmation of the execution of the operation.	The information referred to in point (b) shall not be shared with the payment initiation service provider but may be used by the account servicing payment service provider in order to provide confirmation of the execution of the operation. Text Origin: Commission Proposal
Article 36(5), second subparagraph a				
539a		<u>Where the account servicing payment service provider carries out any controls which might impact the execution of the payment, those controls shall take place prior to the confirmation of payment.</u>		deleted TM 2.9.2025: The AM would amount to a change to IPR. Also the application of IPR regime to non-euro countries needs to be taken into account.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 12.11: 538 already refers to the information available to the ASPSP. There cannot be additional controls when using PISPs. EP to check and revert. Severe risk of having to wait for a long time before confirmation of the payment. TM 2.12: Text Origin: EP Mandate
Article 36(5), second subparagraph b								
G	539b					6. For the activities of payment initiation services and account information services the name and the account number of the account owner shall not constitute sensitive payment data.		<u>5a. For the purposes of the activities of payment initiation service providers and account information service providers, the name of the account owner and the unique identifier of the account shall not constitute sensitive payment data.</u> TM 2.9.2025: in 605, the EP added a reference to 'any other unique identifier'. Account number replaced by unique identifier. Still outstanding - Horizontal issue on there being more than 1 unique identifier. EP to revert. TM 4.12
Article 36a								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
539c				deleted TM 2.9.2025: line to be deleted
Article 37				
540	Article 37 Data access parity between dedicated access interface and customer interface	Article 37 Data access ~~parity between~~ ~~dedicated access interface and~~ ~~customer interface~~ <u>for third parties</u>	Article 37 Data access parity between dedicated access interface and customer interface	Article 37 Data access parity between dedicated access interface and customer interface Text Origin: Commission Proposal
Article 37(1)				
541	1. Without prejudice to Article 36, account servicing payment service providers shall ensure that their dedicated interface referred to in Article 35(1) offers at all times at least the same level of availability and performance, including technical and IT support, as the interfaces that account servicing payment service providers make available to the payment service user for directly accessing its payment account online.	1. Without prejudice to Article 36, account servicing payment service providers shall ensure that their dedicated interface referred to in Article 35(1) offers at all times at least the same level of availability and performance, including technical and IT support, as the interfaces that account servicing payment service providers make available to the payment service user for directly accessing its payment account online.	1. Without prejudice to Article 36, account servicing payment service providers shall ensure that their dedicated interface referred to in Article 35(1) offers at all times at least the same level of availability and performance, including technical and IT support, as the interfaces that account servicing payment service providers make available to the payment service user for directly accessing its payment account online.	1. Without prejudice to Article 36, account servicing payment service providers shall ensure that their dedicated interface referred to in Article 35(1) offers at all times at least the same level of availability and performance, including technical and IT support, as the interfaces that account servicing payment service providers make available to the payment service user for directly accessing its payment account online. Text Origin: Commission Proposal
Article 37(2)				
542	2. Account servicing payment service providers shall provide account information services providers with at least the same information from	2. Account servicing payment service providers shall provide account information services providers with ~~at least the same~~ <u>the</u> information	2. Account servicing payment service providers shall provide account information services providers with at least the same information from	2. Account servicing payment service providers shall provide account information services providers with at least the same information from

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	designated payment accounts and associated payment transactions made available to the payment service user when directly requesting access to the account information, provided that this information does not include sensitive payment data.	from designated payment accounts and associated payment transactions made available to the payment service user when directly requesting access to the account information, provided that this information does not include sensitive payment data.	designated payment accounts and associated payment transactions made available to the payment service user when directly requesting access to the account information, provided that this information does not include sensitive payment data.	designated payment accounts and associated payment transactions <u>that is</u> made available to the payment service user when directly requesting access to the account information, provided that this information does not include sensitive payment data. TM 2.9.2025: linguistics changes to the proposal. EP could accept the retention of the "at least". Text Origin: Commission Proposal
Article 37(3)				
543	3.Account servicing payment service providers shall provide payment initiation service providers with at least the same information on the initiation and execution of the payment transaction provided or made available to the payment service user when the transaction is initiated directly by the payment service user. That information shall be provided immediately after receipt of the payment order and on an ongoing basis until the payment is final.	3.Account servicing payment service providers shall provide payment initiation service providers with ~~at least the same~~ <u>the</u> information ~~or~~ <u>necessary for</u> the initiation and execution of the payment transaction provided or made available to the payment service user when the transaction is initiated directly by the payment service user. That information shall be provided immediately after receipt of the payment order and <u>any update to that information, including to the payment status, shall be pushed to the payment initiation service provider via the dedicated interface in real-time</u> on an ongoing basis until the payment is ~~final~~ <u>executed or rejected</u> .	3.Account servicing payment service providers shall provide payment initiation service providers with at least the same information on the initiation and execution of the payment transaction provided or made available to the payment service user when the transaction is initiated directly by the payment service user. That information shall be provided immediately after receipt of the payment order and be made available to payment initiation service providers to access on an ongoing basis until the payment is final.	3.Account servicing payment service providers shall provide payment initiation service providers with at least the same information on the initiation and execution of the payment transaction <u>as is</u> provided or made available to the payment service user when the transaction is initiated directly by the payment service user. That information shall be provided immediately after receipt of the payment order. <u>Any update to that information, including to the payment status, shall be made available to the payment initiation service provider via the dedicated interface</u> and on an ongoing basis until the payment is ~~final~~ <u>executed or rejected</u> .

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 2.9.2025: COM is fine with the second AM of EP, but would prefer to stick to the proposal for the first sentence. API can only respond, therefore 'pushed' might not be appropriate, also in view of the technology neutrality objective. TM 11.11: to align with 560 (on request of), the Council proposes to remove 'immediately'. Text Origin: EP Mandate
Article 37(3a)				
543a		<u>3a. In accordance with Article 16 of Regulation (EU) No 1093/2010, the EBA, while consulting the European Data Protection Board, shall develop guidelines on the implementation of this Article for payment initiation services and account information services.</u>		<i>deleted</i> TM 2.9.2025: COM: the mandate to EBA is too general and the provision is already clear enough. RTS in place (Art. 36), but this RTS will not stay in force. Council: provisions are sufficiently clear. 18.11: EP to revert. TM 2.12
Article 38				
544	Article 38 Contingency measures for an unavailable dedicated interface	Article 38 Contingency measures for an unavailable dedicated interface	Article 38 ~~Contingency measures for an unavailable~~ Availability and performance requirements for the dedicated interface	Article 38 ~~Contingency measures for an unavailable~~ <u>Availability and performance requirements for the</u> dedicated interface

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 2.12: implementation of trilogue agreement. Text Origin: Council Mandate
Article 38(1)				
545	1.Account servicing payment service providers shall take all measures in their power to prevent unavailability of the dedicated interface. Unavailability shall be presumed to have arisen when five consecutive requests for access to information for the provision of payment initiation services or account information services receive no response from the account servicing payment service provider's dedicated interface within 30 seconds.	1.Account servicing payment service providers shall take all measures in their power to prevent unavailability <u>and underperformance</u> of the dedicated interface. Unavailability shall be presumed to have arisen when five consecutive requests for access to information for the provision of payment initiation services or account information services receive no response from the account servicing payment service provider's dedicated interface within 30 seconds.	1.Account servicing payment service providers shall take all measures in their power to prevent unplanned unavailability of the dedicated interface. Unplanned unavailability shall be presumed to have arisen when five consecutive requests for access to information for the provision of payment initiation services or account information services receive no response or server error responses from the account servicing payment service provider's dedicated interface within 30 seconds.	1.Account servicing payment service providers shall take all measures in their power to ~~prevent~~<u>limit planned</u> unavailability <u>of the dedicated interface to the extent strictly necessary and to prevent unplanned unavailability and underperformance</u> of the dedicated interface. Unavailability shall be presumed to have arisen when five consecutive requests for access to information for the provision of payment initiation services or account information services receive <u>server error responses or</u> no response from the account servicing payment service provider's dedicated interface within 30 seconds. TM 2.12: implementation of trilogue agreement. TM 2.9.2025: In the Council's mandate, there is no obligation to minimise and limit the planned unavailability as well. COM agrees with Council's AMs, incl. difference between planned and unplanned. Also ok regarding the addition of underperformance.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Fine to add a general obligation to limit planned unavailability. Ok to remove "unplanned" before unavailability in the second sentence. EP to elaborate what underperformance of the DI means in the recitals (also link with 509). Text Origin: Council Mandate
Article 38(2)				
546	2.In case of unavailability of the dedicated interface, account servicing payment service providers shall inform payment service providers making use of the dedicated interface of measures taken to restore the interface and of the time estimated necessary for the problem to be resolved. During the period of unavailability, account servicing payment service providers shall offer to account information and payment initiation service providers without delay an effective alternative solution, such as the use of the interface that the account servicing payment service provider uses for authentication and communication with its users, to access payment account data.	2.In case of unavailability of the dedicated interface, account servicing payment service providers shall inform payment service providers making use of the dedicated interface of measures taken to restore the interface and of the time estimated necessary for the problem to be resolved. During the period of unavailability, account servicing payment service providers shall offer to account information and payment initiation service providers without <u>undue</u> delay an effective alternative solution, such as the use of the interface that the account servicing payment service provider uses for authentication and communication with its users, to access payment account data.	2.In case of planned unavailability of the dedicated interface, account servicing payment service providers shall as a rule, except for emergency changes, inform payment service providers making use of the dedicated interface of ~~measures taken to restore the interface and~~ at least one month in advance of the time estimated necessary for the problem to be resolved. During the period of planned unavailability and its duration. Planned unavailability; ~~account servicing payment service providers shall offer to account information and payment initiation service providers without delay an effective alternative solution, such as the use of the interface that the account servicing payment service provider uses for authentication and communication with its users, to access payment account data.~~ normally occur between 00:00	2.In case of <u>planned</u> unavailability of the dedicated interface, account servicing payment service providers shall, <u>except for emergency changes</u>, inform payment service providers making use of the dedicated interface ~~of measures taken to restore the interface and~~ <u>at least one month in advance</u> of the ~~time estimated necessary for the problem to be resolved. During the period of~~ <u>planned unavailability and its duration. Planned</u> unavailability; ~~account servicing payment service providers shall offer to account information and payment initiation service providers without delay an effective alternative solution, such as the use of the interface that the account servicing payment service provider uses for authentication and communication with its users, to access payment account data.~~ <u>normally occur between 00:00 and 06:00.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			and 06:00.	TM 2.9.2025: ok to drop "as a rule". "Normally" to be read in light of the recital in line 67. Perhaps generally would work better here. COM: package with obstacles and enforcement. Council: part of a package including additional quality requirements for the DI. TM 2.12: implementation of trilogue agreement. Text Origin: Council Mandate
Article 38(2a)				
546a				<u>2a. In case of unplanned unavailability of the dedicated interface, account servicing payment service providers shall timely inform payment initiation service providers and account information service providers making use of the dedicated interface of measures taken to restore the interface and of the time estimated necessary for the problem to be resolved. Account servicing payment service providers shall ensure an optimal recovery time of the dedicated interface.</u> TM 2.9.2025: comes from Council mandate in line 547

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 2.12: implementation of trilogue agreement.
	Article 38(2b)			
546b				<u>2b. The account servicing payment service providers shall ensure that the dedicated interface provides availability and performance that are equal at least to those of the interface that the account servicing payment service provider uses for authentication and communication with its users.</u> TM 2.9.2025: comes from Council mandate in line 548, with removal "shall ensure". TM 2.12: implementation of trilogue agreement.
	Article 38(3)			
547	3. Where the dedicated interface is unavailable and the account servicing payment service provider has not offered a rapid and effective alternative solution referred to in paragraph 2, payment initiation service providers or account information service providers may request their competent authority, providing all necessary information and evidence, to allow them to use the interface that the account servicing payment service provider uses for authentication and	3. Where the dedicated interface is unavailable and the account servicing payment service provider has not offered a rapid and effective alternative solution referred to in paragraph 2, payment initiation service providers or account information service providers may request their competent authority, providing all necessary information and evidence, to allow them to use the interface that the account servicing payment service provider uses for authentication and	3. ~~Where~~ In case of unplanned unavailability of the dedicated interface ~~is unavailable and the,~~ account servicing payment service provider ~~has not offered a rapid and effective alternative solution referred to in paragraph 2,~~ providers shall timely inform payment initiation service providers ~~or~~ and account information service providers ~~may request their competent authority, providing all necessary information and evidence, to allow them to use~~ making use of the dedicated	3. ~~Where~~ In case of unplanned unavailability of the dedicated interface ~~is unavailable and the,~~ account servicing payment service provider ~~has not offered a rapid and effective alternative solution referred to in paragraph 2,~~ providers shall timely inform payment initiation service providers ~~or~~ and account information service providers ~~may request their competent authority, providing all necessary information and evidence, to allow them to use~~ making use of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	communication with its users for payment account data access.	communication with its users for payment account data access.	interface of measures taken to restore the interface ~~that the~~ and of the time estimated necessary for the problem to be resolved. Account servicing payment service provider uses for authentication and communication with its users for payment account data access. providers shall ensure an optimal recovery time of the dedicated interface.	<u>the dedicated interface of measures taken to restore</u> the interface ~~that~~ <u>and of the time estimated necessary for the problem to be resolved.</u> Account servicing payment service ~~provider uses for authentication and communication with its users for payment account data access.~~ <u>providers shall ensure an optimal recovery time of the dedicated interface.</u> TM 2.12: implementation of trilogue agreement. Text Origin: Council Mandate
Article 38(4)				
548	4. Based on the request referred to in paragraph 3, the competent authority may for a time-limited period until the dedicated interface is restored to availability, authorise all payment initiation service providers and account information service providers to access payment accounts data via an interface that the account servicing payment service provider uses for authentication and communication with its users. The competent authority shall communicate its decision to the requesting account information service provider or payment initiation service provider and make it publicly available on its	4. Based on the request referred to in paragraph 3, the competent authority may for a time-limited period until the dedicated interface is restored to availability, authorise all payment initiation service providers and account information service providers to access payment accounts data via an interface that the account servicing payment service provider uses for authentication and communication with its users. The competent authority shall communicate its decision to the requesting account information service provider or payment initiation service provider and make it publicly available on its	4. ~~Based on the request referred to in paragraph 3, the competent authority may for a time-limited period until~~ The account servicing payment service providers shall ensure that the dedicated interface ~~is restored to~~ providers shall ensure an availability, ~~authorise all payment initiation service providers and account information service providers to access payment accounts data via an~~ and performance that equals at least that of the interface that the account servicing payment service provider uses for authentication and communication with its users. ~~The competent authority shall~~	<i>deleted</i> TM 2.12: implementation of trilogue agreement. See above 546b. ITM 2.9.2025: recital 61 (screen scrapping); Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	website. The competent authority shall instruct the account servicing payment service provider to restore the full functioning of the dedicated interface before the expiry of the temporary authorisation.	website. The competent authority shall instruct the account servicing payment service provider to restore the full functioning of the dedicated interface before the expiry of the temporary authorisation.	~~communicate its decision to the requesting account information service provider or payment initiation service provider and make it publicly available on its website.~~ The competent authority shall instruct the account servicing payment service provider to restore the full functioning of the dedicated interface before the expiry of the temporary authorisation.	
Article 38(4a)				
G 548a			5.The EBA shall develop draft regulatory technical standards which shall specify:	<u>5.The EBA shall develop draft regulatory technical standards which shall specify:</u> TM 2.12: implementation of trilogue. Text Origin: Council Mandate
Article 38(4b)				
G 548b			(a) the requirements related to the quarterly statistics on the availability and performance of the interfaces referred to in paragraph 5 of Article 35 and the publication thereof;	<u>(a) the requirements related to the quarterly statistics on the availability and performance of the interfaces referred to in Article 35(5) and the publication thereof;</u> TM 2.12: implementation of trilogue. Text Origin: Council Mandate
Article 38(4c)				
G 548c			(b) the standards establishing an optimal recovery time in case of dedicated interface unplanned unavailability pursuant to	<u>(b) the standards establishing an optimal recovery time in case of dedicated interface unplanned unavailability pursuant to</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						paragraph 3, based on the severity of the incident.		<u>paragraph 3, based on the severity of the incident.</u> TM 2.12: implementation of trilogue. Text Origin: Council Mandate
Article 38(4d)								
						For the purposes of point (b), the severity shall take into account, among others, the number of customers impacted and types of functionality affected of account information and payment initiation service providers.		<u>For the purposes of point (b) of the first subparagraph, the severity shall take into account, among others, the number of customers impacted and types of functionality affected of account information and payment initiation service providers.</u> TM 2.12: implementation of trilogue. Text Origin: Council Mandate
Article 38(4e)								
						The EBA shall submit the draft regulatory technical standards referred to in this paragraph to the Commission by [OP please insert the date = one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt these regulatory technical standards in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.		<u>The EBA shall submit the draft regulatory technical standards referred to in this paragraph to the Commission by [OP please insert the date = nine months after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt these regulatory technical standards in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.</u> TM 2.12: implementation of trilogue agreement.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 38(5)				
549	5.The competent authority shall take a decision without undue delay on any request introduced under paragraph 3. As long as the competent authority has not taken a decision on the request, the requesting payment initiation service provider or account information service provider may exceptionally access payment accounts data via an interface that the account servicing payment service provider uses for authentication and communication with its users. The requesting payment initiation service provider or account information service provider shall cease to do so when the dedicated interface is restored to availability, or when the competent authority adopts a decision not authorising such use, whichever is the sooner.	5.The competent authority shall take a decision without undue delay on any request introduced under paragraph 3. As long as the competent authority has not taken a decision on the request, the requesting payment initiation service provider or account information service provider may exceptionally access payment accounts data via an interface that the account servicing payment service provider uses for authentication and communication with its users. The requesting payment initiation service provider or account information service provider shall cease to do so when the dedicated interface is restored to availability, or when the competent authority adopts a decision not authorising such use, whichever is the sooner.	~~5.The competent authority shall take a decision without undue delay on any request introduced under paragraph 3. As long as the competent authority has not taken a decision on the request, the requesting payment initiation service provider or account information service provider may exceptionally access payment accounts data via an interface that the account servicing payment service provider uses for authentication and communication with its users. The requesting payment initiation service provider or account information service provider shall cease to do so when the dedicated interface is restored to availability, or when the competent authority adopts a decision not authorising such use, whichever is the sooner.~~	<i>deleted</i> TM 2.12: implementation of trilogue agreement.
Article 38(6)				
550	6.In cases where account servicing payment service providers are obliged to allow account information service providers or payment initiation service providers to access the interface that account servicing payment service providers use for authentication and communication with their users, account servicing	6.In cases where account servicing payment service providers are obliged to allow account information service providers or payment initiation service providers to access the interface that account servicing payment service providers use for authentication and communication with their users, account servicing	~~6.In cases where account servicing payment service providers are obliged to allow account information service providers or payment initiation service providers to access the interface that account servicing payment service providers use for authentication and communication with their users, account servicing~~	<i>deleted</i> TM 2.12: implementation of trilogue agreement.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service providers shall immediately make available any technical specifications needed by account information service providers or payment initiation service providers to adequately connect to the interface that the account servicing payment service provider uses for authentication and communication with its users.	payment service providers shall immediately make available any technical specifications needed by account information service providers or payment initiation service providers to adequately connect to the interface that the account servicing payment service provider uses for authentication and communication with its users.	~~payment service providers shall immediately make available any technical specifications needed by account information service providers or payment initiation service providers to adequately connect to the interface that the account servicing payment service provider uses for authentication and communication with its users.~~	
Article 38(7)				
551	7. When accessing the interface that the account servicing payment service provider uses for authentication and communication with its users, the account information service providers or payment initiation service providers shall meet all requirements laid down in Article 45(2). In particular, the account information service providers or payment initiation service providers shall always duly identify themselves with the account servicing payment services provider.	7. When accessing the interface that the account servicing payment service provider uses for authentication and communication with its users, the account information service providers or payment initiation service providers shall meet all requirements laid down in Article 45(2). In particular, the account information service providers or payment initiation service providers shall always duly identify themselves with the account servicing payment services provider.	~~7. When accessing the interface that the account servicing payment service provider uses for authentication and communication with its users, the account information service providers or payment initiation service providers shall meet all requirements laid down in Article 45(2). In particular, the account information service providers or payment initiation service providers shall always duly identify themselves with the account servicing payment services provider.~~	<i>deleted</i> <i>TM 2.12: implementation of trilogue agreement.</i>
Article 39				
552	Article 39 Derogation from having a dedicated interface for data access	Article 39 Derogation from having a dedicated interface for data access	Article 39 Derogation from having a dedicated interface for data access	Article 39 Derogation from having a dedicated interface for data access <i>Text Origin: Commission Proposal</i>
Article 39(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
553	1.By way of derogation from Article 35(1), on request of an account servicing payment service provider, the competent authority may exempt the requesting account servicing payment service provider from the obligation to have in place a dedicated interface and allow the account servicing payment service provider to either offer, as interface for secure data exchange, one of the interfaces that the account servicing payment service provider uses for authentication and communication with its payment services users or, where justified, not to offer any interface at all for secure data exchange.	1.By way of derogation from Article 35(1), on request of an account servicing payment service provider, the competent authority may exempt the requesting account servicing payment service provider from the obligation to have in place a dedicated interface and allow the account servicing payment service provider to either offer, as interface for secure data exchange, one of the interfaces that the account servicing payment service provider uses for authentication and communication with its payment services users or, where justified, not to offer any interface at all for secure data exchange.	1.By way of derogation from Article 35(1), on request of an account servicing payment service provider, the competent authority may exempt the requesting account servicing payment service provider from the obligation to have in place a dedicated interface and allow the account servicing payment service provider to either offer, as interface for secure data exchange, ~~one of the~~ interfaces that the account servicing payment service provider uses for authentication and communication with its payment services users provided this interface is an API endpoint or, where justified, not to offer any interface at all for secure data exchange. Where appropriate, for national central banks not acting in their capacity as monetary authority or other public authorities referred to in Article 2, paragraph 1, letter (d) of this Regulation, the exemption from the obligation to have in place a dedicated interface is granted by the Member State.	1.By way of derogation from Article 35(1), on request of an account servicing payment service provider, the competent authority may exempt the requesting account servicing payment service provider from the obligation to have in place a dedicated interface and allow the account servicing payment service provider to either offer, as interface for secure data exchange, ~~one of the~~ interfaces that the account servicing payment service provider uses for authentication and communication with its payment services users <u>provided this interface offers equivalent functionality to support access by payment initiation service providers and account information service providers and uses widely accepted and interoperable standards</u> or, where justified, not to offer any interface at all for secure data exchange. <u>Where appropriate, Member States may exempt national central banks not acting in their capacity as monetary authority or other public authorities referred to in Article 2, paragraph 1, letter (d) of this Regulation, from the obligation to have in place a dedicated interface.</u> TM 2.9.2025: COM: fine for the exemption in favor of NCB.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				"one of" is contingent on the discussion re: fall back interfaces. TM 2.12: implementation of trilogue agreement. Reference to API endpoint to be added in the corresponding recital. Text Origin: Council Mandate
Article 39(2), first subparagraph				
554	2.The EBA shall develop draft regulatory technical standards which shall specify the criteria on the basis of which, in accordance with paragraph 1, an account servicing payment service provider may be exempted from the obligation to have in place a dedicated interface and be allowed either to provide, as interface for secure data exchange with account information service providers and payment initiation service providers, the interface that it makes available to its payment user for accessing its payment accounts online or, where appropriate, not to have any interface at all for secure data exchange.	2.The EBA shall develop draft regulatory technical standards which shall specify the criteria on the basis of which, in accordance with paragraph 1, an account servicing payment service provider may be exempted from the obligation to have in place a dedicated interface and be allowed either to provide, as interface for secure data exchange with account information service providers and payment initiation service providers, the interface that it makes available to its payment user for accessing its payment accounts online or, where appropriate, not to have any interface at all for secure data exchange.	2.The EBA shall develop draft regulatory technical standards which shall specify the criteria on the basis of which, in accordance with paragraph 1, an account servicing payment service provider may be exempted from the obligation to have in place a dedicated interface and be allowed either to provide, as interface for secure data exchange with account information service providers and payment initiation service providers, the interface that it makes available to its payment user for accessing its payment accounts online or, where appropriate, not to have offer any interface at all for secure data exchange. When developing these criteria, the EBA shall, inter alia, consider the size, annual turnover and payments volume of the account servicing payment service provider.	2.The EBA shall develop draft regulatory technical standards which shall specify the criteria on the basis of which, in accordance with paragraph 1, <u>it is justified for</u> an account servicing payment service provider ~~may be exempted from the obligation to have in place a dedicated interface and be allowed either to provide, as interface for secure data exchange with account information service providers and payment initiation service providers, the interface that it makes available to its payment user for accessing its payment accounts online or, where appropriate, not to have~~<u>offer</u> any interface at all for secure data exchange. <u>When specifying those criteria, the EBA shall, inter alia, consider the size, annual turnover and payments volume of the account servicing payment service provider.</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 2.9.2025: API endpoint could be further defined in a recital (line 72). EBA mandate is streamlined, and does not cover the first scenario in 553. Text Origin: Council Mandate
Article 39(2), second subparagraph				
555	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. Text Origin: Commission Proposal
Section 3				
556	Section 3 Rights and obligations of account servicing payment services providers	Section 3 Rights and obligations of account servicing payment services providers	Section 3 Rights and obligations of account servicing payment services providers	Section 3 Rights and obligations of account servicing payment services providers Text Origin: Commission Proposal
Article 40				
557	Article 40 Obligations on account servicing payment service providers regarding	Article 40 Obligations on account servicing payment service providers regarding	Article 40 Obligations on account servicing payment service providers regarding	Article 40 Obligations on account servicing payment service providers regarding

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment initiation services	payment initiation services	payment initiation services	payment initiation services Text Origin: Commission Proposal
Article 40, first paragraph				
558	The account servicing payment service provider shall perform the following actions to ensure the payer's right to use the payment initiation service:	The account servicing payment service provider shall perform the following actions to ensure the payer's right to use the payment initiation service:	The account servicing payment service provider shall perform the following actions to ensure the payer's right to use the payment initiation service:	The account servicing payment service provider shall perform the following actions to ensure the payer's right to use the payment initiation service: Text Origin: Commission Proposal
Article 40, first paragraph, point (a)				
559	(a) communicate securely with payment initiation service providers;	(a) communicate securely with payment initiation service providers;	(a) communicate securely with payment initiation service providers;	(a) communicate securely with payment initiation service providers; Text Origin: Commission Proposal
Article 40, first paragraph, point (b)				
560	(b) immediately after receipt of the payment order from a payment initiation service provider, provide or make available all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider regarding the execution of the payment transaction to the payment initiation service provider;	(b) immediately after receipt of the payment order from a payment initiation service provider, provide or make available all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider regarding the execution of the payment transaction to the payment initiation service provider;	(b) immediately after receipt of the payment order and on an ongoing basis on request from a payment initiation service provider, ~~provide~~ ~~or~~ make available all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider regarding the execution of the payment transaction to the payment initiation service provider;	(b) immediately after receipt of the payment order, <u>and on an ongoing basis, on request</u> from a payment initiation service provider, ~~provide~~ ~~or~~ make available all information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider regarding the execution of the payment transaction to the payment initiation service provider; TM 2.9.2025: COM: ok with AMs by Council and

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				changes. Text Origin: Council Mandate
Article 40, first paragraph, point (c)				
561	(c) treat payment orders transmitted through the services of a payment initiation service provider as if those payment orders were payment orders transmitted directly by the payer or the payee, in particular in terms of timing, priority or charges.	(c) treat payment orders transmitted through the services of a payment initiation service provider as if those payment orders were payment orders transmitted directly by the payer or the payee, in particular in terms of timing, priority or charges.	(c) treat payment orders transmitted through the services of a payment initiation service provider as if those payment orders were payment orders transmitted directly by the payer or the payee, in particular in terms of timing, priority or charges and without any discrimination.	(c) treat payment orders transmitted through the services of a payment initiation service provider as if those payment orders were payment orders transmitted directly by the payer or the payee, in particular in terms of timing, priority or charges. TM 2.9.2025: no differentiation should be allowed depending on the channel. Council: objective to avoid discrimination against TPP. Fine to drop the "and without any discrimination" which is captured by the provision already. Text Origin: Council Mandate
Article 40, second paragraph				
562	For the purposes of point (b), where some or all of the information referred to in that point is unavailable immediately after receipt of the payment order, the account servicing payment service provider shall ensure that any information about the execution of the payment order is made available to the payment initiation service provider immediately after that information becomes available to the account servicing payment service	For the purposes of point (b), where some or all of the information referred to in that point is unavailable immediately after receipt of the payment order, the account servicing payment service provider shall ensure that any information, <u>including but not limited to any payment status update</u> , about the execution of the payment order is made available to the payment initiation service provider immediately after that	For the purposes of point (b), where some or all of the information referred to in that point is unavailable immediately after receipt of the payment order, the account servicing payment service provider shall ensure that any information about the execution of the payment order is made available to the payment initiation service provider immediately after that information becomes available to the account servicing payment service	For the purposes of point (b), where some or all of the information referred to in that point is unavailable immediately after receipt of the payment order, the account servicing payment service provider shall ensure that any information, <u>including any payment status update</u> , about the execution of the payment order is made available to the payment initiation service provider immediately after that information becomes available to the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	provider.	information becomes available to the account servicing payment service provider.	provider.	account servicing payment service provider. TM 2.9.2025: ok to keep EP's AM. Text Origin: EP Mandate
Article 41				
563	Article 41 Obligations of account servicing payment service providers regarding account information services	Article 41 Obligations of account servicing payment service providers regarding account information services	Article 41 Obligations of account servicing payment service providers regarding account information services	Article 41 Obligations of account servicing payment service providers regarding account information services Text Origin: Commission Proposal
Article 41(1)				
564	1.The account servicing payment service provider shall perform the following actions to ensure the payment service user's right to use the account information service:	1.The account servicing payment service provider shall perform the following actions to ensure the payment service user's right to use the account information service:	1.The account servicing payment service provider shall perform the following actions to ensure the payment service user's right to use the account information service:	1.The account servicing payment service provider shall perform the following actions to ensure the payment service user's right to use the account information service: Text Origin: Commission Proposal
Article 41(1), point (a)				
565	(a) communicate securely with the account information service provider;	(a) communicate securely with the account information service provider;	(a) communicate securely with the account information service provider;	(a) communicate securely with the account information service provider; Text Origin: Commission Proposal
Article 41(1), point (b)				
566	(b) treat data requests transmitted through the services of an account information service provider as if the	(b) treat data requests transmitted through the services of an account information service provider as if the	(b) treat data requests transmitted through the services of an account information service provider as if the	(b) treat data requests transmitted through the services of an account information service provider as if the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	data were requested by the payment service user via the interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account.	data were requested by the payment service user via the interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account.	data were requested by the payment service user via the interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account and without any discrimination.	data were requested by the payment service user via the interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account. TM 2.9.2025: fine to take EC proposal. Text Origin: Commission Proposal
Article 41(2)				
567	2.Account servicing payment service providers shall allow account information service providers to access information from designated payment accounts and associated payment transactions held by account servicing payment service providers for the purposes of performing the account information service whether or not the payment service user is actively requesting such information.	2.Account servicing payment service providers shall allow account information service providers to access information from designated payment accounts and associated payment transactions held by account servicing payment service providers for the purposes of performing the account information service whether or not the payment service user is actively requesting such information.	2.Account servicing payment service providers shall allow account information service providers to access information from designated payment accounts and associated payment transactions held by account servicing payment service providers for the purposes of performing the account information service whether or not the payment service user is actively requesting such information.	2.Account servicing payment service providers shall allow account information service providers to access information from designated payment accounts and associated payment transactions held by account servicing payment service providers for the purposes of performing the account information service whether or not the payment service user is actively requesting such information. Text Origin: Commission Proposal
Article 41(2a)				
567a			3.The account information service provider shall ensure that the payment service user is duly aware of its intent to access information as per paragraph 2 of this Article when the payment service user is not actively	<u>2a. Where the account information service provider intends to access information based on paragraph 2 at times when the payment service user is not actively requesting such information, it shall ensure that the payment service user is duly aware</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			requesting such information. It shall inform the payment service user thereof before making use of this functionality.	<u>of that intention before making use of that functionality.</u> TM 2.9.2025: transparency provision, linked with para. 2. Provision redrafted. Text Origin: Council Mandate
Article 42				
568	Article 42 Restriction of access to payment accounts by account information service providers and payment initiation service providers	Article 42 Restriction of access to payment accounts by account information service providers and payment initiation service providers	Article 42 Restriction of access to payment accounts by account information service providers and payment initiation service providers	Article 42 Restriction of access to payment accounts by account information service providers and payment initiation service providers Text Origin: Commission Proposal
Article 42(1)				
569	1.An account servicing payment service provider may deny an account information service provider or a payment initiation service provider access to a payment account for objectively justified and duly evidenced reasons. Those reasons shall relate to unauthorised, as per Article 49(3), or fraudulent access to the payment account by that account information service provider or that payment initiation service provider, including the unauthorised or fraudulent initiation of a payment transaction. In such cases, the account servicing payment service provider shall inform the payment services user that access to	1.An account servicing payment service provider may deny an account information service provider or a payment initiation service provider access to a payment account for objectively justified and duly evidenced reasons. Those reasons shall relate to unauthorised, as per Article 49(3), or fraudulent access to the payment account by that account information service provider or that payment initiation service provider, including the unauthorised or fraudulent initiation of a payment transaction. In such cases, the account servicing payment service provider shall inform the payment services user that access to	1.An account servicing payment service provider may deny an account information service provider or a payment initiation service provider access to a payment account for objectively justified and duly evidenced reasons. Those reasons shall relate to unauthorised, as per Article 49(3), or fraudulent access to the payment account by that account information service provider or that payment initiation service provider, including the unauthorised or fraudulent initiation of a payment transaction. In such cases, the account servicing payment service provider shall inform the payment services user that access to	1.An account servicing payment service provider may deny an account information service provider or a payment initiation service provider access to a payment account for objectively justified and duly evidenced reasons. Those reasons shall relate to unauthorised, as per Article 49(3), or fraudulent access to the payment account by that account information service provider or that payment initiation service provider, including the unauthorised or fraudulent initiation of a payment transaction. In such cases, the account servicing payment service provider shall inform the payment services user that access to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the payment account is denied and provide the reasons therefor. That information shall, where possible, be provided to the payment services user before access is denied and at the latest immediately thereafter, unless providing such information would compromise objectively justified security reasons or is prohibited by other relevant Union or national law.	the payment account is denied and provide the reasons therefor. That information shall, where possible, be provided to the payment services user before access is denied and at the latest immediately thereafter, unless providing such information would compromise objectively justified security reasons or is prohibited by other relevant Union or national law.	the payment account is denied and provide the reasons therefor. That information shall, where possible, be provided to the payment services user before access is denied and at the latest immediately thereafter, unless providing such information would compromise objectively justified security reasons or is prohibited by other relevant Union or national law.	the payment account is denied and provide the reasons therefor. That information shall, where possible, be provided to the payment services user before access is denied and at the latest immediately thereafter, unless providing such information would compromise objectively justified security reasons or is prohibited by other relevant Union or national law. Text Origin: Commission Proposal
Article 42(2)				
570	2.In the cases referred to in paragraph 1, the account servicing payment service provider shall immediately report the incident relating to the account information service provider or the payment initiation service provider to the competent authority. The information shall include the relevant details of the case and the reasons for taking action. The competent authority shall assess the case and shall, if necessary, take appropriate measures.	2.In the cases referred to in paragraph 1, the account servicing payment service provider shall immediately report the incident relating to the account information service provider or the payment initiation service provider to the competent authority. The information shall include the relevant details of the case and the reasons for taking action. The competent authority shall assess the case and shall, if necessary, take appropriate measures.	2.In the cases referred to in paragraph 1, the account servicing payment service provider shall immediately report the incident relating to the account information service provider or the payment initiation service provider to the competent authority. The information shall include the relevant details of the case and the reasons for taking action. The competent authority shall assess the case and shall, if necessary, take appropriate measures.	2.In the cases referred to in paragraph 1, the account servicing payment service provider shall immediately report the incident relating to the account information service provider or the payment initiation service provider to the competent authority. The information shall include the relevant details of the case and the reasons for taking action. The competent authority shall assess the case and shall, if necessary, take appropriate measures. Text Origin: Commission Proposal
Article 43				
571	Article 43 Data access management by	Article 43 Data access management by	Article 43 Data access management by	Article 43 Data access management by

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service users	payment service users	payment service users	payment service users Text Origin: Commission Proposal
Article 43(1)				
572	1.The account servicing payment service provider shall provide the payment service user with a dashboard, integrated into its user interface, to monitor and manage the permissions the payment service user has given for the purpose of account information services or payment initiation services covering multiple or recurrent payments.	1.The account servicing payment service provider shall provide the payment service user with a dashboard, integrated into its user interface, to monitor and manage the permissions the payment service user has given for the purpose of account information services or payment initiation services covering multiple or recurrent payments.	1.The account servicing payment service provider shall provide the payment service user with a dashboard, integrated into its user interface, to monitor and manage the permissions the payment service user has given for the purpose of account information services or payment initiation services covering multiple or recurrent payments.	1.The account servicing payment service provider shall provide the payment service user with a dashboard, integrated into its user interface, to monitor and manage the ~~permissions~~ <u>consents that</u> the payment service user has given for the purpose of account information services or payment initiation services covering multiple or recurrent payments. TM 16.12 TM 4/3: permisssion replaced by consent in the following lines as well Text Origin: Commission Proposal
Article 43(2)				
573	2.The dashboard shall:	2.The dashboard shall:	2.The dashboard shall:	2.The dashboard shall: Text Origin: Commission Proposal
Article 43(2), point (a)				
574	(a) provide the payment service user with an overview of each ongoing permission given for the purposes of account information services or payment initiation services,	(a) provide the payment service user, <u>to the extent that the information is in the possession of the account servicing payment service provider</u> , with an overview	(a) provide the payment service user with an overview of each ongoing permission given for the purposes of account information services or payment initiation services at any	(a) provide the payment service user, <u>at any time and in a format that is easy to understand</u> , with an overview of each ongoing ~~permission~~ <u>consent</u> given for the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	including:	of each ongoing permission given for the purposes of account information services or payment initiation services, including:	time, including:	purposes of account information services or payment initiation services, including: TM 2.9.2025: correlation with FiDA dashboard is important. Agreement to take the Council's text, and AM from EP is dealt with in 584. This incorporates the AM of EP in 587. TM 16.12 Text Origin: Council Mandate
Article 43(2), point (a)(i)				
575	(i) the name of the account information service provider or payment initiation service provider to which access has been granted;	(i) the name of the account information service provider or payment initiation service provider to which access has been granted;	(i) the name of the account information service provider or payment initiation service provider to which access has been granted;	(i) the name of the account information service provider or payment initiation service provider to which access has been granted; Text Origin: Commission Proposal
Article 43(2), point (a)(ii)				
576	(ii) the customer account to which access has been granted;	(ii) the customer account to which access has been granted;	(ii) the customer account to which access has been granted;	(ii) the customer account to which access has been granted; Text Origin: Commission Proposal
Article 43(2), point (a)(iii)				
577	(iii) the purpose of the permission;	(iii) the purpose of the permission;	(iii) the purpose of the permission;	(iii) the purpose of the ~~permission~~ consent; Text Origin: Commission Proposal
Article 43(2), point (a)(iv)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
578	(iv) the period of validity of the permission;	(iv) the period of validity of the permission;	(iv) the period of validity of the permission, including the date on which the payment service user has given their permission, and the dates on which payment account data was accessed;	(iv) the period of validity of the ~~permission~~ consent, including the date on which the payment service user has given that consent; TM 2.9.2025: second part is moved to 579a. Text Origin: Council Mandate
Article 43(2), point (a)(v)				
579	(v) the categories of data being shared.	(v) the categories of data being shared-;	(v) the categories of data being shared.	(v) the categories of data being shared-; Text Origin: Commission Proposal
Article 43(2), point (a)(va)				
579a		<u>(va) the dates on which the data was accessed.</u>		<u>(va) the dates on which payment account data was accessed.</u> Text Origin: EP Mandate
Article 43(2), point (b)				
580	(b) allow the payment service user to withdraw data access for a given account information service or payment initiation service provider;	(b) allow the payment service user to withdraw data access <u>for all account information services or payment initiation service providers</u> <u>or</u> for a given account information service or payment initiation service provider;	(b) allow the payment service user to withdraw data access for a given account information service or payment initiation service provider at any time and free of charge;	(b) allow the payment service user to withdraw data access <u>for all account information service or payment initiation service providers</u> <u>or</u> for a given account information service or payment initiation service provider <u>at any time and free of charge;</u> ITM 2.9.25: EP to check. TM 2.12 Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 43(2), point (c)				
581	(c) allow the payment service user to re-establish any data access withdrawn;	<i>deleted</i>	(c) within 48 hours from withdrawal of a permission , allow the payment service user to re-establish any data access withdrawn;	(c) <u>within 48 hours from withdrawal of a consent</u> , allow the payment service user to re-establish any data access withdrawn; ITM 2.9.25: EP and Council going into the same direction. EP to check in light of the short time limit granted by Council TM 2.12 Text Origin: Council Mandate
Article 43(2), point (ca)				
581a		<u>(ca) allow payment services users to opt out from data sharing with third parties in a general way for all present and future data access permission requests;</u>		<i>deleted</i> ITM 2.9.25: COM sees it as discrimination. EP to check internally. TM 2.12: partially covered by 580
Article 43(2), point (d)				
582	(d) include a record of data access permissions that have been withdrawn or have expired, for a duration of two years.	(d) include a record of data access permissions that have been withdrawn or have expired, for a duration of two years-;	(d) include a record of data access permissions that have been withdrawn or that have expired, for a duration of two years-;	(d) include a record of data access ~~permissions~~ <u>consents</u> that have been withdrawn or <u>that</u> have expired, for a duration of two years-; Text Origin: Council Mandate
Article 43(2), point (da)				
582a		<u>(da) be consistent with the FIDA dashboards and allow data holders to manage data permissions</u>	(e) be consistent with the Regulation (EU) [..../....] of the European Parliament and of the	<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>stemming from both that Regulation and this Regulation through a single dashboard upon the request of the user.</u>		Council [FIDA] dashboards and allow payment service users to manage data permissions pursuant to this Regulation and [FIDA] through a single dashboard.		TM 18.11: FIDA is not expected to be adopted before the PSR/PSD3 package.
Article 43(2a)								
G	582b			<u>2a. The EBA shall develop guidelines to specify the categories of data referred to in paragraph 2, point (a), so that the data are easily understandable for consumers.</u>				deleted TM 2.9.2025: part of the Level 2/3 discussion TM 18.11: proposal to drop because of addition in 574
Article 43(2b)								
G	582c			<u>2b. Where, pursuant to paragraph 2, point (b), a payment services user decides to withdraw data access, the account information service provider or payment initiation service provider concerned shall:</u>		2a. Where, pursuant to paragraph 2, point (b), a payment service user decides to withdraw data access, the payment initiation service provider or account information service provider concerned shall cease accessing and using the data.		<u>2b. Where, pursuant to paragraph 2, point (b), a payment service user decides to withdraw data access, the payment initiation service provider or account information service provider concerned shall:</u> <u>- cease accessing and using the data; and</u> <u>- delete without undue delay, but not before 48 hours from withdrawal of a consent, the data received as a result of the data access consent granted by the payment services user.</u> <u>By way of derogation from the second indent of this paragraph, the payment service provider may retain the data if the payment</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>service user explicitly so chooses.</u> ITM 2.9.25: to be checked against GDPR and other legal obligations stemming from EU legislation.
	Article 43(2b), point (a)			
G	582d	<u>(a) no longer use the data;</u>		deleted ITM 2.9.25: covered by 582c
	Article 43(2b), point (b)			
G	582e	<u>(b) withdraw the data; and</u>		deleted ITM 2.9.25: covered by 582c
	Article 43(2b), point (c)			
G	582f	<u>(c) without undue delay erase all data received as a result of the data access permission granted by the payment services user.</u>		deleted ITM 2.9.25: covered by 582c
	Article 43(3)			
G	583	3.The account servicing payment service provider shall ensure that the dashboard is easy to find in its user interface and that information displayed on the dashboard is clear, accurate and easily understandable for the payment service user.	3.The account servicing payment service provider shall ensure that the dashboard is easy to find in its user interface and that information displayed on the dashboard is clear, neutral , accurate and easily understandable for the payment service user and does not contain any deterring or discouraging language that might dissuade the payment service user from making	3.The account servicing payment service provider shall ensure that the dashboard is easy to find in its user interface and that information displayed on the dashboard is clear, <u>neutral</u> , accurate and easily understandable for the payment service user <u>and does not contain any deterring or discouraging language that might dissuade the payment service user from making</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						use of the services of a payment initiation service provider or account information service provider.		<u>use of the services of a payment initiation service provider or account information service provider.</u> TM 2.9.25: ok with Council's mandate. Text Origin: Council Mandate
	Article 43(3a)							
G		583a				The account servicing payment service provider shall not prompt the payment service user to withdraw a permission given for the purposes of account information services or payment initiation services. Account servicing payment service providers are prohibited from designing, organizing, or operating their permission dashboard interfaces in a manner that deceives, manipulates, or directs payment service user's behaviour towards permissions that are not in the best interest of the payment service user, or that materially distorts or impairs the ability of customers to make free and informed decisions.		<u>The account servicing payment service provider shall not:</u> <u>- prompt the payment service user to withdraw a consent given for the purposes of account information services or payment initiation services;</u> <u>- design, organise or operate its dashboard in a manner that deceives, manipulates, or directs the payment service user to grant consents that are not in the user's best interest, or in a manner that materially distorts or impairs the user's ability to make free and informed decisions.</u> Text Origin: Council Mandate
	Article 43(3b)							
G		583b				3b. The account information service or payment initiation service provider to which permission has been granted shall		<u>3b. The account information service or payment initiation service provider to which consent has been granted shall provide the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			provide the information in paragraph 2 point (a) to the account servicing payment service provider without undue delay. The account servicing payment service provider shall only provide the information in paragraph 2 point (a) to the extent it was provided to it by the account information service or payment initiation service provider to which permission has been granted.	<u>information referred to in paragraph 2, point (a), to the account servicing payment service provider without undue delay. The account servicing payment service provider shall only provide the information referred to in paragraph 2, point (a), to the extent that it was provided to it by the account information service or payment initiation service provider to which consent has been granted.</u>
Article 43, 4.				
584	4.The account servicing payment service provider and the account information service or payment initiation service provider to which permission has been granted shall cooperate to make information available to the payment service user via the dashboard in real-time. For the purposes of paragraph 2 points (a), (b), (c) and (e):	4.The account servicing payment service provider and the account information service or payment initiation service provider to which permission has been granted shall cooperate to make information available to the payment service user via the dashboard in real-time. For the purposes of paragraph 2 ~~points (a), (b), (c) and (e):~~	45. The account servicing payment service provider and the account information service or payment initiation service provider to which permission has been granted shall cooperate to make information available to the payment service user via the dashboard ~~in real-time~~ without undue delay . For the purposes of paragraph 2 points (a), (b), (c) and (e) of this Article :	4.The account servicing payment service provider and the account information service or payment initiation service provider to which ~~permission~~ consent has been granted shall cooperate to make information available to the payment service user via the dashboard ~~in real-time. For the purposes of paragraph 2 points (a), (b), (c) and (e):~~ without undue delay . ITM 2.9.25: Agreement to remove the reference to paragraph 2, since the connection with this paragraph is not clear. Council's text has been moved from 589a. Text Origin: Council Mandate
Article 43, 4.,				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
585	(a) The account servicing payment service provider shall inform the account information service or payment initiation service provider in real time of changes made to a permission concerning that provider made by a payment service user via the dashboard;	(a) The account servicing payment service provider shall inform the account information service or payment initiation service provider in real time of changes made to a permission concerning that provider made by a payment service user via the dashboard;	(a) The account servicing payment service provider shall ~~inform~~ make information available to the account information service or payment initiation service provider ~~in real time of~~ without undue delay of any changes made to a permission concerning that provider made by ~~aby~~ the payment service user via the dashboard to a permission, including the withdrawal of a permission;	~~(a)~~ The account servicing payment service provider shall ~~inform~~ make information available to the account information service or payment initiation service provider ~~in real time of~~ without undue delay of any changes made ~~to a permission concerning that provider made by~~ by the payment service user via the dashboard to a consent, including the withdrawal of a permission. TM 2.9.25: fine with Council mandate. Text Origin: Council Mandate
Article 43, 4.,				
586	(b) An account information service or payment initiation service provider shall inform the account servicing payment service provider in real time of a new permission granted by a payment service user regarding a payment account provided by that account servicing payment service provider, including:	(b) An account information service or payment initiation service provider shall inform the account servicing payment service provider in real time of a new permission granted by a payment service user regarding a payment account provided by that account servicing payment service provider, including:	(b) An account information service or payment initiation service provider shall inform the account servicing payment service provider ~~in real time~~ without undue delay of a new permission granted by a payment service user regarding a payment account provided by that account servicing payment service provider, including: all the information listed in paragraph 2 point (a), points (i) to (v).	~~(b)~~ An account information service or payment initiation service provider shall inform the account servicing payment service provider ~~in real time~~ without undue delay of a new ~~permission~~ consent granted by a payment service user regarding a payment account provided by that account servicing payment service provider, including: all the information listed in paragraph 2, point (a), points (i) to (v). ITM 2.9.25: ok to add reference to points (i) and (ii) of point (a) Text Origin: Council Mandate
Article 43, 4., , point (i)				
587	(i) the purpose of the permission	(i) the purpose of the permission	(i) ~~the purpose of the permission~~	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	granted by the payment service user;	granted by the payment service user. <u>in a clear and comprehensible manner for the user;</u>	~~granted by the payment service user;~~	<i>deleted</i> EP AM includes in 574.
	Article 43, 4., , point (ii)			
G 588	(ii) the period of validity of the permission;	(ii) the period of validity of the permission;	(ii) ~~the period of validity of the permission;~~	<i>deleted</i>
	Article 43, 4., , point (iii)			
G 589	(iii) the categories of data concerned.	(iii) the categories of data concerned.	(iii) ~~the categories of data concerned.~~	<i>deleted</i>
	Article 43, 4., , point (iiia)			
G 589a			5. The account servicing payment service provider and the account information service or payment initiation service provider to which permission has been granted shall cooperate to make information available to the payment service user via the dashboard without undue delay. For the purposes of paragraph 2 of this Article:	<i>deleted</i> ITM 2.9.25: moved up above.
	Article 43, 4., , point (iiib)			
G 589b			(a) The account servicing payment service provider shall make information available to the account information service or payment initiation service provider without undue delay of any changes made by the payment service user via the dashboard to a	<i>deleted</i> ITM 2.9.25: moved up above.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			permission, including the withdrawal of a permission;	
Article 43, 4., , point (iiic)				
589c			(b) An account information service or payment initiation service provider shall inform the account servicing payment service provider without undue delay of a new permission granted by a payment service user regarding a payment account provided by that account servicing payment service provider, including all the information listed in paragraph 2 point (a) points (i) to (v).	deleted ITM 2.9.25: moved up above.
Article 43, 4., , point (iiid)				
589d			6.The account servicing payment service provider shall bear no liability for the actions envisaged in paragraph 2 points (b) and (c) undertaken by the payment service user.	<u>4a. The account servicing payment service provider shall bear no liability for the actions referred to in paragraph 2, points (b) and (c), undertaken by the payment service user.</u> ITM 2.9.25: Text Origin: Council Mandate
Article 44				
590	Article 44 Prohibited obstacles to data access	Article 44 Prohibited obstacles to data access	Article 44 Prohibited obstacles to data access	Article 44 Prohibited obstacles to data access Text Origin: Commission Proposal
Article 44(1), first subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
591	1.Account servicing payment service providers shall ensure that their dedicated interface does not create obstacles to the provision of payment initiation and account information services.	1.Account servicing payment service providers shall ensure that their dedicated interface does not create obstacles to the provision of payment initiation and account information services <u>and enables a straightforward and seamless consumer experience.</u>	~~1.~~ Account servicing payment service providers shall ensure that their dedicated interface does not create obstacles to the provision of payment initiation and account information services.	1.Account servicing payment service providers shall ensure that their dedicated interface does not create obstacles to the provision of payment initiation and account information services. TM 3.9.25: AM of EP brings in the point of view of the user (not consumer). Council: concerns it could create additional obligations on ASPSP. Parity principle is also key. EP to revert with recital regarding experience. TM 2.12: proposal to add the EP AM into a recital. Text Origin: Commission Proposal
Article 44(1), second subparagraph				
592	Prohibited obstacles shall include the following:	Prohibited obstacles shall include, <u>but are not limited to,</u> the following:	Prohibited obstacles shall include, but not be limited to, the following:	Prohibited obstacles shall include, <u>but not be limited to,</u> the following: Text Origin: Council Mandate
Article 44(1), second subparagraph, point (a)				
593	(a) preventing the use by payment initiation services providers or account information services providers of the credentials issued by account servicing payment service providers to their payment services users;	(a) preventing the use by payment initiation services providers or account information services providers of the <u>personalised security</u> credentials issued by account servicing payment service providers to their payment services users;	(a) preventing the use by payment initiation services providers or account information services providers of the personalised security credentials issued by account servicing payment service providers to their payment services users;	(a) preventing the use by payment initiation services providers or account information services providers of the <u>personalised security</u> credentials issued by account servicing payment service providers to their payment services users;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Article 44(1), second subparagraph, point (b)				
594	(b) requiring the payment service users to manually input their unique identifier into the domain of the account servicing payment service provider to be able to use account information or payment initiation services;	(b) requiring the payment service users to manually input their unique identifier into the domain of the account servicing payment service provider to be able to use account information or payment initiation services;	~~(b) requiring the payment service users to manually input their unique identifier into the domain of the account servicing payment service provider to be able to use account information or payment initiation services;~~	(b) requiring the payment service users to manually input their unique identifier into the domain of the account servicing payment service provider to be able to use account information or payment initiation services; TM 3.9.25: Council redundant with line 521. COM: should not be deleted. EP and COM do not see redundancy. Council: ok to maintain the line. Text Origin: Commission Proposal
Article 44(1), second subparagraph, point (c)				
595	(c) requiring additional checks of the permission given by the payment service users to a payment initiation service provider or an account information services provider;	(c) requiring additional checks of the permission given by the payment service users to a payment initiation service provider or an account information services provider;	~~(c)~~ (b) requiring additional checks of the permission given by the payment service users to a payment initiation service provider or an account information services provider;	(c) requiring ~~additional~~ checks of the permission given by the payment service users to a payment initiation service provider or an account information services provider; Text Origin: Council Mandate
Article 44(1), second subparagraph, point (d)				
596	(d) requiring additional registrations by payment initiation and account information services providers to be able to access the payment services user's payment account or the dedicated interface;	(d) requiring additional registrations by payment initiation and account information services providers to be able to access the payment services user's payment account or the dedicated interface;	~~(d)~~ (c) without prejudice to the ability to fulfil the requirements in Article 38(2) and (3), requiring additional registrations by payment initiation and account information services providers to be able to	(d) requiring additional registrations by payment initiation and account information services providers to be able to access the payment services user's payment account or the dedicated interface;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			access the payment services user's payment account or the dedicated interface;	TM 3.9.25: Council intention: ASPSP in order to provide info to TPP, should be able to require additional contact information, in order that TPPs receive the information directly from the banks. Council to revert with updated recital corresponding to Art. 38. Text Origin: Council Mandate
Article 44(1), second subparagraph, point (e)				
597	(e) requiring, unless indispensable to facilitate the exchange of information between account servicing payment service providers and payment initiation and account information services providers related, in particular, to the updating of the dashboard referred to in Article 43, that payment initiation and account information services providers pre-register their contact details with the account servicing payment service provider;	(e) requiring, unless indispensable to facilitate the exchange of information between account servicing payment service providers and payment initiation and account information services providers related, in particular, to the updating of the dashboard referred to in Article 43, that payment initiation and account information services providers pre-register their contact details with the account servicing payment service provider;	~~(e)~~ (d) requiring, unless ~~indispensable~~ necessary to facilitate the exchange of information between account servicing payment service providers and payment initiation and account information services providers related, in particular, to the updating of the dashboard referred to in Article 43, that payment initiation and account information services providers pre-register their contact details with the account servicing payment service provider;	(e) requiring, unless ~~indispensable~~ <u>necessary</u> to facilitate the exchange of information between account servicing payment service providers and payment initiation and account information services providers related, in particular, to the updating of the dashboard referred to in Article 43, that payment initiation and account information services providers pre-register their contact details with the account servicing payment service provider;
Article 44(1), second subparagraph, point (f)				
598	(f) restricting the possibility of a payment service user to initiate payments via a payment initiation service provider only to those payees that are on the payer's beneficiaries list;	(f) restricting the possibility of a payment service user to initiate payments via a payment initiation service provider only to those payees that are on the payer's beneficiaries list;	~~(f)~~ (e) restricting the possibility of a payment service user to initiate payments via a payment initiation service provider only to those payees that are on the payer's beneficiaries list if such restriction does not	(f) restricting the possibility of a payment service user to initiate payments via a payment initiation service provider only to those payees that are on the payer's beneficiaries list, <u>unless the payment service user</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			exist in the interface that the account servicing payment service provider uses for authentication and communication with its users;	<u>is unable to perform those payments in the customer interface;</u> TM 3.9.25: Mirroring changes/new wording in 528 Text Origin: Commission Proposal
Article 44(1), second subparagraph, point (g)				
599	(g) restricting payment initiations to or from domestic unique identifiers only;	(g) restricting payment initiations to or from domestic unique identifiers only;	~~(g)~~ (f) restricting payment initiations to or from domestic unique identifiers only;	(g) restricting payment initiations to or from domestic unique identifiers only; Text Origin: Commission Proposal
Article 44(1), second subparagraph, point (h)				
600	(h) requiring that strong customer authentication is applied more times in comparison with the strong customer authentication as required by the account servicing payment service provider when the payment service user is directly accessing their payment account or initiating a payment with the account servicing payment services provider;	(h) requiring that strong customer authentication is applied more times in comparison with the strong customer authentication as required by the account servicing payment service provider when the payment service user is directly accessing their payment account or initiating a payment with the account servicing payment services provider;	~~(h)~~ (g) requiring that strong customer authentication is applied more times in comparison with the strong customer authentication as required by the account servicing payment service provider when the payment service user is directly accessing their payment account or initiating a payment with the account servicing payment services provider;	(h) requiring that strong customer authentication is applied more times in comparison with the strong customer authentication as required by the account servicing payment service provider when the payment service user is directly accessing their payment account or initiating a payment with the account servicing payment services provider; Text Origin: Commission Proposal
Article 44(1), second subparagraph, point (i)				
601	(i) providing a dedicated interface that does not support all the authentication procedures made available by the account servicing payment service provider to its	(i) providing a dedicated interface that does not support all the authentication procedures made available by the account servicing payment service provider to its	~~(i)~~ (h) providing a dedicated interface that does not support all the authentication procedures made available by the account servicing payment service provider to its	(i) providing a dedicated interface that does not support all the authentication procedures made available by the account servicing payment service provider to its

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment service user;	payment service user;	payment service user;	payment service user; Text Origin: Commission Proposal
Article 44(1), second subparagraph, point (j)				
602	(j) imposing an account information or payment initiation journey, in a ‘redirection’ or ‘decoupled’ approach, where the authentication of the payment service user with the account servicing payment service provider adds additional steps or required actions in the user journey compared to the equivalent authentication procedure offered to payment service users when directly accessing their payment accounts or initiating a payment with the account servicing payment service provider;	(j) imposing an account information or payment initiation journey, in a ‘redirection’ or ‘decoupled’ approach, ~~where for~~ the authentication of the payment service user ~~with the account servicing payment service provider~~ ~~adds~~ <u>as well as imposing</u> additional steps or required actions in the user journey compared to the equivalent authentication procedure offered to payment service users when directly accessing their payment accounts or initiating a payment with the account servicing payment service provider;	~~(j)~~ (i) imposing an account information or payment initiation journey, in a ‘redirection’ or ‘decoupled’ approach, where the authentication of the payment service user with the account servicing payment service provider adds additional steps or required actions in the user journey compared to the equivalent authentication procedure offered to payment service users when directly accessing their payment accounts or initiating a payment with the account servicing payment service provider;	(j) imposing an account information or payment initiation journey, in a ‘redirection’ or ‘decoupled’ approach, where the authentication of the payment service user with the account servicing payment service provider adds additional steps or required actions in the user journey compared to the equivalent authentication procedure offered to payment service users when directly accessing their payment accounts or initiating a payment with the account servicing payment service provider; TM 3.9.25: in EP text, two restrictions, with prohibition of redirection/decoupling. Council: costly for banks. Journey with the bank should be the standard. The EP AM would go against the parity principle, especially problematic for smaller banks who cannot develop those other authentication mechanisms. COM: ok with EP AM - provides additional protection for TPPs. EP to check. Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 44(1), second subparagraph, point (k)				
603	(k) imposing that the user be automatically redirected, at the stage of authentication, to the account servicing payment service provider's web page address when this is the sole method of carrying out the authentication of the payment services user that is supported by an account servicing payment service provider;	(k) imposing that the user be automatically redirected, at the stage of authentication, to the account servicing payment service provider's web page address when this is the sole method of carrying out the authentication of the payment services user that is supported by an account servicing payment service provider;	~~(k) imposing that the user be automatically redirected, at the stage of authentication, to the account servicing payment service provider's web page address when this is the sole method of carrying out the authentication of the payment services user that is supported by an account servicing payment service provider;~~	(k) imposing that the user be automatically redirected, at the stage of authentication, to the account servicing payment service provider's web page address, when <i>this is the sole method of carrying out the dedicated interface does not support all the authentication of the payment services user that is supported by procedures made available by the</i> account servicing payment service provider <i>to its payment service users</i>; TM 3.9: Council: parity principle, to avoid imposing on banks to develop new solutions. If re-direction should be banned, then it should be made clearer. Some small banks could apply for the exemption to have a dedicated interface (554). COM: should be kept TM 30.10: Council: exemption currently under EBA Guidelines. "The EBA would like to clarify that, as detailed in paragraph 15 above, mandatory redirection in an AIS/PIS journey is an obstacle if redirection is the sole method of carrying out the authentication of the PSU that is supported by an ASPSP and does not support all the authentication

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				procedures made available by the ASPSP to its PSUs." Art. 32 RTS: Account servicing payment service providers that have put in place a dedicated interface shall ensure that this interface does not create obstacles to the provision of payment initiation and account information services. Such obstacles, may include, among others, preventing the use by payment service providers referred to in Article 30(1) of the credentials issued by account servicing payment service providers to their customers, imposing redirection to the account servicing payment service provider's authentication or other functions, requiring additional authorisations and registrations in addition to those provided for in Articles 11, 14 and 15 of Directive (EU) 2015/2366, or requiring additional checks of the consent given by payment service users to providers of payment initiation and account information services. Text Origin: EP Mandate
Article 44(1), second subparagraph, point (l)				
604	(l) requiring two strong customer authentications in a payment initiation service-only journey where the payment initiation service provider transmits to the account servicing payment service provider all the information necessary to	(l) requiring two strong customer authentications in a payment initiation service-only journey where the payment initiation service provider transmits to the account servicing payment service provider all the information necessary to	~~(l)~~ (j) requiring two strong customer authentications in a payment initiation service-only journey where the payment initiation service provider transmits to the account servicing payment service provider all the information necessary to	(l) requiring two strong customer authentications in a payment initiation service-only journey where the payment initiation service provider transmits to the account servicing payment service provider all the information necessary to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	initiate the payment, namely one strong customer authentication for the yes/no confirmation and a second strong customer authentication for payment initiation.	initiate the payment, namely one strong customer authentication for the yes/no confirmation and a second strong customer authentication for payment initiation.	initiate the payment, namely one strong customer authentication for the yes/no confirmation and a second strong customer authentication for payment initiation.	initiate the payment, namely one strong customer authentication for the yes/no confirmation and a second strong customer authentication for payment initiation. Text Origin: Commission Proposal
Article 44(1a)				
604a		<u><i>1a. Measures and instruments used by account servicing payment service providers in response to suspected fraud or to comply with Regulation (EU) 2016/679 shall not constitute prohibited obstacles.</i></u>		<u><i>1a. Measures taken by account servicing payment service providers which are necessary to address suspected fraud under this Regulation or to comply with Regulation (EU) 2016/679 shall not be deemed to constitute obstacles to data access unless those measures are prohibited obstacles referred to in points (a) to (l) of paragraph 1.</i></u> TM 3.9.25: reservations from the COM. Hence the addition of necessary. To be added to trilogue agenda. TM 19.11: GDPR already prevails. 4.12: implementation of trilogue agreement. EP offered to clarify that this provision would not allow to bypass the prohibited obstacles listed in the PSR. EC strongly against.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
				Council open to delete. TM 16.12 Text Origin: EP Mandate	
Article 44(2)					
605	2.For the activities of payment initiation services and account information services the name and the account number of the account owner shall not constitute sensitive payment data.	2.For the activities of payment initiation services and account information services the name and the account number <i>or any other unique identifier</i> of the account owner shall not constitute sensitive payment data.	~~2.For the activities of payment initiation services and account information services the name and the account number of the account owner shall not constitute sensitive payment data.~~	<i>deleted</i> TM 3.9.35: moved above 539b.	
Section 4					
606	Section 4 Rights and obligations of account information service providers and payment initiation service providers	Section 4 Rights and obligations of account information service providers and payment initiation service providers	Section 4 Rights and obligations of account information service providers and payment initiation service providers	Section 4 Rights and obligations of account information service providers and payment initiation service providers Text Origin: Commission Proposal	
Article 45					
607	Article 45 Use of the customer interface by account information service providers and payment initiation service providers	Article 45 Use of the customer interface by account information service providers and payment initiation service providers	Article 45 Use of the customer interface by account information service providers and payment initiation service providers	Article 45 Use of the customer interface by account information service providers and payment initiation service providers Text Origin: Commission Proposal	
Article 45(1)					
608	1.Account information service providers and payment initiation	1.Account information service providers and payment initiation	1.Account information service providers and payment initiation	1.Account information service providers and payment initiation	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	service providers shall access payment account data exclusively via the dedicated interface referred to in Article 35, except in the circumstances covered by Article 38(4) and (5) and Article 39.	service providers shall access payment account data exclusively via the dedicated interface referred to in Article 35, except in the circumstances covered by Article 38(4) and (5) and Article 39.	service providers shall access payment account data exclusively via the dedicated interface referred to in Article 35, except in the circumstances covered by Article 38(4) and (5) and Article 39.	service providers shall access payment account data exclusively via the dedicated interface referred to in Article 35, ~~except~~<u>other than</u> in the circumstances covered by Article ~~38(4) and (5) and Article 39~~<u>39 or exceptionally via another safe and efficient interface</u>. TM 3.9.25: dependent on the discussion on the fall back interface. TM 2.12: implementation of trilogue agreement. EC strongly opposes because this provisions is still needed following the deletion of the fall back mechanism. EC to revert. Alternative to move this provision to Art. 46 and 47. TM 4.12: Art. 46(f) and 47(c) - lines 622 and lines 631 TM 16.12: corresponding recital Recital 68a: The dedicated interface shall be the primary and only access point for AIS and PIS (except in the circumstances covered by Article 39). Besides, some ASPSPs might have additional interfaces for other application contexts, which are technically able to provide the same services for AISP and PISPs as the dedicated interface. Article 45(1) allows

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				AISPs and PISPs to use these additional interfaces with the permission of the ASPSP. However, Article 45(1) must not be interpreted as an obligation for the ASPSP to grant access through anything else than the dedicated interface, nor does it stipulate any right for AISPs and PISPs (or other unregulated entities) to demand such access. The additional interfaces can only be used if the participants want to do so on their own accord, with agreement by ASPSPs and under the same security conditions (identification and secure communication) that also apply for the dedicated interface and if the additional interfaces use widely accepted and interoperable standards Text Origin: Council Mandate
	Article 45(2), first subparagraph			
609	2. Where an account information service provider or a payment initiation service provider accesses payment account data via an interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account, in accordance with Article 38(4) and (5), or where that is the only interface accessible in accordance with Article 39, the account information service provider or the payment initiation service provider shall at all times:	2. Where an account information service provider or a payment initiation service provider accesses payment account data via an interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account, in accordance with Article 38(4) and (5), or where that is the only interface accessible in accordance with Article 39, the account information service provider or the payment initiation service provider shall at all times:	2. Where an account information service provider or there is only the interface in accordance with Article 39 accessible to a payment initiation service provider ~~accesses payment or an account data via an interface that the account servicing payment information service provider makes available to its payment service users for directly accessing their payment account, in accordance with Article 38(4) and (5), or where that is the only interface accessible in accordance with Article 39, the account~~	2. Where <u>only the interface referred to Article 39 is accessible to a payment initiation service provider</u> <u>or</u> an account information service provider ~~or a payment initiation service provider accesses payment account data via an interface that the account servicing payment service provider makes available to its payment service users for directly accessing their payment account, in accordance with Article 38(4) and (5), or where that is the only interface accessible in accordance with Article 39, the account~~

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						information service provider or the payment initiation service provider shall at all times:		information service provider or the payment initiation service provider shall at all times: TM 3.9.25: dependent on discussion on fall back TM 2.12: implementation of trilogue agreement. Text Origin: Council Mandate
		Article 45(2), first subparagraph, point (a)						
G	610	(a) identify itself towards the account servicing payment service provider;		(a) identify itself towards the account servicing payment service provider;		(a) identify itself towards the account servicing payment service provider;		(a) identify itself towards the account servicing payment service provider; Text Origin: Commission Proposal
		Article 45(2), first subparagraph, point (aa)						
G	610a					(aa) provide information on the purpose of the access in accordance with article 43(2)(a)(iii);		<u>(aa) provide information in accordance with Article 43(2), point (a), points (ii) to (v);</u> TM 3.9.25: mirroring line 586 Council to check why reference initially limited to the purpose of the mandate (iii) TM 2.12: Council agreed Text Origin: Council Mandate
		Article 45(2), first subparagraph, point (b)						
G	611	(b) rely on the authentication procedures provided by the account		(b) rely on the authentication procedures provided by the account		(b) rely on the authentication procedures provided by the account		(b) rely on the authentication procedures provided by the account

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	servicing payment service provider to the payment service user;	servicing payment service provider to the payment service user;	servicing payment service provider to the payment service user;	servicing payment service provider to the payment service user; Text Origin: Commission Proposal
Article 45(2), first subparagraph, point (c)				
612	(c) take the necessary measures to ensure that they do not process data (including access and storage of data) for purposes other than for the provision of the service as requested by the payment service user;	(c) take the necessary measures to ensure that they do not process data (including access and storage of data) for purposes other than for the provision of the service as requested by the payment service user;	(c) take the necessary measures to ensure that they do not process data (including access and storage of data) for purposes other than for the provision of the service as requested by the payment service user;	(c) take the necessary measures to ensure that they do not process data (including access and storage of data) for purposes other than for the provision of the service as requested by the payment service user; Text Origin: Commission Proposal
Article 45(2), first subparagraph, point (d)				
613	(d) log the data that are accessed through the interface operated by the account servicing payment service provider for its payment service users, and provide, upon request and without undue delay, the log files to the competent authority. Logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period if they are required for monitoring procedures that are already underway.	(d) log the data that are accessed through the interface operated by the account servicing payment service provider for its payment service users, and provide, upon request and without undue delay, the log files to the competent authority. Logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period if they are required for monitoring procedures that are already underway, <u>but only for as long as is strictly necessary to perform such procedures.</u>	(d) to the extent necessary for the competent authority to investigate on compliance with this Section, log the data that are accessed through the interface operated by the account servicing payment service provider for its payment service users, and provide, upon request and without undue delay, the necessary log files to the competent authority. Insofar applicable, the processing of data should be in line with Article 80 of this Regulation. Logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period if they are required for monitoring procedures that are already underway.	(d) <u>in order to allow the competent authority to investigate compliance with this Section,</u> log the data that are accessed through the interface operated by the account servicing payment service provider for its payment service users, and provide, upon request and without undue delay, the log files to the competent authority. ~~Logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period if they are required for monitoring procedures that are already underway.~~ TM 3.9.25: COM has a preference for Council's wording (more comprehensive).

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Council to revert with recital addressing the following sentence: "Insofar applicable, the processing of data should be in line with Article 80 of this Regulation." Last sentences moved to 614. TM 2.12 Text Origin: Council Mandate
Article 45(2), second subparagraph				
614	For the purpose of point (d) logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period if they are required for monitoring procedures that are already underway.	<i>deleted</i>	~~For the purpose of point (d) logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period if they are required for monitoring procedures that are already underway.~~	For the purpose of point (d), logs shall be deleted 3 years after their creation. Logs may be kept for longer than this retention period ~~if to~~ <u>the extent that</u> they are required for monitoring procedures that are already underway. TM 3.9.2025: this line comes from both mandates in 613. TM 2.12 Text Origin: Commission Proposal
Article 46				
615	Article 46 Specific obligations of payment initiation service providers	Article 46 Specific obligations of payment initiation service providers	Article 46 Specific obligations of payment initiation service providers	Article 46 Specific obligations of payment initiation service providers Text Origin: Commission Proposal
Article 46(1)				
616	1.Payment initiation service	1.Payment initiation service	1.Payment initiation service	1.Payment initiation service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	providers shall:	providers shall:	providers shall:	providers shall: Text Origin: Commission Proposal
Article 46(1), point (a)				
617	(a) provide account servicing payment service providers with the same information as the information requested from the payment service user when initiating the payment transaction directly;	(a) provide account servicing payment service providers with the same information as the information requested from the payment service user when initiating the payment transaction directly;	(a) provide account servicing payment service providers with the same information as the information requested from the payment service user when initiating the payment transaction directly;	(a) provide account servicing payment service providers with the same information as the information requested from the payment service user when initiating the payment transaction directly; Text Origin: Commission Proposal
Article 46(1), point (b)				
618	(b) provide services only where based on the payment service user's permission, in accordance with Article 49;	(b) provide services only where based on the payment service user's permission, in accordance with Article 49;	(b) provide services only where based on the payment service user's ~~permission~~ consent , in accordance with Article 49;	(b) provide services only where based on the payment service user's ~~permission~~ consent , in accordance with Article 49; TM 3.9.25: COM would like to maintain "permission" - see Recital 69. Horizontal issue. In PSD2, the word consent was used. Words are not synonym (consent implies a higher bar). To be discussed later in the context of Art. 49. Permission is already used in lines 574, 577 and 582. Text Origin: Council Mandate
Article 46(1), point (c)				
619	(c) not hold at any time the payer's funds in connection with the	(c) not hold at any time the payer's funds in connection with the	(c) not hold at any time the payer's funds in connection with the	(c) not hold at any time the payer's funds in connection with the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	provision of the payment initiation service;	provision of the payment initiation service;	provision of the payment initiation service;	provision of the payment initiation service; Text Origin: Commission Proposal
Article 46(1), point (d)				
620	(d) ensure that the personalised security credentials of the payment services user are not, with the exception of the payer and the issuer of the personalised security credentials, accessible to other parties and that they are transmitted by the payment initiation service provider through safe and efficient channels;	(d) ensure that the personalised security credentials of the payment services user are not, with the exception of the payer and the issuer of the personalised security credentials, accessible to other parties, <u>including the payment initiation service provider itself</u> , and that they are transmitted by the payment initiation service provider through safe and efficient channels;	(d) ensure that the personalised security credentials of the payment services user are not, with the exception of the payer and the issuer of the personalised security credentials, accessible to other parties and that they are transmitted by the payment initiation service provider through safe and efficient channels;	(d) ensure that the personalised security credentials of the payment services user are not, with the exception of the payer and the issuer of the personalised security credentials, accessible to other parties and that they are transmitted by the payment initiation service provider through safe and efficient channels; TM 3.9.25: reservations from the EC. EC to check. TM 2.12: in effect, banning the embedded authentication approach. PSD2 wording. Link to 631. Text Origin: EP Mandate
Article 46(1), point (e)				
621	(e) ensure that any other information about the payment services user obtained when providing payment initiation services, is only provided to the payee and only with the payment services user's permission;	(e) ensure that any other information about the payment services user obtained when providing payment initiation services, is only provided to the payee and only with the payment services user's permission;	(e) ensure that any other information about the payment services user obtained when providing payment initiation services, is only provided to the payee and only with the payment services user's ~~permission~~ consent ;	(e) ensure that any other information about the payment services user obtained when providing payment initiation services, is only provided to the payee and only with the payment services user's ~~permission~~ consent; Text Origin: Council Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 46(1), point (f)				
622	(f) every time a payment is initiated, identify itself towards the account servicing payment service provider and communicate with the account servicing payment service provider, the payer and the payee in a secure way.	(f) every time a payment is initiated, identify itself towards the account servicing payment service provider and communicate with the account servicing payment service provider, the payer and the payee in a secure way.	(f) every time a payment is initiated, identify itself towards the account servicing payment service provider and communicate with the account servicing payment service provider, the payer and the payee in a secure way.	(f) every time a payment is initiated, identify itself towards the account servicing payment service provider and communicate with the account servicing payment service provider, the payer and the payee in a secure way. Text Origin: Commission Proposal
Article 46(1), point (fa)				
622a				<u>(fa) be able to refuse to initiate a payment transaction for objectively justified reasons.</u> TM 2.12: from 535b.
Article 46(2)				
623	2.Payment initiation service providers shall not:	2.Payment initiation service providers shall not:	2.Payment initiation service providers shall not:	2.Payment initiation service providers shall not: Text Origin: Commission Proposal
Article 46(2), point (a)				
624	(a) store sensitive payment data of the payment service user;	(a) store, <u>access and use</u> sensitive payment data of the payment service user;	(a) without prejudice to Article 45(2)(d) , store sensitive payment data of the payment service user;	(a) <u>without prejudice to Article 45(2), point (d)</u> , store sensitive payment data of the payment service user; TM 3.9: "access or use" could be covered by point (c). EP and EC to check. TM 2.12

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 46(2), point (b)				
625	(b) request from the payment service user any data other than those necessary to provide the payment initiation service;	(b) request from the payment service user any data other than those necessary to provide the payment initiation service;	(b) request from the payment service user any data other than those necessary to provide the payment initiation service;	(b) request from the payment service user any data other than those necessary to provide the payment initiation service; Text Origin: Commission Proposal
Article 46(2), point (c)				
626	(c) process any personal or non-personal data (including use, access or storage of data) for purposes other than for the provision of the payment initiation service as permitted by the payment services user;	(c) process any personal or non-personal data (including use, access or storage of data) for purposes other than for the provision of the payment initiation service as permitted by the payment services user;	(c) process any personal or non-personal data (including use, access or storage of data) for purposes other than for the provision of the payment initiation service as permitted by the payment services user;	(c) process any personal or non-personal data (including use, access or storage of data) for purposes other than for the provision of the payment initiation service as permitted by the payment services user; Text Origin: Commission Proposal
Article 46(2), point (d)				
627	(d) modify the amount, the payee or any other feature of the transaction.	(d) modify the amount, the payee or any other feature of the transaction.	(d) modify the amount, the payee or any other feature of the transaction.	(d) modify the amount, the payee or any other feature of the transaction. Text Origin: Commission Proposal
Article 47				
628	Article 47 Specific obligations of and other provisions concerning account information service providers	Article 47 Specific obligations of and other provisions concerning account information service providers	Article 47 Specific obligations of and other provisions concerning account information service providers	Article 47 Specific obligations of and other provisions concerning account information service providers Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 47(1)				
629	1.The account information service provider shall:	1.The account information service provider shall:	1.The account information service provider shall:	1.The account information service provider shall: Text Origin: Commission Proposal
Article 47(1), point (a)				
630	(a) provide services only where based on the payment service user's permission, in accordance with Article 49;	(a) provide services only where based on the payment service user's permission, in accordance with Article 49;	(a) provide services only where based on the payment service user's ~~permission~~ consent , in accordance with Article 49;	(a) provide services only where based on the payment service user's ~~permission~~ consent , in accordance with Article 49; Text Origin: Council Mandate
Article 47(1), point (b)				
631	(b) ensure that the personalised security credentials of the payment service user are not accessible to other parties, with the exception of the user and the issuer of the personalised security credentials, and that when those credentials are transmitted by the account information service provider, transmission is done through safe and efficient channels;	(b) ensure that the personalised security credentials of the payment service user are not accessible to other parties, <u>including the account information service provider itself</u> , with the exception of the user and the issuer of the personalised security credentials, and that when those credentials are transmitted by the account information service provider, transmission is done through safe and efficient channels;	(b) ensure that the personalised security credentials of the payment service user are not accessible to other parties, with the exception of the user and the issuer of the personalised security credentials, and that when those credentials are transmitted by the account information service provider, transmission is done through safe and efficient channels;	(b) ensure that the personalised security credentials of the payment service user are not accessible to other parties, with the exception of the user and the issuer of the personalised security credentials, and that when those credentials are transmitted by the account information service provider, transmission is done through safe and efficient channels; TM 3.9.2025: EC to check, similar as in 620 TM 2.12: would in effect ban the embedded authentication approach if we keep a reference to AISP as proposed by EP Text Origin: EP Mandate

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 47(1), point (c)				
632	(c) for each communication session, identify itself towards the account servicing payment service provider of the payment service user and securely communicate with the account servicing payment service provider and the payment service user;	(c) for each communication session, identify itself towards the account servicing payment service provider of the payment service user and securely communicate with the account servicing payment service provider and the payment service user;	(c) for each communication session, identify itself towards the account servicing payment service provider of the payment service user and securely communicate with the account servicing payment service provider and the payment service user;	(c) for each communication session, identify itself towards the account servicing payment service provider of the payment service user and securely communicate with the account servicing payment service provider and the payment service user; Text Origin: Commission Proposal
Article 47(1), point (d)				
633	(d) access only information from designated payment accounts and associated payment transactions;	(d) access only information from designated payment accounts and associated payment transactions;	(d) access only information from designated payment accounts and associated payment transactions;	(d) access only information from designated payment accounts and associated payment transactions; Text Origin: Commission Proposal
Article 47(1), point (e)				
634	(e) have in place suitable and effective mechanisms that prevent access to information other than from designated payment accounts and associated payment transactions, in accordance with the payment service user's permission.	(e) have in place suitable and effective mechanisms that prevent access to information other than from designated payment accounts and associated payment transactions, in accordance with the payment service user's permission.	(e) have in place suitable and effective mechanisms that prevent access to information other than from designated payment accounts and associated payment transactions, in accordance with the payment service user's permission.	(e) have in place suitable and effective mechanisms that prevent access to information other than from designated payment accounts and associated payment transactions, in accordance with the payment service user's ~~permission~~ <u>consent</u> . 4/3: permission replaced by consent for consistency Text Origin: Commission Proposal
Article 47(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G	635	2.The account information service provider shall not:	2.The account information service provider shall not:	2.The account information service provider shall not: Text Origin: Commission Proposal
Article 47(2), point (a)				
G	636	(a) request sensitive payment data linked to the payment accounts;	(a) ~~request~~ access sensitive payment data linked to the payment accounts;	(a) ~~request~~ access sensitive payment data linked to the payment accounts; TM 3.9.2025: even if the data is available, they should not be able to access them. Strengthen the protection int this provision. Text Origin: Council Mandate
Article 47(2), point (b)				
G	637	(b) use, access or store any data for purposes other than for performing the account information service permitted by the payment service user, in accordance with Regulation (EU) 2016/679.	(b) ~~use, access or store~~ process any data for purposes other than for performing the account information service permitted by the payment service user, ~~in accordance with Regulation (EU) 2016/679.~~	(b) ~~use, access or store~~ process any data for purposes other than for performing the account information service permitted by the payment service user, ~~in accordance with Regulation (EU) 2016/679.~~ 3.9.25: to align with line 626 for PISP Text Origin: Council Mandate
Article 47(3)				
G	638	3.The following Articles shall not apply to account information service providers: Articles 4 to 8, Articles 10, 11 and 12, Articles 14 to 19, Articles 21 to 29, Articles 50 and 51, Articles 53 to 79, and Articles 83 and 84.	3.The following Articles shall not apply to account information service providers: Articles 4 to 8, Articles 10, 11 and 12, Articles 14 to 19, Articles 21 to 29, Articles 50 and 51, Articles 53 to 79, and Articles 83 and 84.	3.The following Articles shall not apply to account information service providers: Articles 4 to 8, Articles 10, 11 and 12, Articles 14 to 19, Articles 21 to 29, Articles 50 and 51, Articles 53 to 79, and Articles 83 and 84.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Section 5				
639	Section 5 Implementation	Section 5 Implementation	Section 5 Implementation	Section 5 Implementation Text Origin: Commission Proposal
Article 48				
640	Article 48 Role of competent authorities	Article 48 Role of competent authorities	Article 48 Role of competent authorities	Article 48 Role of competent authorities Text Origin: Commission Proposal
Article 48(1)				
641	1.Competent authorities shall ensure that account servicing payment service providers comply at all times with their obligations in relation to the dedicated interface referred to in Article 35(1) and that any identified prohibited obstacle listed in Article 44 is immediately removed by the relevant account servicing payment service provider. Where such non-compliance of the dedicated interfaces with this Regulation or obstacles are identified, including on the basis of information transmitted by payment initiation services and account information services providers, the competent authorities shall take without delay the necessary enforcement measures and	1.Competent authorities shall ensure that account servicing payment service providers comply at all times with their obligations in relation to the dedicated interface referred to in Article 35(1) and that any identified prohibited obstacle listed in Article 44 is immediately removed by the relevant account servicing payment service provider. Where such non-compliance of the dedicated interfaces with this Regulation or obstacles are identified, including on the basis of information transmitted by payment initiation services and account information services providers, the competent authorities shall take without <u>undue</u> delay the necessary <u>and adequate</u>	1.Competent authorities shall ensure that account servicing payment service providers comply ~~at all times~~ with their obligations in relation to the dedicated interface referred to in Article 35(1) and Article 38(1), (2), (3), (4) and (5) and that any identified prohibited obstacle listed in Article 44 is ~~immediately~~ removed as soon as possible by the relevant account servicing payment service provider. Where such non-compliance of the dedicated interfaces with this Regulation or obstacles are identified, including on the basis of information transmitted by payment initiation services and account information services providers, the competent authorities	1.Competent authorities shall ensure that account servicing payment service providers comply at all times with their obligations in relation to the dedicated interface referred to in ~~Article 35(1)~~ <u>Articles 35(1) and 38</u> and that any identified prohibited obstacle listed in Article 44 is immediately removed by the relevant account servicing payment service provider. Where such non-compliance of the dedicated interfaces with this Regulation or obstacles are identified, including on the basis of information transmitted by payment initiation services and account information services providers, the competent authorities shall take without <u>undue</u> delay the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	impose any appropriate sanction or, where appropriate, grant access rights in accordance with Article 38(4).	enforcement measures and impose any appropriate <u>and proportionate</u> sanction or, where appropriate <u>and duly justified</u> , grant access rights in accordance with Article 38(4).	shall take without delay the necessary enforcement measures and impose any appropriate sanction ~~or, where appropriate, grant access rights in accordance with Article 38(4).~~	necessary <u>and adequate</u> enforcement measures and impose any appropriate sanction ~~or, where appropriate, grant access rights in accordance with Article 38(4).~~ 3.9.25: Council: 'at all times' - CA cannot monitor at all times. Although ASPSP should comply at all time. COM: retain the text of proposal. Language should not weakened. To be discussed with fall back. 2.12: Council to clarify recital 68 that ASPSPs should be complying at all times. Text Origin: Council Mandate
Article 48(2)				
642	2.Competent authorities shall take without delay every necessary enforcement action where necessary to preserve the access rights of payment initiation services and account information services providers. Enforcement actions may include appropriate sanctions.	2.Competent authorities shall take without delay every necessary enforcement action where necessary to preserve the access rights of payment initiation services and account information services providers. Enforcement actions may include appropriate sanctions.	2.Competent authorities shall take without delay every necessary enforcement action where necessary to preserve the access rights of payment initiation services and account information services providers. Enforcement actions may include appropriate sanctions.	2.Competent authorities shall take without delay every necessary enforcement action where necessary to preserve the access rights of payment initiation services and account information services providers. Enforcement actions may include appropriate sanctions. Text Origin: Commission Proposal
Article 48(3)				
643	3.Competent authorities shall ensure that payment initiation service and account information service	3.Competent authorities shall ensure that payment initiation service and account information service	3.Competent authorities shall ensure that payment initiation service and account information service	3.Competent authorities shall ensure that payment initiation service and account information service

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	providers comply with their obligations in relation to the use of data access interfaces at all times.	providers comply with their obligations in relation to the use of data access interfaces at all times.	providers comply with their obligations in relation to the use of data access interfaces at all times.	providers comply with their obligations in relation to the use of data access interfaces at all times. Text Origin: Commission Proposal
Article 48(4)				
644	4.Competent authorities shall have the necessary resources, notably in terms of dedicated staff, in order to comply at all times with their tasks.	4.Competent authorities shall have the necessary resources, notably in terms of dedicated staff, in order to comply at all times with their tasks.	~~4. Competent authorities shall have the necessary resources, notably in terms of dedicated staff, in order to comply at all times with their tasks.~~	4.Competent authorities shall have the necessary resources, notably in terms of dedicated staff, in order to comply at all times with their tasks. TM 12.11: linked to fall back interface discussion. Text Origin: Commission Proposal
Article 48(5)				
645	5.Competent authorities shall cooperate with supervisory authorities under Regulation (EU) 2016/679 where processing of personal data is concerned.	5.Competent authorities shall cooperate with supervisory authorities under Regulation (EU) 2016/679 where processing of personal data is concerned.	~~5.4~~ Competent authorities shall cooperate with supervisory authorities under Regulation (EU) 2016/679 where processing of personal data is concerned.	5.Competent authorities shall cooperate with supervisory authorities under Regulation (EU) 2016/679 where processing of personal data is concerned. Text Origin: Commission Proposal
Article 48(6)				
646	6.Competent authorities shall, on their initiative, hold regular joint meetings with account servicing payment service providers, payment initiation service and account information service providers and shall deploy their best efforts to ensure that possible issues arising	6.Competent authorities shall, on their initiative, hold regular joint meetings with account servicing payment service providers, payment initiation service and account information service providers and shall deploy their best efforts to ensure that possible issues arising	~~6.5~~ Competent authorities shall, on their initiative and where necessary, hold , ~~hold regular~~ joint meetings with account servicing payment service providers, payment initiation service and account information service providers ~~and shall deploy their best efforts to~~	6.Competent authorities shall, on their initiative, hold ~~regular~~ joint meetings with account servicing payment service providers, payment initiation service and account information service providers ~~and shall deploy their best efforts to ensure that possible issues arising~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	from the use of and access to data exchange interfaces between account servicing payment service providers, payment initiation service and account information service providers are rapidly et durably solved.	from the use of and access to data exchange interfaces between account servicing payment service providers, payment initiation service and account information service providers are rapidly et durably solved.	ensure that possible issues arising from the use of and access to data exchange interfaces between account servicing payment service providers, payment initiation service and account information service providers are rapidly et durably solved.	~~from the use of and access to data exchange interfaces between account servicing payment service providers, payment initiation service and account information service providers are rapidly et durably solved.~~ <u>for the purposes of paragraph 6a.</u> 3.9.25: COM to check 2.12: second part moved to 646a. 4.12: turned green Text Origin: Council Mandate
Article 48(6a)				
646a				<u>6a. Competent authorities shall deploy their best efforts to ensure that possible issues arising from the use of and access to data exchange interfaces between account servicing payment service providers, payment initiation service and account information service providers are rapidly and durably solved.</u>
Article 48(7)				
647	7.Account servicing payment service providers shall provide competent authorities with data on access by account information service providers and payment initiation	7.Account servicing payment service providers shall provide competent authorities with data on access by account information service providers and payment initiation	~~7.~~ 6Account servicing payment service providers shall provide competent authorities with data on access by account information service providers and payment	7.Account servicing payment service providers shall provide competent authorities with data on access by account information service providers and payment initiation

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	service providers to payment accounts which they service. Competent authorities may also, where appropriate, require account information service providers and payment initiation service providers to provide any relevant data on their operations. In accordance with its powers pursuant to Article 29, point (b), Article 31 and Article 35(2) of Regulation (EU) No 1093/2010, the EBA shall coordinate that monitoring activity by competent authorities, avoiding data reporting duplication. The EBA shall report every two years to the Commission on the size and operation of the markets for account information services and payment initiation services in the Union. Those periodical reports may, where appropriate, contain recommendations.	service providers to payment accounts which they service. Competent authorities may also, where appropriate, require account information service providers and payment initiation service providers to provide any relevant data on their operations. In accordance with its powers pursuant to Article 29, point (b), Article 31 and Article 35(2) of Regulation (EU) No 1093/2010, the EBA shall coordinate that monitoring activity by competent authorities, avoiding data reporting duplication. The EBA shall report every two years to the Commission on the size and operation of the markets for account information services and payment initiation services in the Union. Those periodical reports may, where appropriate, contain recommendations.	initiation service providers to payment accounts which they service. Competent authorities may also, where appropriate, require account information service providers and payment initiation service providers to provide any relevant data on their operations. In accordance with its powers pursuant to Article 29, point (b), Article 31 and Article 35(2) of Regulation (EU) No 1093/2010, the EBA shall coordinate that monitoring activity by competent authorities, avoiding data reporting duplication. The EBA shall report every two years to the Commission on the size and operation of the markets for account information services and payment initiation services in the Union. Those periodical reports may, where appropriate, contain recommendations.	service providers to payment accounts which they service. Competent authorities may also, where appropriate, require account information service providers and payment initiation service providers to provide any relevant data on their operations. In accordance with its powers pursuant to Article 29, point (b), Article 31 and Article 35(2) of Regulation (EU) No 1093/2010, the EBA shall coordinate that monitoring activity by competent authorities, avoiding data reporting duplication. The EBA shall report every two years to the Commission on the size and operation of the markets for account information services and payment initiation services in the Union. Those periodical reports may, where appropriate, contain recommendations. Text Origin: Commission Proposal
Article 48(8), first subparagraph				
648	8.The EBA shall develop draft regulatory technical standards specifying the data to be provided to competent authorities pursuant to paragraph 7 as well as the methodology and periodicity to be applied for such data provision.	8.The EBA shall develop draft regulatory technical standards specifying the data to be provided to competent authorities pursuant to paragraph 7 as well as the methodology and periodicity to be applied for such data provision.	~~8.~~ 7The EBA shall develop draft regulatory technical standards specifying the data to be provided to competent authorities pursuant to paragraph 7 as well as the methodology and periodicity to be applied for such data provision.	8.The EBA shall develop draft regulatory technical standards specifying the data to be provided to competent authorities pursuant to paragraph 7 as well as the methodology and periodicity to be applied for such data provision. Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 48(8), second subparagraph				
649	The EBA shall submit those draft regulatory technical standards to the Commission by [OP please insert the date= 18 months after the date of entry into force of this Regulation].	The EBA shall submit those draft regulatory technical standards to the Commission by [OP please insert the date= 18 months after the date of entry into force of this Regulation].	The EBA shall submit those draft regulatory technical standards to the Commission by [OP please insert the date= 18 months after the date of entry into force of this Regulation].	The EBA shall submit those draft regulatory technical standards to the Commission by [OP please insert the date= 18 months after the date of entry into force of this Regulation]. Text Origin: Commission Proposal
Article 48(8), third subparagraph				
650	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 10 to 14 of Regulation (EU) No 1093/2010.	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 10 to 14 of Regulation (EU) No 1093/2010.	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 10 to 14 of Regulation (EU) No 1093/2010.	Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 10 to 14 of Regulation (EU) No 1093/2010. Text Origin: Commission Proposal
CHAPTER 4				
651	CHAPTER 4 Authorisation of payment transactions	CHAPTER 4 Authorisation of payment transactions	CHAPTER 4 Authorisation of payment transactions	CHAPTER 4 Authorisation of payment transactions Text Origin: Commission Proposal
Article 49				
652	Article 49 Authorisation	Article 49 Authorisation	Article 49 Authorisation	Article 49 Authorisation Text Origin: Commission Proposal
Article 49(1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
653	1.A payment transaction or a series of payment transactions shall be authorised only if the payer has given its permission for the execution of the payment transaction. A payment transaction may be authorised by the payer prior to or, if agreed between the payer and the account servicing payment service provider, after the execution of the payment transaction.	1.A payment transaction or a series of payment transactions shall be authorised only if the payer has given its permission for the execution of the payment transaction. A payment transaction may be authorised by the payer prior to or, if agreed between the payer and the account servicing payment service provider, after the execution of the payment transaction.	1.A payment transaction or a series of payment transactions shall be authorised only if the payer has given its ~~permission~~ consent for the execution of the payment transaction. A payment transaction may be authorised by the payer prior to or, if agreed between the payer and the account servicing payment service provider, after the execution of the payment transaction.	1.A payment transaction or a series of payment transactions shall be authorised only if the payer has given its ~~permission~~ consent for the execution of the payment transaction. A payment transaction may be authorised by the payer prior to or, if agreed between the payer and the account servicing payment service provider, after the execution of the payment transaction. TM 3.10: Council: to avoid confusion, prefers to revert to PSD2 working (consent). EC: preference for permission - but now openness towards "consent". Text Origin: Council Mandate
Article 49(1a)				
653a			1a. A payment transaction shall not be deemed as authorised where the transaction was initiated or modified by a third party who is acting without the consent of the payment service user, including by using the personal security credentials of the payment service user fraudulently obtained.	<u>1a. A payment transaction shall not be deemed to be authorised where the transaction was initiated or modified by a third party who is acting without the consent of the payment service user, including by using the personalised security credentials of the payment service user fraudulently obtained.</u> TM 3.10: interaction with Art. 60 is fine. Not only when somebody stole the credentials. Text Origin: Council Mandate
Article 49(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
654	2.Access to a payment account for the purpose of account information services or payment initiation services by payment service providers shall be authorised only if the payment service user has given its permission to the account information services provider or, respectively, to the payment initiation service provider, to access the payment account and the relevant data in that account.	2.Access to a payment account for the purpose of account information services or payment initiation services by payment service providers shall be authorised only if the payment service user has given its permission to the account information services provider or, respectively, to the payment initiation service provider, to access the payment account and the relevant data in that account.	2.Access to a payment account for the purpose of account information services or payment initiation services by payment service providers shall be authorised only if the payment service user has given its ~~permission~~ consent to the account information services provider or, respectively, to the payment initiation service provider, to access the payment account and the relevant data in that account.	2.Access to a payment account for the purpose of account information services or payment initiation services by payment service providers shall be authorised only if the payment service user has given its ~~permission~~ consent to the account information services provider or, respectively, to the payment initiation service provider, to access the payment account and the relevant data in that account. Text Origin: Council Mandate
Article 49(3)				
655	3.In the absence of permission, a payment transaction or access to a payment account by an account information service provider or a payment initiation service provider shall be considered to be unauthorised.	3.In the absence of permission, a payment transaction or access to a payment account by an account information service provider or a payment initiation service provider shall be considered to be unauthorised.	3.In the absence of ~~permission~~ consent , a payment transaction or access to a payment account by an account information service provider or a payment initiation service provider shall be considered to be unauthorised.	3.In the absence of ~~permission~~ consent , a payment transaction or access to a payment account by an account information service provider or a payment initiation service provider shall be considered to be unauthorised. TM 20.10: issue flagged by EDPB as to the legal basis (performance of contract) also flagged in the review of PSD2. This has been clarified in recital line 79. Text Origin: Council Mandate
Article 49(4)				
656	4.Account servicing payment service providers shall not verify the permission given by the payment service user to the account	4.Account servicing payment service providers shall not verify the permission given by the payment service user to the account	4.Account servicing payment service providers shall not verify the ~~permission~~ consent given by the payment service user to the account	4.Account servicing payment service providers shall not verify the ~~permission~~ consent given by the payment service user to the account

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	information service provider or payment initiation service provider.	information service provider or payment initiation service provider.	information service provider or payment initiation service provider.	information service provider or payment initiation service provider. Text Origin: Council Mandate
Article 49(5)				
657	5.The permission referred to in paragraphs 1 and 2 shall be expressed in the form agreed between the payer and the relevant payment service provider. Permission to execute a payment transaction may also be expressed via the payee or the payment initiation service provider.	5.The permission referred to in paragraphs 1 and 2 shall be expressed in the form agreed between the payer and the relevant payment service provider. Permission to execute a payment transaction may also be expressed via the payee or the payment initiation service provider.	5.The ~~permission~~ consent referred to in paragraphs 1 and 2 shall be expressed in the form agreed between the payer and the relevant payment service provider. ~~Permission~~ Consent to execute a payment transaction may also be expressed via the payee or the payment initiation service provider.	5.The ~~permission~~ consent referred to in paragraphs 1 and 2 shall be expressed in the form agreed between the payer and the relevant payment service provider. ~~Permission~~ Consent to execute a payment transaction may also be expressed via the payee or the payment initiation service provider. Text Origin: Council Mandate
Article 49(6)				
658	6.The procedure for giving permission shall be agreed between the payer and the relevant payment service provider.	6.The procedure for giving permission shall be agreed between the payer and the relevant payment service provider.	6.The procedure for giving ~~permission~~ consent shall be agreed between the payer and the relevant payment service provider.	6.The procedure for giving ~~permission~~ consent shall be agreed between the payer and the relevant payment service provider. Text Origin: Council Mandate
Article 49(7)				
659	7.The payment service user may withdraw permission to execute a payment transaction or to access a payment account for the purpose of payment initiation services or account information services may be withdrawn by the payment service user at any time. The payment service user may also withdraw permission to execute a series of	7.The payment service user may <u>at any time</u> withdraw permission to execute a payment transaction or to access a payment account for the purpose of payment initiation services or account information services ~~may be withdrawn by the payment service user at any time.~~ The payment service user may also withdraw permission to execute a	7.The payment service user may withdraw ~~permission~~ consent to execute a payment transaction or to access a payment account for the purpose of payment initiation services ~~or at any time, but no later than at the moment of irrevocability in accordance with Article 66.~~ The payment service user may withdraw consent to	7.The payment service user may withdraw ~~permission~~ consent to execute a payment transaction or to access a payment account for the purpose of payment initiation services ~~or at any time, but no later than at the moment of irrevocability in accordance with Article 66.~~ The payment service user may withdraw <u>consent to access a payment</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment transactions, in which case any future payment transaction shall be considered to be unauthorised.	series of payment transactions, in which case any future payment transaction shall be considered to be unauthorised.	access a payment account for the purpose of account information services ~~may be withdrawn by the payment service user~~ at any time. The payment service user may also withdraw ~~permission~~ consent to execute a series of payment transactions, in which case any future payment transaction in that series shall be considered to be unauthorised.	<u>account for the purpose of</u> account information services ~~may be withdrawn by the payment service user~~ at any time. The payment service user may also withdraw ~~permission~~ <u>consent</u> to execute a series of payment transactions, in which case any future payment transaction <u>in that series</u> shall be considered to be unauthorised. Text Origin: Council Mandate
Article 50				
G 660	Article 50 Discrepancies between the name and unique identifier of a payee in case of credit transfers	Article 50 Discrepancies between the name and unique identifier of a payee in case of credit transfers	Article 50 Discrepancies between the name and unique identifier of a payee in case of credit transfers	Article 50 Discrepancies between the name and unique identifier of a payee in case of credit transfers Text Origin: Commission Proposal
Article 50(-1)				
G 660a			In the case of credit transfers, payment service providers shall comply with provisions of Article 5c(1)-(7) and Article 5b(2) of Regulation (EU) 260/2012, that shall apply to all credit transfers, including those that fall outside the scope of Regulation (EU) 260/2012.	<u><i>In the case of credit transfers, payment service providers shall comply with provisions of Articles 5c(1) to (7) and 5b(2) of Regulation (EU) 260/2012, and those articles shall apply mutatis mutandis to all credit transfers, including those that fall outside the scope of Regulation (EU) 260/2012.</i></u> On the substance, EC supports the application of IPR provisions to all credit transfers (incl. free of charge).

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
Article 50(-1a)								
660b						For the purpose of the first subparagraph, where the payment account of the payee is not identified by the payment account identifier specified in point (1)(a) of the Annex of Regulation (EU) 260/2012, references in Article 5c of that Regulation to the payment account identifier shall be construed as referring to the unique identifier used to unambiguously identify the payment account of the payee.		<u>For the purpose of the first subparagraph, where the payment account of the payee is not identified by the payment account identifier specified in point (1)(a) of the Annex of Regulation (EU) 260/2012, references in Article 5c of that Regulation to the payment account identifier shall be construed as referring to the unique identifier used to unambiguously identify the payment account of the payee.</u> Text Origin: Council Mandate
Article 50(1)								
661		1. In case of credit transfers, the payment service provider of the payee shall, free of charge, at the request of the payment service provider of the payer, verify whether or not the unique identifier and the name of the payee as provided by the payer match, and shall communicate the outcome of this verification to the payment service provider of the payer. Where the unique identifier and the name of the payee do not match, the payment service provider of the payer shall notify the payer of any such discrepancy detected and shall		1. In case of credit transfers, the payment service provider of the payee shall, free of charge, at the request of the payment service provider of the payer, verify whether or not the unique identifier and the name of the payee as provided by the payer match, and shall communicate the outcome of this verification to the payment service provider of the payer. Where the unique identifier and the name of the payee do not match, the payment service provider of the payer shall notify the payer of any such discrepancy detected and shall		~~1. In case of credit transfers, the payment service provider of the payee shall, free of charge, at the request of the payment service provider of the payer, verify whether or not the unique identifier and the name of the payee as provided by the payer match, and shall communicate the outcome of this verification to the payment service provider of the payer. Where the unique identifier and the name of the payee do not match, the payment service provider of the payer shall notify the payer of any such discrepancy detected and shall~~		<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	inform the payer of the degree of that discrepancy.	inform the payer of the degree of that discrepancy.	~~inform the payer of the degree of that discrepancy.~~	
Article 50(2)				
662	2. The payment service providers shall provide the service referred to in paragraph 1 immediately after the payer provided to its payment service provider the unique identifier and the name of the payee, and before the payer is offered the possibility to authorise the credit transfer.	2. The payment service providers shall provide the service referred to in paragraph 1 immediately after the payer provided to its payment service provider the unique identifier and the name of the payee, and before the payer is offered the possibility to authorise the credit transfer.	~~2. The payment service providers shall provide the service referred to in paragraph 1 immediately after the payer provided to its payment service provider the unique identifier and the name of the payee, and before the payer is offered the possibility to authorise the credit transfer.~~	<i>deleted</i>
Article 50(3)				
663	3. Payment service providers shall ensure that the detection and notification of a discrepancy as referred to in paragraph 1 does not prevent payers from authorising the credit transfer concerned. If the payer, after being notified about a detected discrepancy, authorises the credit transfer and the transaction is executed in accordance with the unique identifier given by the payer, that transaction shall be deemed to have been executed correctly.	3. Payment service providers shall ensure that the detection and notification of a discrepancy as referred to in paragraph 1 does not prevent payers from authorising the credit transfer concerned. If the payer, after being notified about a detected discrepancy, authorises the credit transfer and the transaction is executed in accordance with the unique identifier given by the payer, that transaction shall be deemed to have been executed correctly.	~~3. Payment service providers shall ensure that the detection and notification of a discrepancy as referred to in paragraph 1 does not prevent payers from authorising the credit transfer concerned. If the payer, after being notified about a detected discrepancy, authorises the credit transfer and the transaction is executed in accordance with the unique identifier given by the payer, that transaction shall be deemed to have been executed correctly.~~	<i>deleted</i>
Article 50(4)				
664	4. Payment service providers shall ensure that payment service users have the right to opt out from being offered the service referred to in paragraph 1 and shall inform their payment service users of the means	4. Payment service providers shall ensure that payment service users have the right to opt out from being offered the service referred to in paragraph 1 and shall inform their payment service users of the means	~~4. Payment service providers shall ensure that payment service users have the right to opt out from being offered the service referred to in paragraph 1 and shall inform their payment service users of the means~~	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to express such opt-out right. Payment service providers shall ensure that payment service users that initially opted out from receiving the service referred to in paragraph 1, have the right to opt in to receive that service.	to express such opt-out right. Payment service providers shall ensure that payment service users that initially opted out from receiving the service referred to in paragraph 1, have the right to opt in to receive that service.	~~to express such opt-out right. Payment service providers shall ensure that payment service users that initially opted out from receiving the service referred to in paragraph 1, have the right to opt in to receive that service.~~	
Article 50(5)				
665	5.Payment service providers shall inform their payment service users that authorising a transaction despite a detected and notified discrepancy or that opting out from receiving the service referred to in paragraph 1 may lead to transferring the funds to a payment account not held by the payee indicated by the payer. Payment service providers shall provide that information at the same time as the notification of discrepancies or when the payment service user opts out from receiving the service referred to in paragraph 1.	5.Payment service providers shall inform their payment service users that authorising a transaction despite a detected and notified discrepancy or that opting out from receiving the service referred to in paragraph 1 may lead to transferring the funds to a payment account not held by the payee indicated by the payer. Payment service providers shall provide that information at the same time as the notification of discrepancies or when the payment service user opts out from receiving the service referred to in paragraph 1.	~~5. Payment service providers shall inform their payment service users that authorising a transaction despite a detected and notified discrepancy or that opting out from receiving the service referred to in paragraph 1 may lead to transferring the funds to a payment account not held by the payee indicated by the payer. Payment service providers shall provide that information at the same time as the notification of discrepancies or when the payment service user opts out from receiving the service referred to in paragraph 1.~~	<i>deleted</i>
Article 50(6)				
666	6.The service referred to in paragraph 1 shall be provided with respect to payment orders placed through electronic payment initiation channels and through non-electronic payment orders involving a real-time interaction between the payer and the payment service provider of the payer.	6.The service referred to in paragraph 1 shall be provided with respect to payment orders placed through electronic payment initiation channels and through non-electronic payment orders involving a real-time interaction between the payer and the payment service provider of the payer.	~~6. The service referred to in paragraph 1 shall be provided with respect to payment orders placed through electronic payment initiation channels and through non-electronic payment orders involving a real time interaction between the payer and the payment service provider of the payer.~~	<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 50(7)								
G	667	7.The matching service referred to in paragraph 1 shall not be required where the payer did not input himself the unique identifier and the name of the payee.		7.The matching service referred to in paragraph 1 shall not be required where the payer did not input himself the unique identifier and the name of the payee.		~~7. The matching service referred to in paragraph 1 shall not be required where the payer did not input himself the unique identifier and the name of the payee.~~		deleted
Article 50(8)								
G	668	8.This Article shall not apply to instant credit transfers denominated in euro falling within the scope of Regulation XXX (IPR).		8.This Article shall not apply to instant credit transfers denominated in euro falling within the scope of Regulation XXX (IPR).		~~8. This Article shall not apply to instant credit transfers denominated in euro falling within the scope of Regulation XXX (IPR).~~		deleted
Article 50a								
G	668a			<u>Article 50a</u> <u>Addressing location-based payment account identifier discrimination</u>				deleted TM 12.12: EC: not doable at this stage. Already in CBPR. Could be considered in the context of the review of the CBPR. Similar provision in SEPA Art. 9 Complicated to know if the account is reachable. Also additional fees incurred. EP to check. TM 16.12
Article 50a(1)								
G	668b			<u>1.Where a payer makes a credit transfer to a payee holding a payment account located within the Union, the payer shall not be required to specify the Member State in which that payment</u>				deleted

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>account is located, provided that the payment account is reachable.</u>		
Article 50a(2)				
668c		<u>2. Where a payee accepts a credit transfer or uses a direct debit to collect funds from a payer holding a payment account located within the Union, the payee shall not be required to specify the Member State in which that payment account is located, provided that the payment account is reachable.</u>		deleted
Article 51				
669	Article 51 Limits and blocking of the use of the payment instrument	Article 51 Limits and blocking of the use of the payment instrument	Article 51 Limits and blocking of the use of the payment instrument	Article 51 Limits and blocking of the use of the payment instrument Text Origin: Commission Proposal
Article 51(1)				
670	1. Where a specific payment instrument is used for the purposes of giving permission, the payer and the payer's payment service provider may agree on spending limits for payment transactions executed through that payment instrument. Payment service providers shall not unilaterally increase the spending limits agreed with their payment service users.	1. Where a specific payment instrument is used for the purposes of giving permission, the payer and the payer's payment service provider ~~may agree on~~ <u>shall offer to the payment service user the possibility of setting fair and proportionate</u> spending limits for payment transactions executed through that payment instrument. Payment service providers shall not unilaterally ~~increase~~ <u>change</u> the spending limits agreed with their	1. ~~Where a specific~~ The payment instrument is used for the purposes of giving permission, the payer's service user and the payer's payment service provider may ~~shall~~ agree in the framework contract on a limit of a maximum amount that can be sent for each means of spending limits for payment transactions executed through that, including for credit transfers, and for each payment instrument. It shall be possible for the payment	1. ~~Where a specific payment instrument is used for the purposes of giving permission, the payer and the payer's~~ The payment service provider ~~may agree on spending limits for~~ <u>shall offer to the payment transactions executed through that service user in the framework contract the possibility of setting in that contract a limit of a maximum amount that can be transferred, which may differ according to each means of payment, including for</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				payment service users. <u>The spending limit shall, by default, be set at a low level and shall be specified in the contract between the payment service provider and the payer.</u>		service user to modify limits for each means of payment and each payment instrument, which may be on a per-day or per-transaction basis, or both, at the sole discretion of the payment service user. Payment service providers shall not unilaterally increase ensure that the payer is able to modify the spending limits agreed with their set prior to the placing of a payment service users order. An increase of the spending limit by the payer, if done remotely, shall require the application of strong customer authentication in accordance with Article 85 (1)(d).		<u>credit transfers, and each</u> payment instrument. <u>A limit may be on a per-transaction basis or within a set timeframe, at the sole discretion of the payment service user.</u> Payment service providers shall not unilaterally ~~increase~~ <u>change</u> the spending limits ~~agreed~~ <u>set in the framework contract</u> with their payment service users. <u>It shall be possible for the payment service user to modify the spending limits set in the framework contract. Payment service providers shall ensure that the payer is able to modify the spending limits set prior to the placing of a payment order.</u> TM 23.09: 'setting' used in IPR. line 673e (CNS) also refers to IPR. Recital to be added regarding level of the limits: "The spending limits should, by default, be set at a low level." EC: Art. 85(1)(d) (line 888) covers already the last sentence of the paragraph. Council ok to remove. TM 18.11: EC: PI is a broad concept. So the wording "each PI" could impose on the PSP to set limits. Proposal to add "may differ according to each". Text Origin: EP Mandate
Article 51(1a)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	670a					1a. Payment service providers shall not unilaterally modify the spending limits agreed with their payment service users. If done remotely, payment service providers shall require a delay of a minimum of four hours and maximum of twelve hours for any resulting increase in spending limits to come into effect. Payment service users shall have the right to adjust or opt out of the application of a delay period, which, if done remotely, shall require the application of strong customer authentication in accordance with Article 85(1)(d). Where a delay period is in place, any subsequent adjustment or opting out of its application shall be subject to the delay period in place.		<u>1a. If the payment service user increases the spending limits remotely, payment service providers shall set a delay of four hours for that increase to come into effect. Payment service users shall have the right to adjust or opt out of the application of such delay period. Where a delay period is in place, any subsequent adjustment or opting out of its application shall be subject to the delay period in place.</u> TM 23.09: Council to revert with new proposal. TM 18.11: changes proposed by the Council. Limitation to 4 hours. Text Origin: Council Mandate
Article 51(1b)								
G	670b					1b. Payment service providers shall immediately notify payment service users, in an agreed manner, when a spending limit is modified or when the opt-out referred to in the previous paragraph is exercised.		<u>Payment service providers shall immediately notify payment service users, in an agreed manner, when a change to a spending limit is requested, when the delay period referred to in the first subparagraph has ended or when the opt-out referred to in the first subparagraph is exercised.</u> TM 23.9: addition of a notification requirement when the cooling off

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								period ends. Text Origin: Council Mandate
Article 51(1c)								
670c						1c. Where a payment service user's payment order exceeds, or leads to exceeding of the maximum amount, the payer's payment service provider shall not execute the payment order and shall inform the payment service user of the reasons thereof and how to modify the maximum amount.		<u>1c. Where a payment service user's payment order exceeds, or leads to exceeding of the maximum amount, the payer's payment service provider shall not execute the payment order and shall inform the payment service user of the reasons thereof and how to modify the maximum amount.</u> Text Origin: Council Mandate
Article 51(2)								
671		2.If agreed in the framework contract, the payment service provider may reserve the right to block the payment instrument for objectively justified reasons relating to the security of the payment instrument, the suspicion of unauthorised or fraudulent use of the payment instrument or, in the case of a payment instrument with a credit line, a significantly increased risk that the payer may be unable to fulfil its liability to pay.		2. ~~If agreed in the framework contract,~~ The payment service provider ~~may reserve the right to~~ ~~shall~~ block the payment instrument ~~for~~ <u>in the case of</u> objectively justified ~~reasons~~ <u>risks</u> relating to the security of the payment instrument, the suspicion of unauthorised or fraudulent use of the payment instrument or, in the case of a payment instrument with a credit line, a significantly increased risk that the payer may be unable to fulfil its liability to pay. <u>Where such blocking does not take place despite reasonable grounds for suspecting fraud, the payer shall not bear any financial consequences, except</u>		2.By way of derogation from Article 69(1), if agreed in the framework contract, the payment service provider may reserve the right to block the payment instrument for objectively justified reasons relating to the security of the payment instrument, the suspicion of unauthorised or fraudulent use of the payment instrument or, when the payment instrument is used by the payment service user for activity that is prohibited by other relevant Union or national law, or in the case of a payment instrument with a credit line, a significantly increased risk that the payer may be unable to fulfil its liability to pay.		2. ~~If agreed in the framework contract,~~ The payment service provider may ~~reserve the right to~~ block the payment instrument for objectively justified reasons relating to the security of the payment instrument, the suspicion of unauthorised or fraudulent use of the payment instrument or, in the case of a payment instrument with a credit line, a significantly increased risk that the payer ~~may~~ <u>might</u> be unable to ~~fulfil its liability~~ <u>meet its obligation</u> to pay. line 380 already requires PSP to inform the PSU reference to "national law" is broad, especially in view of AML rules.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>where the payer has acted fraudulently.</u>		the last sentence in EP mandate depends on the outcome of may/shall discussion. Linked to discussion regarding blocking (and related liability) of PT - Art. 65 (line 765) TM 18:11 - disproportionate for Council to use "shall". Also linked to blocking of transactions under Art. 65. EC: payment instrument concept is broad. disproportionate. Council: PSP already has incentives to block the instrument based on the liability regime under PSR. TM 3.12: implementation of trilogue agreement. Text Origin: Council Mandate
Article 51(3)				
672	3.In such cases the payment service provider shall inform the payer of the blocking of the payment instrument and the reasons for it in an agreed manner, where possible before the payment instrument is blocked and at the latest immediately thereafter, unless providing such information would compromise objectively justified security reasons or is prohibited by other relevant Union or national law.	3.In such cases the payment service provider shall inform the payer of the blocking of the payment instrument and the reasons for it in an agreed manner, where possible before the payment instrument is blocked and at the latest immediately thereafter, unless providing such information would compromise objectively justified security reasons or is prohibited by other relevant Union or national law.	3.In such cases the payment service provider shall inform the payer of the blocking of the payment instrument and the reasons for it in an agreed manner, where possible before the payment instrument is blocked and at the latest immediately thereafter, unless providing such information ~~would compromise objectively justified security reasons or~~ is prohibited by other relevant Union or national law. The payer's payment service provider shall without undue delay and within a maximum of	3.In such cases the payment service provider shall inform the payer of the blocking of the payment instrument and the <u>specific</u> reasons for it in an agreed manner, where possible before the payment instrument is blocked and at the latest immediately thereafter, unless providing such information ~~would compromise objectively justified security reasons or~~ is prohibited by other relevant Union or national law. <u>The payer's payment service provider shall without undue delay and within two business days at the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						two business days, assess whether the reasons to block the payment instrument are still justified.		<u>latest, assess whether the reasons to block the payment instrument are still justified.</u> ITM 23.09: obligation to check after two days max is a one off obligation. Text Origin: Council Mandate
	Article 51(4)							
G	673	4.The payment service provider shall unblock the payment instrument or replace it with a new payment instrument once the reasons for blocking no longer exist.		4.The payment service provider shall unblock the payment instrument or replace it with a new payment instrument once the reasons for blocking no longer exist.		4.The payment service provider shall unblock the payment instrument or replace it with a new payment instrument once the reasons for blocking no longer exist.		4.The payment service provider shall unblock the payment instrument or replace it with a new payment instrument once the reasons for blocking no longer exist. Text Origin: Commission Proposal
	Article 51(4a)							
G	673a					5.Where the payment service provider offers the payment service user the possibility to initiate or give consent to payment transactions by means of a mobile application, the payment service provider shall require strong customer authentication and the use of different communication channels to activate the mobile application on a new device, if done remotely.		<u>4a. Where the payment service provider offers the payment service user the possibility to initiate or give consent to payment transactions by means of a mobile application, the payment service provider shall require strong customer authentication and the use of different communication channels to activate the mobile application.</u> 23.09: This requirement is already covered in level 2, the substance of which will be carried over in a new RTS to be developed by EBA. EC: better placed in level 2. Council to revert whether to keep it in

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								level 1 or leave it for level 2 RTS. The intention is to exempt onboarding (new banking relationship) from notification requirement and SCA. To be clarified, possibly in the recital. Removal of "if done remotely". TM 18.11 Text Origin: Council Mandate
Article 51(4b)								
G	673b					If done remotely, the payment service provider shall require a delay of a minimum of four hours and maximum of twelve hours for the activation of the mobile application to take effect. The payment service user shall have the right to adjust or opt out of the application of such a delay period. Where a delay period is in place, any subsequent adjustment or opting out of its application shall be subject to the delay period in place. The adjustment or opt-out, if done remotely, shall require the application of strong customer authentication in accordance with Article 85 (1)(d).		<u>4b. If the payment service user activates the mobile application remotely, the provider shall set a delay of four hours for that activation to take effect. The payment service user shall have the right to adjust or opt out of the application of such a delay period. Where a delay period is in place, any subsequent adjustment or opting out of its application shall be subject to the delay period in place.</u> 23.09: Council to revert with drafting proposal, together with 670a. TM 18.11
Article 51(4c)								
G	673c					5a. The payment service provider shall immediately notify the payment service user, in an agreed manner, and through different		<u>4c. The payment service provider shall immediately notify the payment service user, in an agreed manner, and through different</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						communication channels, of the activation of a mobile application linked to its payment account on a new device. The notification shall include instructions in case the payment service users have not installed the mobile application themselves.		<u>communication channels, of the activation of a mobile application. The notification shall include instructions in case the payment service users have not installed the mobile application themselves.</u> <u>The procedure for the notification referred to in this paragraph shall be agreed between the payment service user and the payment service provider.</u> TM 18.11 Text Origin: Council Mandate
Article 51(4d)								
G 673d						5b. Where the payment service user notifies the payment service provider that they have not activated the mobile application linked to their payment account in accordance with the procedure referred to in paragraph 5a, the payment service provider shall without undue delay ensure that the intended mobile application does not make it possible to access the payment account of the payment service user, or initiate or give consent to payment transactions.		<u>4d. Where the payment service user notifies the payment service provider that they have not activated the mobile application linked to their payment account in accordance with the procedure referred to in paragraph 4c, the payment service provider shall without undue delay ensure that the mobile application does not make it possible to access the payment account of the payment service user, or initiate or give consent to payment transactions.</u> TM 18.11 Text Origin: Council Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 51(4e)								
673e								<u>4e. Paragraphs 4a, 4b and 4c shall not apply to the initial establishment of the customer relationship between the payment service user and the payment service provider through the use of a mobile application nor to the activation by the payment service provider at its physical premises of a mobile application on a device of the payment service user.</u> TM 18.11 4/3 reference adjusted
Article 51(4f)								
673f					6.The provisions of this Article shall also apply to all credit transfers. For euro credit transfers, in the event of a conflict between this Article and the provisions of Regulation (EU) 260/2012, this Article shall prevail.			<u>4f. This Article applies to all credit transfers, including credit transfers in euro, notwithstanding Regulation (EU) 260/2012.</u> 23.09: this Regulation would prevail over IPR, especially regarding limits and cooling off period. Text Origin: Council Mandate
Article 52								
674		Article 52 Obligations of the payment service user in relation to payment instruments and personalised security credentials		Article 52 Obligations of the payment service user in relation to payment instruments and personalised security credentials		Article 52 Obligations of the payment service user in relation to payment instruments and personalised security credentials		Article 52 Obligations of the payment service user in relation to payment instruments and personalised security credentials Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 52, first paragraph				
675	The payment service user entitled to use a payment instrument shall:	The payment service user entitled to use a payment instrument shall:	The payment service user entitled to use a payment instrument shall:	The payment service user entitled to use a payment instrument shall: Text Origin: Commission Proposal
Article 52, first paragraph, point (a)				
676	(a) use the payment instrument in accordance with the terms governing the issue and use of the payment instrument, which shall be objective, non-discriminatory and proportionate;	(a) use the payment instrument in accordance with the terms governing the issue and use of the payment instrument, which shall be objective, non-discriminatory and proportionate;	(a) use the payment instrument in accordance with the terms governing the issue and use of the payment instrument, which shall be objective, non-discriminatory and proportionate;	(a) use the payment instrument in accordance with the terms governing the issue and use of the payment instrument, which shall be objective, non-discriminatory and proportionate; Text Origin: Commission Proposal
Article 52, first paragraph, point (b)				
677	(b) notify the payment service provider, or the entity specified by the payment service provider, without undue delay on becoming aware of the loss, theft, misappropriation or unauthorised use of the payment instrument.	(b) notify the payment service provider, or the entity specified by the payment service provider, without undue delay on becoming aware of the loss, theft, misappropriation or unauthorised use of the payment instrument <u>or its relevant personalised security credentials</u> .	(b) notify the payment service provider, or the entity specified by the payment service provider, without undue delay on becoming aware of the loss, theft, misappropriation or unauthorised use of the payment instrument.	(b) notify the payment service provider, or the entity specified by the payment service provider, without undue delay on becoming aware of the loss, theft, misappropriation or unauthorised use of the payment instrument <u>or its relevant personalised security credentials</u> . Text Origin: EP Mandate
Article 52, second paragraph				
678	For the purposes of point (a) the payment service user shall, as soon as in receipt of a payment instrument, take all reasonable steps to keep its personalised security	For the purposes of point (a) the payment service user shall, as soon as in receipt of a payment instrument, take all reasonable steps to keep its personalised security	For the purposes of point (a) the payment service user shall, as soon as in receipt of a payment instrument, take all reasonable steps to keep its personalised security	For the purposes of point (a) the payment service user shall, as soon as in receipt of a payment instrument, take all reasonable steps to keep its personalised security

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
	credentials safe.	credentials safe.	credentials safe.	credentials safe. Text Origin: Commission Proposal	
Article 53					
679	Article 53 Obligations of the payment service provider in relation to payment instruments	Article 53 Obligations of the payment service provider in relation to payment instruments	Article 53 Obligations of the payment service provider in relation to payment instruments	Article 53 Obligations of the payment service provider in relation to payment instruments Text Origin: Commission Proposal	
Article 53(1)					
680	1.The payment service provider issuing a payment instrument shall:	1.The payment service provider issuing a payment instrument shall:	1.The payment service provider issuing a payment instrument shall:	1.The payment service provider issuing a payment instrument shall: Text Origin: Commission Proposal	
Article 53(1), point (a)					
681	(a) make sure that the personalised security credentials are not accessible to parties other than the payment service user that is entitled to use the payment instrument, without prejudice to the obligations on the payment service user set out in Article 52;	(a) make sure that the personalised security credentials are not accessible to parties other than the payment service user that is entitled to use the payment instrument, without prejudice to the obligations on the payment service user set out in Article 52;	(a) make sure that the personalised security credentials are not accessible to parties other than the payment service user that is entitled to use the payment instrument, without prejudice to the obligations on the payment service user set out in Article 52;	(a) ~~make sure~~ <u>ensure</u> that the personalised security credentials are not accessible to parties other than the payment service user that is entitled to use the payment instrument, without prejudice to the obligations on the payment service user set out in Article 52; Text Origin: Commission Proposal	
Article 53(1), point (b)					
682	(b) refrain from sending an unsolicited payment instrument, except where a payment instrument	(b) refrain from sending an unsolicited payment instrument, except where a payment instrument	(b) refrain from sending an unsolicited payment instrument, except where a payment instrument	(b) refrain from sending an unsolicited payment instrument, except where a payment instrument	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	already given to the payment service user is to be replaced;	already given to the payment service user is to be replaced;	already given to the payment service user is to be replaced;	already given to the payment service user is to be replaced; Text Origin: Commission Proposal
Article 53(1), point (c)				
683	(c) ensure that appropriate means are available at all times to enable the payment service user to make a notification pursuant to Article 52 point (b), or to request unblocking of the payment instrument pursuant to Article 51(4);	(c) ensure that appropriate means, <u>including a free of charge communication channel allowing for human support in the official language of the host Member State,</u> are available at all times to enable the payment service user to make a notification pursuant to Article 52 point (b), or to request unblocking of the payment instrument pursuant to Article 51(4);	(c) ensure that appropriate means are available at all times to enable the payment service user to make a notification pursuant to Article 52 point (b), or to request unblocking of the payment instrument pursuant to Article 51(4);	(c) ensure that appropriate means are available at all times <u>and free of charge</u> to enable the payment service user to make a notification pursuant to Article 52 point (b), or to request unblocking of the payment instrument pursuant to Article 51(4), <u>and that human support is available free of charge for those purposes in an official language of the Member State where the payment service is provided at least during business hours;</u> Text Origin: Commission Proposal
Article 53(1), point (d)				
684	(d) provide the payment service user with the possibility to make a notification pursuant to Article 52 point (b) free of charge and only charge any possible replacement costs directly attributed to the payment instrument;	(d) provide the payment service user with the possibility to make a notification pursuant to Article 52 point (b) free of charge and only charge any possible replacement costs directly attributed to the payment instrument;	(d) provide the payment service user with the possibility to make a notification pursuant to Article 52 point (b) free of charge and only charge any possible replacement costs directly attributed to the payment instrument;	(d) provide the payment service user with the possibility to make a notification pursuant to Article 52 point (b) free of charge and only charge any possible replacement costs directly attributed to the payment instrument; Text Origin: Commission Proposal
Article 53(1), point (e)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
685	(e) prevent all use of the payment instrument once a notification pursuant to Article 52 point (b) has been made.	(e) prevent all use of the payment instrument once a notification pursuant to Article 52 point (b) has been made- i	(e) prevent all use of the payment instrument once a notification pursuant to Article 52 point (b) has been made.	(e) prevent all use of the payment instrument once a notification pursuant to Article 52 point (b) has been made- i Text Origin: EP Mandate
Article 53(1), point (ea)				
685a		(ea) use safe communication channels and, in principle, refrain from sending links and documents via e-mail;		(ea) ensure that sensitive payment data are transmitted to the payment service user through safe channels. 24.09: "where possible, refrain from sending links and documents via e-mail" could be added as a recital to further clarify the meaning of this provision. Language from 620. Risk that it covers also the name of the PSU. EP to revert on the following :ensure that sensitive payment data are transmitted to the payment service user through safe channels. 3.12 Text Origin: EP Mandate
Article 53(1),				
686	(f) For the purposes of point (c), the payment service provider shall provide the payment service user upon its request with the means to prove, for 18 months after notification, that the payment service user made such a notification.	(f) For the purposes of point (c), the payment service provider shall provide the payment service user upon its request with the means to prove, for 18 months after notification, that the payment service user made such a notification.	(f) For the purposes of point (c), the payment service provider shall provide the payment service user upon its request with the means to prove, for 18 months after notification, that the payment service user made such a notification.	~~(f)~~ For the purposes of point (c), the payment service provider shall provide the payment service user upon its request with the means to prove, for 18 months after notification, that the payment service user made such a notification.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 53(2)				
687	2.The payment service provider shall bear the risk of sending a payment instrument or any personalised security credentials relating to it to the payment service user.	2.The payment service provider shall bear the risk of sending a payment instrument or any personalised security credentials relating to it to the payment service user.	2.The payment service provider shall bear the risk of sending a payment instrument or any personalised security credentials relating to it to the payment service user.	2.The payment service provider shall bear the risk of sending a payment instrument or any personalised security credentials relating to it to the payment service user. Text Origin: Commission Proposal
Article 53(2a)				
687a			3.The payer's payment service provider shall ensure that appropriate means are available at all times to enable the payer to contact the payment service provider where additional information is requested by the payment service provider pursuant to Article 65(1a) and Article 69(2a) to assess whether there are reasonable grounds to suspect fraud.	<i>deleted</i> 24.09: to be moved to Art. 65 and 69. "reasonable grounds" to be changed by "objectively justified reasons". 20.10: included below in 765e only.
Article 53(2b)				
687b		<u>2a. Where the payer's payment service provider does not comply with the obligations set out in this Article, the payer shall not bear any resulting financial losses unless the payer acted fraudulently.</u>		<i>deleted</i> TM 20.10: already partly covered by 687, 733 and 734. Text Origin: EP Mandate
Article 54				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
688	Article 54 Notification and rectification of unauthorised, authorised or incorrectly executed payment transactions	Article 54 Notification and rectification of unauthorised, authorised or incorrectly executed payment transactions	Article 54 Notification and rectification of unauthorised, authorised or incorrectly executed payment transactions	Article 54 Notification and rectification of unauthorised, authorised or incorrectly executed payment transactions Text Origin: Commission Proposal
Article 54(1), first subparagraph				
689	1.The payment service provider shall only rectify any unauthorised, incorrectly executed payment transaction or authorised payment transaction where the payment service user notifies the payment service provider in accordance with Articles 57 and 59 without undue delay after becoming aware of any such transaction giving rise to a claim, including a claim under Article 75, and no later than 13 months after the debit date.	1.The payment service provider shall only rectify any unauthorised, incorrectly executed payment transaction or authorised payment transaction where the payment service user notifies the payment service provider in accordance with Articles 57 and 59 without undue delay after becoming aware of any such transaction giving rise to a claim, including a claim under Article 75, and no later than ~~13~~ 18 months after the debit date.	1.The payment service provider shall only rectify any unauthorised, incorrectly executed payment transaction or authorised payment transaction where the payment service user notifies the payment service provider in accordance with Articles 57 and 59 without undue delay after becoming aware of any such transaction giving rise to a claim, including a claim under Article 75, and no later than 13 months after the debit date.	1.The payment service provider shall only rectify any unauthorised, incorrectly executed payment transaction or authorised payment transaction where the payment service user notifies the payment service provider in accordance with ~~Articles 57 and 59~~ Article 56, 59 or 83 without undue delay after becoming aware of any such transaction giving rise to a claim, including a claim under Article 75, and no later than ~~13~~ 18 months after the debit date. TM 3.10: 13 months from PSD2. EC did not spot any issue with current 13 month deadline. No consumer complained about this deadline. Council: 13 months seems appropriate. To be added to list of numbers. TM 3.12: implementation of trilogue agreement TM 11.02: reference to 57 removed because no notification in current

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
				version of Art. 57 5/3: addition of reference to 59. @LL: to check whether reference to Art. 83 is needed. Text Origin: EP Mandate	
Article 54(1), second subparagraph					
690	The time limits for notification laid down in the first subparagraph shall not apply where the payment service provider has failed to provide or make available the information on the payment transaction in accordance with Title II.	The time limits for notification laid down in the first subparagraph shall not apply where the payment service provider has failed to provide or make available the information on the payment transaction in accordance with Title II.	The time limits for notification laid down in the first subparagraph shall not apply where the payment service provider has failed to provide or make available the information on the payment transaction in accordance with Title II.	The time limits for notification laid down in the first subparagraph shall not apply where the payment service provider has failed to provide or make available the information on the payment transaction in accordance with Title II.	Text Origin: Commission Proposal
Article 54(2)					
691	2.Where a payment initiation service provider is involved, the payment service user shall obtain rectification from the account servicing payment service provider pursuant to paragraph 1 of this Article, without prejudice to Article 56(4) and Article 75(1).	2.Where a payment initiation service provider is involved, the payment service user shall obtain rectification from the account servicing payment service provider pursuant to paragraph 1 of this Article, without prejudice to Article 56(4) and Article 75(1).	2.Where a payment initiation service provider is involved, the payment service user shall obtain rectification from the account servicing payment service provider pursuant to paragraph 1 of this Article, without prejudice to Article 56(4) and Article 75(1).	2.Where a payment initiation service provider is involved, the payment service user shall obtain rectification from the account servicing payment service provider pursuant to paragraph 1 of this Article, without prejudice to Article 56(4) and Article 75(1).	Text Origin: Commission Proposal
Article 55					
692	Article 55 Evidence on authorisation and	Article 55 Evidence on authorisation and	Article 55 Evidence on authorisation and	Article 55 Evidence on authorisation and	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	execution of payment transactions	execution of payment transactions	execution of payment transactions	execution of payment transactions Text Origin: Commission Proposal
Article 55(1), first subparagraph				
693	1. Where a payment service user denies having authorised an executed payment transaction or claims that the payment transaction was not correctly executed, the burden shall be on the payment service provider to prove that the payment transaction was authorised, accurately recorded, entered in the accounts and not affected by a technical breakdown or some other deficiency of the service provided by the payment service provider.	1. Where a payment service user denies having authorised an executed payment transaction or claims that the payment transaction was not correctly executed, the burden shall be on the payment service provider to prove that the payment transaction was authorised, accurately recorded, entered in the accounts and not affected by a technical breakdown or some other deficiency of the service provided by the payment service provider.	1. Where a payment service user denies having authorised an executed payment transaction or claims that the payment transaction was not correctly executed, the burden shall be on the payment service provider to prove that the payment transaction was authorised, accurately recorded, entered in the accounts and not affected by a technical breakdown or some other deficiency of the service provided by the payment service provider.	1. Where a payment service user denies having authorised an executed payment transaction or claims that the payment transaction was not correctly executed, the burden shall be on the payment service provider to prove that the payment transaction was authorised, accurately recorded, entered in the accounts and not affected by a technical breakdown or some other deficiency of the service provided by the payment service provider. Text Origin: Commission Proposal
Article 55(1), second subparagraph				
694	If the payment transaction is initiated through a payment initiation service provider, the burden shall be on the payment initiation service provider to prove that within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected by a technical breakdown or other deficiency linked to the payment service of which it is in charge.	If the payment transaction is initiated through a payment initiation service provider, the burden shall be on the payment initiation service provider to prove that within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected by a technical breakdown or other deficiency linked to the payment service of which it is in charge.	If the payment transaction is initiated through a payment initiation service provider, the burden shall be on the payment initiation service provider to prove that within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected by a technical breakdown or other deficiency linked to the payment service of which it is in charge.	If the payment transaction is initiated through a payment initiation service provider, the burden shall be on the payment initiation service provider to prove that within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected by a technical breakdown or other deficiency linked to the payment service of which it is in charge. Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 55(2)				
695	2.Where a payment service user denies having authorised an executed payment transaction, the use of a payment instrument recorded by the payment service provider, including the payment initiation service provider as appropriate, shall in itself not be sufficient to prove either that the payment transaction was authorised by the payer or that the payer acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52. The payment service provider, including, where appropriate, the payment initiation service provider, shall provide supporting evidence to prove fraud or gross negligence on part of the payment service user.	2.Where a payment service user denies having authorised an executed payment transaction, the use of a payment instrument recorded by the payment service provider, including the payment initiation service provider as appropriate, shall in itself not be sufficient to prove either that the payment transaction was authorised by the payer or that the payer acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52. The payment service provider, including, where appropriate, the payment initiation service provider, shall provide supporting evidence to prove fraud or gross negligence on part of the payment service user.	2.Where a payment service user denies having authorised an executed payment transaction, ~~the use of a payment instrument recorded by the~~ the fact that the payment service provider transaction was authenticated, including where applicable, via strong customer authentication, accurately recorded, entered in the accounts and not affected by a technical breakdown or some other deficiency of the ~~the payment initiation service provider as appropriate,~~ provided shall in itself not necessarily be sufficient to prove either that the payment transaction was authorised by the payer or that the payer acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52. The payment service provider, including, where appropriate, the payment initiation service provider, shall provide supporting evidence to prove fraud or gross negligence on part of the payment service user.	2.Where a payment service user denies having authorised an executed payment transaction, ~~the use of a payment instrument recorded by~~ the fact that the payment ~~service provider~~ transaction was authenticated, including where applicable, via strong customer authentication, accurately recorded, entered in the accounts and not affected by a technical breakdown or some other deficiency of the ~~the payment initiation service provider as appropriate,~~ provided shall in itself not necessarily be sufficient to prove either that the payment transaction was authorised by the payer or that the payer acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52. The payment service provider, including, where appropriate, the payment initiation service provider, shall provide supporting evidence to prove fraud or gross negligence on part of the payment service user. TM 3.10: AM to enhance consumer protection Text Origin: Council Mandate
Article 55(2a)				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
695a						3. For the purpose referred to in paragraph 1, the payment service user shall provide the payment service provider with all the relevant information requested by the payment service provider and that the payment service user can reasonably be expected to have regarding the events leading to the disputed payment transaction.		<u>2a. For the purposes of paragraphs 1 and 2, and before concluding that a payment service user has authorised the transaction, acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52, the payment service provider shall invite the payment service user to provide information regarding the events leading up to the payment transaction and include this information in its assessment. Where the payment service user does not provide such information, this shall not in itself lead the payment service provider to conclude that the payment service user has authorised the transaction, acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52. The payment service user shall not be expected to provide information beyond what such a payment service user can reasonably be expected to have.</u> TM 3.10: Council: the PSU should cooperate to a certain extent Risk of shifting the burden of proof to the PSU Check where to move this provision, to align it with 59.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 20.10: EC: changed in Art. 55(1) the reference to authentication by a reference to authorised. TM 3.12: implementation of trilogue agreement TM 4.12: changes to align with Art. 59 Text Origin: Council Mandate
Article 56				
696	Article 56 Payment service provider's liability for unauthorised payment transactions	Article 56 Payment service provider's liability for unauthorised payment transactions	Article 56 Payment service provider's liability for unauthorised payment transactions	Article 56 Payment service provider's liability for unauthorised payment transactions Text Origin: Commission Proposal
Article 56(1)				
697	1. Without prejudice to Article 54, in the case of an unauthorised payment transaction, the payer's payment service provider shall refund the payer the amount of the unauthorised payment transaction immediately, and in any event no later than by the end of the following business day, after noting or being notified of the unauthorised transaction, except where the payer's payment service provider has reasonable grounds for suspecting fraud committed by the payer and communicates those grounds to the	1. Without prejudice to Article 54, in the case of an unauthorised payment transaction, the payer's payment service provider shall refund the payer the amount of the unauthorised payment transaction immediately, and in any event no later than by the end of the following business day, after noting or being notified of the unauthorised transaction, except where the payer's payment service provider has reasonable grounds for suspecting fraud committed by the payer and communicates those grounds to the	1. Without prejudice to Article 54, in the case of an unauthorised payment transaction, the payer's payment service provider shall refund the payer the amount of the unauthorised payment transaction immediately, and in any event no later than by the end of the following business day, after noting or being notified of the unauthorised transaction, except where the payer's payment service provider has reasonable grounds for suspecting fraud committed by the payer and communicates those grounds to the	1. Without prejudice to Article 54, in the case of an unauthorised payment transaction, the payer's payment service provider shall refund the payer the amount of the unauthorised payment transaction immediately, and in any event no later than by the end of the following business day, after noting or being notified of the unauthorised transaction, except where the payer's payment service provider has ~~reasonable~~ <u>objectively justified reasons for suspecting that the payer failed with intent or gross</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	relevant national authority in writing.	relevant national authority in writing.	relevant national authority in writing.	<u>negligence to fulfil one or more of the obligations under Article 52, and communicates those grounds to the payer in writing, or</u> for suspecting fraud committed by the payer ~~and communicates those grounds to the relevant national authority in writing.~~ TM 3.12: no communication to relevant national authority at this stage, but at a later stage see 700 TM 12.12: change comes to reflect EBA Q&A Text Origin: Commission Proposal
Article 56(2)				
698	2.Where the payer's payment service provider had reasonable grounds for suspecting fraud committed by the payer, the payer's payment service provider shall, within 10 business days after noting or being notified of the transaction, do either of the following:	2.Where the payer's payment service provider had reasonable grounds for suspecting fraud committed by the payer, the payer's payment service provider shall, within ~~10~~ 14 business days after noting or being notified of the transaction, do either of the following:	2.Where the payer's payment service provider had reasonable grounds for suspecting fraud committed by the payer, the payer's payment service provider shall, within ~~10~~ 15 business days after noting or being notified of the transaction, do either of the following:	2.Where the payer's payment service provider had ~~reasonable grounds~~<u>objectively justified reasons</u> for suspecting ~~fraud committed by~~<u>that</u> the payer <u>acted fraudulently or failed with intent or gross negligence to fulfil one or more of the obligations under Article 52,</u> the payer's payment service provider shall, within ~~10~~15 business days after noting or being notified of the transaction, do either of the following: TM 4.12: "noting" was removed in 718. Could be changed by "becoming aware"

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								across the text despite being used in PSD2 TM 12.12 TM 15.12: reasonable grounds deleted. Text Origin: Council Mandate
Article 56(2), point (a)								
699		(a) refund the payer the amount of the unauthorised payment transaction if the payer's payment service provider has concluded, after further investigation, that no fraud has been committed by the payer;		(a) refund the payer the amount of the unauthorised payment transaction if the payer's payment service provider has concluded, after further investigation, that no fraud has been committed by the payer;		(a) refund the payer the amount of the unauthorised payment transaction if the payer's payment service provider has concluded, after further investigation, that no fraud has been committed by the payer;		(a) refund the payer the amount of the unauthorised payment transaction if the payer's payment service provider has concluded, after further investigation, that ~~no fraud has been committed by~~ the payer <u>did not act fraudulently or fail with intent or gross negligence to fulfil one or more of the obligations under Article 52;</u> TM 12.12 Text Origin: Commission Proposal
Article 56(2), point (b)								
700		(b) provide a justification for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.		(b) provide a justification <u>to the relevant national authority and to the payer</u> for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.		(b) provide a justification for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.		(b) provide a justification <u>to the payer</u> for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided, <u>and, where the payment service provider concludes that the payer acted fraudulently, communicate the</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>reasons for that conclusion to the relevant national authority.</u> TM 3.10: "relevant national authority", to check how this provision has been transposed. In an effort of simplification, the notification to the national authority in 697 was removed. TM 12.12 Text Origin: EP Mandate
Article 56(2), point (ba)				
700a				<u>For the purpose of the paragraph 2, point (b), Member States shall publish the name of the relevant national authority to whom the justification is to be provided.</u>
Article 56(3)				
701	3.Where applicable, the payer's payment service provider shall restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place. The payer's payment service provider shall also ensure that the credit value date for the payer's payment account shall be no later than the date the amount had been debited.	3.Where applicable, the payer's payment service provider shall restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place. The payer's payment service provider shall also ensure that the credit value date for the payer's payment account shall be no later than the date the amount had been debited.	3.Where applicable, the payer's payment service provider shall restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place. The payer's payment service provider shall also ensure that the credit value date for the payer's payment account shall be no later than the date the amount had been debited.	3.Where applicable, the payer's payment service provider shall restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place. The payer's payment service provider shall also ensure that the credit value date for the payer's payment account shall be no later than the date the amount had been debited. Text Origin: Commission Proposal
Article 56(4)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
702	4.Where the payment transaction is initiated through a payment initiation service provider, the account servicing payment service provider shall refund immediately, and in any event no later than by the end of the following business day, the amount of the unauthorised payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place.	4.Where the payment transaction is initiated through a payment initiation service provider, the account servicing payment service provider shall refund immediately, and in any event no later than by the end of the following business day, the amount of the unauthorised payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place.	4.Where the payment transaction is initiated through a payment initiation service provider, the account servicing payment service provider shall refund immediately, and in any event no later than by the end of the following business day, the amount of the unauthorised payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place.	4.Where the payment transaction is initiated through a payment initiation service provider, the account servicing payment service provider shall refund immediately, and in any event no later than by the end of the following business day, the amount of the unauthorised payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the unauthorised payment transaction not taken place. Text Origin: Commission Proposal
Article 56(5)				
703	5.If the payment initiation service provider is liable for the unauthorised payment transaction, the payment initiation service provider shall immediately compensate the account servicing payment service provider at its request for the losses incurred or sums paid as a result of the refund to the payer, including the amount of the unauthorised payment transaction. In accordance with Article 55(1), the burden shall be on the payment initiation service provider to prove that, within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected	5.If the payment initiation service provider is liable for the unauthorised payment transaction, the payment initiation service provider shall immediately compensate the account servicing payment service provider at its request for the losses incurred or sums paid as a result of the refund to the payer, including the amount of the unauthorised payment transaction. In accordance with Article 55(1), the burden shall be on the payment initiation service provider to prove that, within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected	5.If the payment initiation service provider is liable for the unauthorised payment transaction, the payment initiation service provider shall immediately compensate the account servicing payment service provider at its request for the losses incurred or sums paid as a result of the refund to the payer, including the amount of the unauthorised payment transaction. In accordance with Article 55(1), the burden shall be on the payment initiation service provider to prove that, within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected	5.If the payment initiation service provider is liable for the unauthorised payment transaction, the payment initiation service provider shall immediately compensate the account servicing payment service provider at its request for the losses incurred or sums paid as a result of the refund to the payer, including the amount of the unauthorised payment transaction. In accordance with Article 55(1), the burden shall be on the payment initiation service provider to prove that, within its sphere of competence, the payment transaction was authorised, accurately recorded and not affected

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	by a technical breakdown or other deficiency linked to the payment service of which it is in charge.	by a technical breakdown or other deficiency linked to the payment service of which it is in charge.	by a technical breakdown or other deficiency linked to the payment service of which it is in charge.	by a technical breakdown or other deficiency linked to the payment service of which it is in charge. Text Origin: Commission Proposal
Article 56(6)				
704	6.The payer may be entitled to further financial compensation from the payment service provider in accordance with the law applicable to the contract concluded between the payer and the payment service provider or the contract concluded between the payer and the payment initiation service provider, where applicable.	6.The payer may be entitled to further financial compensation from the payment service provider in accordance with the law applicable to the contract concluded between the payer and the payment service provider or the contract concluded between the payer and the payment initiation service provider, where applicable.	6.The payer may be entitled to further financial compensation from the payment service provider in accordance with the law applicable to the contract concluded between the payer and the payment service provider or the contract concluded between the payer and the payment initiation service provider, where applicable.	6. ~~The payer may be entitled to~~ <u>Any</u> further financial ~~compensation from the payment service provider~~ <u>loss caused to the payer may be compensated</u> in accordance with the law applicable to the contract concluded between the payer and the <u>relevant</u> payment service provider ~~or the contract concluded between the payer and the payment initiation service provider, where applicable.~~ 24.09: to align with wording of 705c Text Origin: Commission Proposal
Article 57				
705	Article 57 Payment service provider's liability for incorrect application of the matching verification service	Article 57 Payment service provider's liability for incorrect application of the matching verification service	Article 57 Payment service provider's liability for incorrect application of the matching verification service	Article 57 Payment service provider's liability for incorrect application of the matching verification service Text Origin: Commission Proposal
Article 57(-1)				
705a			Where payment service providers fail to comply with their obligations under Article 50, and	<u>Where payment service providers fail to comply with Article 50, and where that failure results in a</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						where that failure results in a defectively executed payment transaction, the payer's PSP shall without delay refund the payer the amount transferred and, where applicable, restore the debited payment account to the state in which it would have been had the transaction not taken place.		<u>defectively executed payment transaction, the payer's payment service provider shall without delay refund the payer the amount transferred and, where applicable, restore the debited payment account to the state in which it would have been had the transaction not taken place.</u> Art. 5c(8) IPr, except for subpara 1. Text Origin: Council Mandate
Article 57(-1a)								
705b						Where the failure to comply occurs because the payee's payment service provider, or the payment initiation service provider, failed to comply with its obligations under Article 50, the payee's payment service provider or, where relevant, the payment initiation service provider, shall compensate the payer's payment service provider for the financial damage caused to the payer's payment service provider by that failure.		<u>Where that failure occurs because the payee's payment service provider, or the payment initiation service provider, failed to comply with Article 50, the payee's payment service provider or, where relevant, the payment initiation service provider, shall compensate the payer's payment service provider for the financial damage caused to the payer's payment service provider by that failure.</u> TM 21.10: might be redundant in view 835 (right of course). EC to check. TM 3.12: LL to review, although this is IPR language (Art. 5c(8), subp 3) Text Origin: Council Mandate
Article 57(-1b)								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 705c			Any further financial loss caused to the payer may be compensated in accordance with the law applicable to the contract concluded between the payer and the relevant payment service provider .	<u>Any further financial loss caused to the payer may be compensated in accordance with the law applicable to the contract concluded between the payer and the relevant payment service provider.</u> Text Origin: Council Mandate
Article 57(1)				
G 706	1.The payer shall not bear any financial losses for any authorised credit transfer where the payment service provider of the payer failed, in breach of Article 50(1), to notify the payer of a detected discrepancy between the unique identifier and the name of the payee provided by the payer.	1.The payer shall not bear any financial losses for any authorised credit transfer where the payment service provider of the payer failed, in breach of Article 50(1), to notify the payer of a detected discrepancy between the unique identifier and the name of the payee provided by the payer.	~~1. The payer shall not bear any financial losses for any authorised credit transfer where the payment service provider of the payer failed, in breach of Article 50(1), to notify the payer of a detected discrepancy between the unique identifier and the name of the payee provided by the payer.~~	deleted
Article 57(2)				
G 707	2.Within 10 business days after noting or being notified of a credit transfer transaction executed in the circumstances referred to in paragraph 1, the payment service provider shall do either of the following:	2.Within ~~10~~ ¹⁴ business days after noting or being notified of a credit transfer transaction executed in the circumstances referred to in paragraph 1, the payment service provider shall do either of the following:	~~2. Within 10 business days after noting or being notified of a credit transfer transaction executed in the circumstances referred to in paragraph 1, the payment service provider shall do either of the following:~~	deleted
Article 57(2), point (a)				
G 708	(a) refund the payer the full amount of the authorised credit transfer;	(a) refund the payer the full amount of the authorised credit transfer;	~~(a) refund the payer the full amount of the authorised credit transfer;~~	deleted
Article 57(2), point (b)				
G 709	(b) provide a justification for	(b) provide ~~a~~ ^{an} accurate and	~~(b) provide a justification for~~	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.	<u>substantiated</u> justification <u>to the payer in writing</u> for refusing the refund, <u>provide proof to the relevant competent authority that there was no infringement of Article 50(1)</u> and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.	refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.	<i>deleted</i>
Article 57(3)				
710	3. Where the payment service provider of the payee is responsible for the breach of Article 50(1) committed by the payment service provider of the payer, the payment service provider of the payee shall refund the financial damage incurred by the payment service provider of the payer.	3. Where the payment service provider of the payee is responsible for the breach of Article 50(1) committed by the payment service provider of the payer, the payment service provider of the payee shall refund the financial damage incurred by the payment service provider of the payer.	~~3. Where the payment service provider of the payee is responsible for the breach of Article 50(1) committed by the payment service provider of the payer, the payment service provider of the payee shall refund the financial damage incurred by the payment service provider of the payer.~~	<i>deleted</i>
Article 57(4)				
711	4. The burden shall be on the payment service provider of the payer or, in the case referred to in paragraph 3, of the payee to prove that there was no breach of Article 50(1).	4. The burden shall be on the payment service provider of the payer or, in the case referred to in paragraph 3, of the payee to prove that there was no breach of Article 50(1).	~~4. The burden shall be on the payment service provider of the payer or, in the case referred to in paragraph 3, of the payee to prove that there was no breach of Article 50(1).~~	<i>deleted</i>
Article 57(5)				
712	5. Paragraphs 1 to 4 shall not apply if the payer has acted fraudulently or if the payer opted out from receiving the verification service in accordance with Article 50(4).	5. Paragraphs 1 to 4 shall not apply if the payer has acted fraudulently or if the payer opted out from receiving the verification service in accordance with Article 50(4).	~~5. Paragraphs 1 to 4 shall not apply if the payer has acted fraudulently or if the payer opted out from receiving the verification service in accordance with Article 50(4).~~	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 57(6)				
713	6. This Article shall not apply to instant credit transfers denominated in euro falling within the scope of by Regulation XXX (IPR).	6. This Article shall not apply to instant credit transfers denominated in euro falling within the scope of by Regulation XXX (IPR).	~~6. This Article shall not apply to instant credit transfers denominated in euro falling within the scope of by Regulation XXX (IPR).~~	<i>deleted</i>
Article 58				
714	Article 58 Liability of technical service providers and of operators of payment schemes for failure to support the application of strong customer authentication	Article 58 Liability of technical service providers and of operators of payment schemes for failure to support the application of strong customer authentication	Article 58 Liability of technical service providers and of operators of payment schemes for failure to support the application of strong customer authentication	Article 58 Liability of technical service providers and of operators of payment schemes for failure to support the application of strong customer authentication Text Origin: Commission Proposal
Article 58, first paragraph				
715	Technical service providers and operators of payment schemes that either provide services to the payee, or to the payment service provider of the payee or of the payer, shall be liable for any financial damage caused to the payee, to the payment service provider of the payee or of the payer for their failure, within the remit of their contractual relationship, to provide the services that are necessary to enable the application of strong customer authentication.	Technical service providers and operators of payment schemes that either provide services to the payee, or to the payment service provider of the payee or of the payer, shall be liable for ~~any~~ <u>direct</u> financial damage caused to the payee, to the payment service provider of the payee or of the payer for <u>,and proportionate to,</u> their failure, within the remit of their contractual relationship, <u>and not exceeding the amount of the transaction in question</u> to provide the services that are necessary to enable the application of strong customer authentication.	Technical service providers and operators of payment schemes that either provide services to the payee, or to the payment service provider of the payee or of the payer, shall be liable for any financial damage caused to the payee, to the payment service provider of the payee or of the payer for their failure, within the remit of their contractual relationship, to provide the services that are necessary to enable the application of strong customer authentication.	Technical service providers and operators of payment schemes that either provide services to the payee, or to the payment service provider of the payee or of the payer, shall be liable for ~~any~~ <u>direct</u> financial damage caused to the payee, to the payment service provider of the payee or of the payer for <u>,and proportionate to,</u> their failure, within the remit of their contractual relationship, <u>and not exceeding the amount of the transaction in question</u> to provide the services that are necessary to enable the application of strong customer authentication. TM 3.10: linked with outsourcing

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								provision. TM 10.12: see change in line 908-9. Text Origin: EP Mandate
Article 59								
G	716	Article 59 Payment service provider’s liability for impersonation fraud		Article 59 ~~Payment service provider’s liability for~~ Impersonation fraud		Article 59 Payment service provider’s liability for impersonation fraud		Article 59 Payment service provider’s liability for impersonation fraud Text Origin: Commission Proposal
Article 59a								
G	716a							<u>Deleted</u>
Article 59a(-1)								
G	716b							<u>-1. Payment service providers shall have adequate prevention and robust technical safeguards in place to prevent cases where fraudsters replicate and misuse the payment service provider’s communication channels for misleading payment service users into making fraudulent transactions.</u> TM11.12 moved up from 880b
Article 59a(1)								
G	717	1.Where a payment services user who is a consumer was manipulated by a third party pretending to be an employee of the consumer’s payment service provider using the name or e-mail address or telephone		1.Where a payment services user who is a consumer was manipulated by a third party pretending to be an employee of the consumer’s payment service provider <u>or any other relevant entity of a public or</u>		1.Where a payment services user who is a consumer was manipulated by a third party pretending to be an employee of the consumer’s payment service provider using communication channels		1.Where a payment services user who is a consumer was manipulated by a third party pretending to be ~~an~~ <u>employee of</u> the consumer’s payment service provider using <u>communication channels attributed</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	number of that payment service provider unlawfully and that manipulation gave rise to subsequent fraudulent authorised payment transactions, the payment service provider shall refund the consumer the full amount of the fraudulent authorised payment transaction under the condition that the consumer has, without any delay, reported the fraud to the police and notified its payment service provider.	<u>private nature</u> using the name or e-mail address or telephone number of that ~~payment service provider~~ <u>entity</u> unlawfully and that manipulation gave rise to subsequent fraudulent authorised payment transactions, the payment service provider shall refund the consumer the full amount of the fraudulent authorised payment transaction under the condition that the consumer has, without any delay, reported the fraud to the police and notified its payment service provider.	attributed to the consumer's ~~the name or e-mail address or telephone number of that~~ payment service provider ~~unlawfully~~ and that manipulation gave rise to subsequent fraudulent authorised payment transactions, the payment service provider shall refund the consumer the full amount of the fraudulent authorised payment transaction under the condition that the consumer ~~has, without any delay, reported,~~ having become aware of the fraud ~~to the police and,~~ has, notified its payment service provider without undue delay, providing the payment service provider with all the relevant information requested by the payment service provider and that the consumer can reasonably be expected to have regarding the events leading up to the disputed payment transaction, and reported the fraud to the police.	<u>to the consumer's</u> ~~the name or e-mail address or telephone number of that~~ payment service provider ~~unlawfully~~ and that manipulation gave rise to subsequent fraudulent authorised payment transactions, the payment service provider shall refund the consumer the full amount of the fraudulent authorised payment transaction under the condition that the consumer has, without ~~any~~ <u>undue</u> delay, ~~reported~~ <u>after becoming aware of</u> the fraud ~~to the police and,~~ notified its payment service provider <u>and reported the fraud to the police.</u> TM 11.02: "channels that the consumer attributed to the PSD" 5/3: communication channels attributed to the consumer's payment service Text Origin: Council Mandate
Article 59a(2)				
718	2. Within 10 business days after noting or being notified of the fraudulent authorised payment transaction, the payment service provider shall do either of the following:	2. Within 10 business days after ~~noting or~~ <u>being notified of the</u> fraudulent authorised payment transaction <u>by the consumer and being presented with the police report</u> , the payment service provider shall do either of the following:	2. Within ~~10~~ 15 business days after noting or being notified of the fraudulent authorised payment transaction, the payment service provider shall do either of the following:	2. Within ~~10~~ 15 business days ~~after noting or~~ <u>of being notified of the fraudulent authorised payment transaction</u> <u>and provided with the police report by the consumer</u> , the payment service provider shall do either of the following: TM 4.12:

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: EP Mandate
Article 59a(2), point (a)				
719	(a) refund the consumer the amount of the fraudulent authorised payment transaction;	(a) refund the consumer the amount of the fraudulent authorised payment transaction;	(a) refund the consumer the amount of the fraudulent authorised payment transaction;	(a) refund the consumer the amount of the fraudulent authorised payment transaction; Text Origin: Commission Proposal
Article 59a(2), point (b)				
720	(b) where the payment service provider has reasonable grounds to suspect a fraud or a gross negligence by the consumer, provide a justification for refusing the refund and indicate to the consumer the bodies to which the consumer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the consumer does not accept the reasons provided.	(b) where the payment service provider ~~has~~ has reasonable grounds to suspect a fraud or a gross negligence by the consumer, provide <u>to the relevant national authority a substantiated</u> justification for refusing the refund and indicate to the consumer the bodies to which the consumer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the consumer does not accept the reasons provided.	(b) where the payment service provider has reasonable grounds to suspect a fraud or a gross negligence by the consumer, provide a justification for refusing the refund and indicate to the consumer the bodies to which the consumer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the consumer does not accept the reasons provided.	(b) where the payment service provider ~~has reasonable grounds~~ <u>has objectively justified reasons</u> to suspect a fraud or a gross negligence by the consumer, provide a justification for refusing the refund and indicate to the consumer the bodies to which the consumer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the consumer does not accept the reasons provided <u>and, where the payment service provider concludes that the payer acted fraudulently, communicate the reasons for that conclusion to the national authority referred to in paragraph 56(2), point (b).</u> TM 4.12: to be discussed in the context of reporting simplification TM 15.12: same wording as in 700 Text Origin: Commission

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Proposal
Article 59a(3)								
G	721	3.Paragraph 1 shall not apply if the consumer has acted fraudulently or with gross negligence.		3.Paragraph 1 shall not apply if the consumer has acted fraudulently or with gross negligence <u>or refuses to comply with the payment service provider's investigation, or to provide relevant information regarding the circumstances of the impersonation.</u>		3.Paragraph 1 shall not apply if the consumer has acted fraudulently or with gross negligence.		3.Paragraph 1 shall not apply if the consumer has acted fraudulently or with gross negligence. TM 4.12: AM from EP moved below in line 722 Text Origin: Commission Proposal
Article 59a(4)								
G	722	4.The burden shall be on the payment service provider of the consumer to prove that the consumer acted fraudulently or with gross negligence.		4.The burden shall be on the payment service provider of the consumer to prove that the consumer acted fraudulently or with gross negligence.		4.The burden shall be on the payment service provider of the consumer to prove that the consumer acted fraudulently or with gross negligence.		4.The burden shall be on the payment service provider of the consumer to prove that the consumer acted fraudulently or with gross negligence. <u>Before concluding that the consumer acted fraudulently or with gross negligence, the payment service provider shall invite the consumer to provide information regarding the events leading up to the payment transaction and include this information in its assessment. Where the consumer does not provide such information, this shall not in itself lead the payment service provider to conclude that the consumer acted fraudulently or with gross negligence. The consumer shall not be expected to provide information beyond what such a consumer can</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>reasonably be expected to have.</u> TM 4.12: this should be clear in the recital that this is for the benefit of PSU. and this should not amount to a shift in burden of proof. Text Origin: Commission Proposal
Article 59a(5)				
723	5. Where informed by a payment service provider of the occurrence of the type of fraud as referred to in paragraph 1, electronic communications services providers shall cooperate closely with payment service providers and act swiftly to ensure that appropriate organizational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with Directive 2002/58/EC, including with regard to calling line identification and electronic mail address.	5. Where informed by a payment service provider of the occurrence of the type of fraud as referred to in paragraph 1, electronic communications services providers shall cooperate closely with payment service providers and act swiftly to ensure that appropriate organizational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with Directive 2002/58/EC, including with regard to calling line identification and electronic mail address. <u>If the electronic communications service providers do not remove the fraudulent or illegal content, after being informed of its occurrence, they shall refund the payment service provider the full amount of the fraudulent authorised payment transaction under the condition that the consumer has, without any delay,</u>	~~5. Where informed by a payment service provider of the occurrence of the type of fraud as referred to in paragraph 1, electronic communications services providers shall cooperate closely with payment service providers and act swiftly to ensure that appropriate organizational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with Directive 2002/58/EC, including with regard to calling line identification and electronic mail address.~~	<i>deleted</i> TM 4.12: implementation of trilogue agreement.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>reported the fraud to the police and notified its payment service provider.</u>				
Article 59a(6)								
G	723a			<u>5a. Electronic communications service providers shall have in place all necessary educational measures, including alerts to their customers via all appropriate means and media when new forms of online scams emerge, taking into account the needs of their most vulnerable groups of customers.</u> <u>Electronic communications service providers shall give their customers clear indications as to how to identify fraudulent attempts and warn them as to the necessary actions and precautions to be taken to avoid falling victim to fraudulent actions targeting them. Electronic communications service providers shall inform their customers of the procedure for reporting fraudulent actions and how to rapidly obtain fraud-related information.</u>			<i>deleted</i> TM 4.12: implementation of trilogue agreement. Moved to Art. 59a	G
Article 59a(7)								
G	723b			<u>5b. All providers involved in the fraud chain shall act swiftly to ensure that the appropriate organisational and technical measures are in place to safeguard the security of payments users when making transactions. Payment</u>			<i>deleted</i> TM 4.12: implementation of trilogue agreement.	G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>service providers, electronic communications service providers and digital platform service providers shall have in place fraud prevention and mitigation techniques to fight fraud in all its configurations, including non-authorised and authorised push payment fraud.</u>				
Article 59a(8)								
G		723c		<u>5c. By ... [12 months from the date of entry in force of this Regulation], the EBA shall issue technical guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010 regarding the concept of gross negligence in the context of this Regulation and respecting the national legal frameworks on that matter.</u>				deleted TM 21.10 implementing trilogue agreement of 23 Sep, see line 92a. TM 18.11: EP to revert.
Article 59a(9)								
G		723d				Article 59a Cross-sectoral cooperation for the purpose of fraud prevention and detection		<u>Article 59a</u> <u>Cross-sectoral cooperation for the purpose of fraud prevention and detection</u> TM 4.12: implementation of trilogue agreement TM11.12
Article 59a(10)								
G		723e						<u>-1. Where payment fraud originates in the publication of fraudulent content online, payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>service providers shall, without undue delay, inform providers of hosting services following the procedure laid down in Article 16, or, where applicable, Article 22 of Regulation (EU) 2022/2065.</u> TM 12.12: AM from EP (line 877b) TM 26.2 reference to Art 22 added for PSPs that are trusted flaggers, cf recital81b
Article 59a(11)								
G	723f							<u>1.To the extent necessary for the purposes of preventing and detecting potentially fraudulent payment transactions, including transactions involving payment initiation services, data may be exchanged, when there are objectively justified grounds to suspect fraudulent behaviour by a user of their service:</u> <u>(a) between payment service providers and providers of hosting services, as defined in Article 3, point (g)(iii), of Regulation (EU) 2022/2065;</u> <u>(b) between payment service providers and providers of electronic communications services, as defined in Article 2(4), point (b), of Directive (EU)2018/1972.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 11.12: implementation of trilogue agreement. To be added in the corresponding recital: the list of data categories and the legitimate interest test under GDPR which already allows the transfer of data. NEW Recital: Furthermore, also the providers of the hosting services [explain the role]. Therefore, also these services should cooperate with the payment service providers with the view of preventing and detecting fraudulent users of both services. Fraud prevention is a legitimate interest of the electronic communication service providers and providers of hosting services and their customers, therefore these service providers should be able to exchange the necessary and relevant data to identify fraudulent actors and fraudulent behaviour, where the conditions of Article 6(1)(f) of Regulation (EU) 2016/679 are fulfilled. Information sharing arrangements, systems for effective communication, or information sharing mechanisms should be put in place to facilitate such exchanges, after the risks for individuals, in particular as regards the protection of their personal data, have been assessed.
Article 59a(12)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	723g					1.For the purpose of preventing and detecting fraud, including that referred to in Article 59(1), providers of ‘electronic communications services’ as defined in Article 2(4), point (b), of Directive (EU) 2018/1972 shall have in place measures to ensure effective cooperation with payment service providers, having regard to the technical characteristics of each of their services.		<i>deleted</i> TM 11.12 Text Origin: Council Mandate
Article 59a(13)								
G	723h					For the purpose of the first subparagraph, without prejudice to Directive (EU) 2022/2555, Directive 2002/58/EC or Article 91 of this Regulation, electronic communications services providers shall establish dedicated communication channels with payment service providers, or participate in a system for effective communication, or in an information sharing mechanism, to allow for faster and more effective sharing of any information that could be useful in the prevention and detection of fraud within the meaning of this Regulation and in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC.		<u>2.For the purpose of the first paragraph, without prejudice to Directive (EU) 2022/2555, Directive 2002/58/EC or Article 91 of this Regulation, providers of electronic communications services as defined in Article 2(4), point (b), of Directive (EU) 2018/1972 and providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU)2022/2065 shall establish dedicated communication channels with payment service providers, or participate in a system for effective communication or in an information sharing mechanism, to allow for faster and more effective exchanges in compliance with Regulation (EU) 2016/679 and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>Directive 2002/58/EC.</u> TM 11.12 TM 15.12 Text Origin: Council Mandate
Article 59a(14)								
723i						Personal data should only be processed to the extent strictly necessary for the establishment of such communication channels and should be subject to robust safeguards in conformity with Regulation (EU) 2016/679 in relation to confidentiality, data protection and use of information.		<i>deleted</i>
Article 59a(15)								
723j								<u>3.Providers of electronic communications services as defined in Article 2(4), point (b), of Directive (EU) 2018/1972 and providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU)2022/2065 shall have in place all necessary educational measures, including alerts to their recipients of their services via all appropriate means and media when new forms of online scams emerge, taking into account the needs of their most vulnerable groups of recipients of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>their services.</u> <u>For the purpose of the first subparagraph, providers of electronic communication services as defined in Article 2(4), point (b), of Directive (EU) 2018/1972 shall give the recipients of their services clear indications as to:</u> <u>(i) how to identify fraudulent attempts;</u> <u>(ii) actions and precautions to be taken to avoid falling victim to fraudulent actions targeting them; and</u> <u>(iii) the procedure for reporting fraudulent actions.</u> <u>For the purpose of the first subparagraph, providers of very large online platforms and of very large online search engines within the meaning of Regulation (EU) 2022/2065 shall give the recipients of their services clear indications as to:</u> <u>(i) how to identify fraudulent attempts;</u> <u>(ii) actions and precautions to be taken to avoid falling victim to fraudulent actions targeting them; and</u> <u>(iii) the procedure for reporting fraudulent actions, for the purpose of compliance with Article 16 of Regulation (EU)</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								2022/2065. TM 4.12: moved from 723b to be added: VLOPs VLOSEs with DG connect TM11.12 greened subject to COM reserve TM 15.12 TM 5/3: obligations streamlined.
Article 59a(16)								
G		723k				2.The Commission and the European Board of Digital Services shall encourage and facilitate the drawing up of a voluntary code of conduct at Union level to foster prevention, enhance security and combat payment fraud and financial scams, under the conditions set out in Article 45 of Regulation 2022/2065.		4.The Commission and the European Board of Digital Services shall encourage and facilitate the drawing up of a voluntary code of conduct at Union level to foster prevention, enhance security and combat payment fraud and financial scams, under the conditions set out in Article 45 of Regulation 2022/2065. TM 4.12: implementation of trilogue agreement Text Origin: Council Mandate
Article 59a(17)								
G		723l				3.Electronic communications services providers as defined under Article 2(4), point b of the Directive (EU) 2018/1972 shall take all reasonable organizational		5.Without prejudice to Directive (EU) 2022/2555, electronic communications services providers as defined under Article 2(4), point (b) of Directive (EU) 2018/1972

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			and technical measures to detect and prevent fraud within their sphere of competence, in accordance with applicable Union and national law.	<u>shall take appropriate organisational and technical measures to detect and prevent the use of their services for impersonation fraud, including by means of manipulation of calling line identification or electronic mail address, where that use aims to induce payment services users to make a payment or to take an action that would compromise the security of the payment account. Those measures shall comply with applicable Union law, including Directive 2002/58/EC and Regulation (EU) 2016/679.</u> TM 27.11: no specific obligation on VLOPs that are subject to Art. 35 DSA. TM 11.12: the wording of the Council mandate is too broad and risks imposing a general monitoring requirement on ECSP. TM 11.12: implementation of trilogue agreement. "and shall not involve the generalised and indiscriminate monitoring of content of communications or of all traffic data" should be added to the corresponding recital. TM 15.12 Text Origin: Council Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 59a(18)								
G		723m						<u>Article 59b</u> <u>Advertising of regulated financial services on very large online platforms and very large online search engines</u> TM 11.12: implementation of trilogue agreement. TM 27/2: change following advice from legal service
Article 59a(19)								
G		723n						<u>1. For the purposes of this Article, ‘regulated financial service’ means any service of a banking, credit, insurance, personal pension, payment or investment (including cryptoassets and crowdfunding) nature for which authorisation from or registration with a competent authority is required under Union law.</u> TM 11.12: implementation of trilogue agreement.
Article 59a(20)								
G		723o						<u>2. Providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU)2022/2065, shall request from each advertiser of a regulated financial service an authorisation</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>number, registration number or other information that that advertiser is a regulated financial service provider that is authorised or registered to provide the advertised regulated financial service in a Member State or at the Union level or is acting on behalf of such a provider.</u> TM 11.12: implementation of trilogue agreement. TM 15.12
Article 59a(21)								
G	723p							<u>2a. Providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU) 2022/2065 shall, upon receiving the information referred to in paragraph 2, and prior to allowing the advertiser concerned to use their service for the purpose of advertising those regulated financial services, make best efforts, including by using the registers of authorised or registered providers of regulated financial services made available in accordance with Directive [PSD3] or other relevant Union law, to assess whether that information, for the accuracy of which advertisers are solely responsible for the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u><i>purposes of this Regulation, is reliable and complete, provided that the assessment can be carried out in a proportionate manner by automated tools.</i></u>
Article 59a(22)								
G		723q						<u><i>3.Providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU)2022/2065 who have not obtained the information referred to in paragraph 2 shall refuse to allow the advertiser of regulated financial services to use their service for the purpose of advertising those regulated financial services.</i></u> TM 11.12: implementation of trilogue agreement. TM 15.12
Article 59a(23)								
G		723r						<u><i>4. For the purposes of compliance with Article 39(2), points (a), (b) and (c) of Regulation 2022/2065, where the subject matter of an advertisement is a regulated financial service, providers of very large online platforms and of very large online search engines within the meaning of Article 33 of Regulation (EU)2022/2065 shall include in their advertisement</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>repositories information that the subject matter of the advertisement is a regulated financial service and whether the advertiser is acting on behalf of the regulated financial service provider referred to in paragraph 1.</u> TM 11.12: implementation of trilogue agreement.
Article 59a(24)								
G		723s						<i>deleted</i> TM 11.12: implementation of trilogue agreement. Deleted as duplication with Art. 39 DSA
Article 59a(25)								
G		723t						<i>deleted</i> TM 11.12: implementation of trilogue agreement. TM 15.12
Article 59a(26)								
G		723u						<i>deleted</i> TM 11.12: implementation of trilogue agreement.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 15.12: to be moved under "enforcement".
	Article 60			
724	Article 60 Payer's liability for unauthorised payment transactions	Article 60 Payer's liability for unauthorised payment transactions	Article 60 Payer's liability for unauthorised payment transactions	Article 60 Payer's liability for unauthorised payment transactions Text Origin: Commission Proposal
	Article 60(-1), first subparagraph			
725	1.By way of derogation from Article 56, the payer may be obliged to bear the losses relating to any unauthorised payment transactions, up to a maximum of EUR 50, resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument.	1.By way of derogation from Article 56, the payer may be obliged to bear the losses relating to any unauthorised payment transactions, up to a maximum of EUR 50, resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument.	1.By way of derogation from Article 56, the payer may be obliged to bear the losses relating to any unauthorised payment transactions, up to a maximum of EUR 50, resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument.	1.By way of derogation from Article 56, the payer may be obliged to bear the losses relating to any unauthorised payment transactions, up to a maximum of EUR 50, resulting from the ~~use of a lost or stolen payment instrument or from the loss, theft or~~ misappropriation of a payment instrument <u>or personalised security credentials.</u> TM 3.12: to align scope Text Origin: Commission Proposal
	Article 60(-1), second subparagraph			
726	The first subparagraph shall not apply where any of the following occurred:	The first subparagraph shall not apply where any of the following occurred:	The first subparagraph shall not apply where any of the following occurred:	The first subparagraph shall not apply where any of the following occurred: Text Origin: Commission Proposal
	Article 60(-1), second subparagraph, point (a)			
727	(a) the loss, theft or	(a) the loss, theft or	(a) the loss, theft or	(a) the loss, theft or

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	misappropriation of a payment instrument was not detectable to the payer prior to a payment, except where the payer has acted fraudulently; or	misappropriation of a payment instrument <u>or security credentials</u> was not detectable to the payer prior to a payment, except where the payer has acted fraudulently; or	misappropriation of a payment instrument was not detectable to the payer prior to a payment, except where the payer has acted fraudulently; or	misappropriation of a payment instrument <u>or personalised security credentials</u> was not detectable to the payer prior to a payment, except where the payer has acted fraudulently; or TM 3.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 60(-1), second subparagraph, point (b)				
728	(b) the loss was caused by acts or lack of action of an employee, agent or branch of a payment service provider or of an entity to which its activities were outsourced.	(b) the loss was caused by acts or lack of action of an employee, agent or branch of a payment service provider or of an entity to which its activities were outsourced.	(b) the loss was caused by acts or lack of action of an employee, agent or branch of a payment service provider or of an entity to which its activities were outsourced.	(b) the loss was caused by acts or lack of action of an employee, agent or branch of a payment service provider or of an entity to which its activities were outsourced. Text Origin: Commission Proposal
Article 60(-1), third subparagraph				
729	The payer shall bear all of the losses relating to any unauthorised payment transactions if those losses were incurred by the payer acting fraudulently or failing to fulfil one or more of the obligations set out in Article 52 with intent or gross negligence. In such cases, the maximum amount referred to in the first subparagraph shall not apply.	The payer shall bear all of the losses relating to any unauthorised payment transactions if those losses were incurred by the payer acting fraudulently or failing to fulfil one or more of the obligations set out in Article 52 with intent or gross negligence. In such cases, the maximum amount referred to in the first subparagraph shall not apply.	The payer shall bear all of the losses relating to any unauthorised payment transactions if those losses were incurred by the payer acting fraudulently or failing to fulfil one or more of the obligations set out in Article 52 with intent or gross negligence. In such cases, the maximum amount referred to in the first subparagraph shall not apply.	<i>deleted</i> TM 3.12: moved below to make it a standalone paragraph and clarify that the scope of this provision goes beyond the scope of paragraph 1, subparagraph 1. Text Origin: Commission Proposal
Article 60(-1), fourth subparagraph				
730	Where the payer has neither acted fraudulently nor intentionally failed	Where the payer has neither acted fraudulently nor intentionally failed	Where the payer has neither acted fraudulently nor intentionally failed	Where the payer has neither acted fraudulently nor intentionally failed

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to fulfil its obligations under Article 52, national competent authorities or payment service providers may reduce the liability referred to in this paragraph, taking into account, in particular, the nature of the personalised security credentials and the specific circumstances under which the payment instrument was lost, stolen or misappropriated.	to fulfil its obligations under Article 52, national competent authorities or payment service providers may reduce the liability referred to in this paragraph, taking into account, in particular, the nature of the personalised security credentials and the specific circumstances under which the payment instrument was lost, stolen or misappropriated.	to fulfil its obligations under Article 52, national competent authorities or dispute resolution bodies, in accordance with their requisite powers or payment service providers may reduce the liability referred to in this paragraph, taking into account, in particular, the nature of the personalised security credentials and the specific circumstances under which the payment instrument was lost, stolen or misappropriated.	to fulfil its obligations under Article 52, national competent authorities, <u>dispute resolution bodies</u> or payment service providers may reduce the liability referred to in this paragraph, taking into account, in particular, the nature of the personalised security credentials and the specific circumstances under which the payment instrument was lost, stolen or misappropriated. TM 15.12: "in accordance with their requisite powers" deemed not necessary. Text Origin: Council Mandate
Article 60(-1), fourth subparagraph a				
G 730a				<u><i>1a. The payer shall bear all of the losses relating to any unauthorised payment transactions if those losses were incurred by the payer acting fraudulently or failing to fulfil one or more of the obligations set out in Article 52 with intent or gross negligence. In such cases, the maximum amount referred to in the first paragraph shall not apply.</i></u> TM 3.12: comes from 729
Article 60(2)				
G 731	2.Where the payer's payment service provider fails to fulfil the obligation to require strong customer	2.Where the payer's payment service provider fails to fulfil the obligation to require strong customer	2.Where the payer's payment service provider fails to fulfil the obligation to require strong customer	2.Where the payer's payment service provider fails to fulfil the obligation to require strong customer

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	authentication set out in Article 85, the payer shall not bear any financial losses unless the payer has acted fraudulently. The same shall apply where either the payment service provider of the payer or of the payee applies an exemption from the application of strong customer authentication. Where the payee or the payment service provider of the payee fails to develop or amend the systems, hardware and software that are necessary to apply strong customer authentication, the payee or the payment service provider of the payee shall refund the financial damage caused to the payer's payment service provider.	authentication set out in Article 85, the payer shall not bear any financial losses unless the payer has acted fraudulently. The same shall apply where either the payment service provider of the payer or of the payee applies an exemption from the application of strong customer authentication. Where the payee or the payment service provider of the payee fails to develop or amend the systems, hardware and software that are necessary to apply strong customer authentication, the payee or the payment service provider of the payee shall refund the financial damage caused to the payer's payment service provider.	authentication set out in Article 85, the payer shall not bear any financial losses unless the payer has acted fraudulently. The same shall apply where either the payment service provider of the payer or of the payee applies an exemption from the application of strong customer authentication. Where the payee or the payment service provider of the payee fails to develop or amend the systems, hardware and software that are necessary to apply strong customer authentication, the payee or the payment service provider of the payee shall refund the financial damage caused to the payer's payment service provider.	authentication set out in Article 85, the payer shall not bear any financial losses unless the payer has acted fraudulently. The ~~same payer~~ shall ~~apply~~ <u>not bear any financial losses</u> <u>also</u> where either the payment service provider of the payer or of the payee applies an exemption from the application of strong customer authentication. Where the payee or the payment service provider of the payee fails to develop or amend the systems, hardware and software that are necessary to apply strong customer authentication, the payee or the payment service provider of the payee shall refund the financial damage caused to the payer's payment service provider. Text Origin: Commission Proposal
Article 60(3)				
732	3.Where the payee's payment services provider applies an exemption from the application of strong customer authentication, the payee's payment services provider shall be liable towards the payer's payment services provider for any financial loss incurred by the latter.	3.Where the payee's payment services provider applies an exemption from the application of strong customer authentication, the payee's payment services provider shall be liable towards the payer's payment services provider for any financial loss incurred by the latter.	3.Where the payee's payment services provider applies an exemption from the application of strong customer authentication, the payee's payment services provider shall be liable towards the payer's payment services provider for any financial loss incurred by the latter.	3.Where the payee's payment services provider applies an exemption from the application of strong customer authentication, the payee's payment services provider shall be liable towards the payer's payment services provider for any financial loss incurred by the latter. Text Origin: Commission Proposal
Article 60(3a), first subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
733	4.The payer shall not bear any financial consequences resulting from use of the lost, stolen or misappropriated payment instrument after notification in accordance with of Article 52, point (b), except where the payer has acted fraudulently.	4.The payer shall not bear any financial consequences resulting from use of the lost, stolen or misappropriated payment instrument after notification in accordance with of Article 52, point (b), except where the payer has acted fraudulently.	4.The payer shall not bear any financial consequences resulting from use of the lost, stolen or misappropriated payment instrument after notification in accordance with of Article 52, point (b), except where the payer has acted fraudulently.	4.The payer shall not bear any financial consequences resulting from use of the lost, stolen or misappropriated payment instrument after notification in accordance with of Article 52, point (b), except where the payer has acted fraudulently. Text Origin: Commission Proposal
Article 60(3a), second subparagraph				
734	If the payment service provider does not provide appropriate means for the notification at all times of a lost, stolen or misappropriated payment instrument, as required under of Article 53(1), point (c), the payer shall not be liable for the financial consequences resulting from use of that payment instrument, except where the payer has acted fraudulently.	If the payment service provider does not provide appropriate means for the notification at all times of a lost, stolen or misappropriated payment instrument, as required under of Article 53(1), point (c), the payer shall not be liable for the financial consequences resulting from use of that payment instrument, except where the payer has acted fraudulently.	If the payment service provider does not provide appropriate means for the notification at all times of a lost, stolen or misappropriated payment instrument, as required under of Article 53(1), point (c), the payer shall not be liable for the financial consequences resulting from use of that payment instrument, except where the payer has acted fraudulently.	If the payment service provider does not provide appropriate means for the notification at all times of a lost, stolen or misappropriated payment instrument, as required under of Article 53(1), point (c), the payer shall not be liable for the financial consequences resulting from use of that payment instrument, except where the payer has acted fraudulently. Text Origin: Commission Proposal
Article 60(3a), second subparagraph a				
734a				<u>5.The Commission may adopt a delegated act in accordance with Article 106 to amend this Regulation by updating the amount referred to in paragraph 1.</u> TM 16.12
Article 61				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
735	Article 61 Payment transactions where the transaction amount is not known in advance	Article 61 Payment transactions where the transaction amount is not known in advance	Article 61 Payment transactions where the transaction amount is not known in advance	Article 61 Payment transactions where the transaction amount is not known in advance Text Origin: Commission Proposal
Article 61(1)				
736	1.Where a payment transaction is initiated by or through the payee in the context of a card-based payment transaction and the exact future amount is not known at the moment when the payer authorizes the execution of the payment transaction, the payer's payment service provider may only block funds on the payer's payment account if the payer has given his or her permission to that precise amount of funds to be blocked.	1.Where a payment transaction is initiated by or through the payee in the context of a card-based payment transaction, <u>an account-to-account based transaction or a credit transfer</u> and the exact future amount is not known at the moment when the payer authorizes the execution of the payment transaction, the payer's payment service provider may only block funds on the payer's payment account if the payer has given his or her permission to that precise amount of funds to be blocked.	1.Where a payment transaction is initiated by or through the payee in the context of a card-based payment transaction and the exact future amount is not known at the moment when the payer authorizes the execution of the payment transaction, the payer's payment service provider may only block funds on the payer's payment account if the payer has given his or her permission to that precise amount of funds to be blocked.	1.Where a payment transaction is initiated by or through the payee, <u>in particular</u> in the context of a card-based payment ~~transaction~~ <u>or of a credit transfer</u> , and the exact future amount is not known at the moment when the payer ~~authorizes~~ <u>authorises</u> the execution of the payment transaction, the payer's payment service provider may only block funds on the payer's payment account if the payer has given his or her ~~permission~~ <u>consent</u> to that precise amount of funds to be blocked. TM 20.10: text from PSD2. Removing the reference to card based transaction aims to make this provision future proof. EC to check internally. TM 18.11: EC: legal uncertainty as to whether applicable to instant payments. account to account based transactions are usually credit transfer. Council to revert.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 15.12 Text Origin: Commission Proposal
Article 61(2)				
737	2.The amount of the funds blocked by the payer's payment service provider shall be in proportion with the amount of the payment transaction which can reasonably be expected by the payer.	2.The amount of the funds blocked by the payer's payment service provider shall be in proportion with the amount of the payment transaction which can reasonably be expected by the payer.	2.The amount of the funds blocked by the payer's payment service provider shall be in proportion with the amount of the payment transaction which can reasonably be expected by the payer.	2.The amount of the funds blocked by the payer's payment service provider shall be in proportion with the amount of the payment transaction which can reasonably be expected by the payer. Text Origin: Commission Proposal
Article 61(3)				
738	3.The payee shall inform its payment service provider of the exact amount of the payment transaction immediately after delivery of the service or goods to the payer.	3.The payee shall inform its payment service provider of the exact amount of the payment transaction immediately after delivery of the service or goods to the payer.	3.The payee shall inform its payment service provider of the exact amount of the payment transaction immediately after delivery of the service or goods to the payer.	3.The payee shall inform its payment service provider of the exact amount of the payment transaction immediately after delivery of the service or goods to the payer. Text Origin: Commission Proposal
Article 61(4)				
739	4.The payer's payment service provider shall release the funds blocked on the payer's payment account immediately after receipt of the information about the exact amount of the payment transaction.	4.The payer's payment service provider shall release the funds blocked on the payer's payment account immediately after receipt of the information about the exact amount of the payment transaction.	4.The payer's payment service provider shall release the funds blocked on the payer's payment account immediately after receipt of the information about the exact amount of the payment transaction.	4.The payer's payment service provider shall release the funds blocked on the payer's payment account immediately after receipt of the information about the exact amount of the payment transaction. Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 62								
G	740	Article 62 Refunds for payment transactions initiated by or through a payee	Article 62 Refunds for payment transactions initiated by or through a payee	Article 62 Refunds for payment transactions initiated by or through a payee	Article 62 Refunds for payment transactions initiated by or through a payee	Article 62 Refunds for payment transactions initiated by or through a payee	Text Origin: Commission Proposal	
Article 62(1), first subparagraph								
G	741	1.A payer shall be entitled to a refund from the payment service provider of an authorised payment transaction which was initiated by the payer through a payee and which has already been executed, where both of the following conditions are met:	1.A payer shall be entitled to a refund from the payment service provider of an authorised payment transaction which was initiated by the payer through a payee and which has already been executed, where both of the following conditions are met:	1. A payer shall be entitled to a refund from the payment service provider of an authorised payment transaction which was initiated by the payer or through a payee and which has already been executed, where both of the following conditions are met:	1.A payer shall be entitled to a refund from the payment service provider of an authorised payment transaction which was initiated by ~~the payer or~~ through a payee and which has already been executed, where both of the following conditions are met:	TM 20.10: Council AM aims to align the wording of para 1 with the title: "by or through" agreement to keep the wording of the commission: the first para aims to capture transactions initiated by the payer through the payee. Council to revert. TM 10.12: Text Origin: Commission Proposal		
Article 62(1), first subparagraph, point (a)								
G	742	(a) the authorisation did not specify the exact amount of the payment transaction when the authorisation was made;	(a) the authorisation did not specify the exact amount of the payment transaction when the authorisation was made;	(a) the authorisation did not specify the exact amount of the payment transaction when the authorisation was made;	(a) the authorisation did not specify the exact amount of the payment transaction when the authorisation was made;	(a) the authorisation did not specify the exact amount of the payment transaction when the authorisation was made;		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 62(1), first subparagraph, point (b)				
743	(b) the amount of the payment transaction exceeded the amount the payer could reasonably have expected taking into account the previous spending pattern, the conditions in the framework contract and relevant circumstances of the case.	(b) the amount of the payment transaction exceeded the amount the payer could reasonably have expected taking into account the previous spending pattern, the conditions in the framework contract and relevant circumstances of the case.	(b) the amount of the payment transaction exceeded the amount the payer could reasonably have expected taking into account the previous spending pattern, the conditions in the framework contract and relevant circumstances of the case.	(b) the amount of the payment transaction exceeded the amount the payer could reasonably have expected taking into account the previous spending pattern, the conditions in the framework contract and relevant circumstances of the case. Text Origin: Commission Proposal
Article 62(1), second subparagraph				
744	At the payment service provider's request, the payer shall bear the burden of proving such conditions are met.	At the payment service provider's request, the payer shall bear the burden of proving such conditions are met.	At the payment service provider's request, the payer shall bear the burden of proving such conditions are met.	At the payment service provider's request, the payer shall bear the burden of proving such conditions are met. Text Origin: Commission Proposal
Article 62(1), third subparagraph				
745	The refund shall consist of the full amount of the executed payment transaction. The credit value date for the payer's payment account shall be no later than the date the amount was debited.	The refund shall consist of the full amount of the executed payment transaction. The credit value date for the payer's payment account shall be no later than the date the amount was debited.	The refund shall consist of the full amount of the executed payment transaction. The credit value date for the payer's payment account shall be no later than the date the amount was debited.	The refund shall consist of the full amount of the executed payment transaction. The credit value date for the payer's payment account shall be no later than the date the amount was debited. Text Origin: Commission Proposal
Article 62(1), fourth subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
746	Without prejudice to paragraph 3 of this Article, in addition to the right referred to in the first subparagraph of this paragraph, for authorised payment transactions which were initiated by a payee, including direct debits as referred to in Article 1 of Regulation (EU) No 260/2012, the payer shall have an unconditional right to a refund within the time limits laid down in Article 63 of this Regulation.	Without prejudice to paragraph 3 of this Article, in addition to the right referred to in the first subparagraph of this paragraph, for ~~authorised payment transactions which were initiated by a payee, including~~ direct debits as referred to in Article 1 of Regulation (EU) No 260/2012, the payer shall have an unconditional right to a refund within the time limits laid down in Article 63 of this Regulation.	Without prejudice to paragraph 3 of this Article, in addition to the right referred to in the first subparagraph of this paragraph, for authorised payment transactions which were initiated by a payee, including direct debits as referred to in Article 1 of Regulation (EU) No 260/2012, the payer shall have an unconditional right to a refund within the time limits laid down in Article 63 of this Regulation.	Without prejudice to paragraph 3 of this Article, in addition to the right referred to in the first subparagraph of this paragraph, for ~~authorised payment transactions which were initiated by a payee, including~~ direct debits ~~as referred to in Article 1 of Regulation (EU) No 260/2012~~ , the payer shall have an unconditional right to a refund within the time limits laid down in Article 63 of this Regulation. TM 20.10: EC against limiting it to direct debit. Alignment between security requirements (SCA at the setting up of the mandate) and refund regime (same level of consumer protection). PSD2 limits it to direct limit. But there is a gap in the current regime. EP to check. TM 2.12: implementation of trilogue agreement; also see review clause. direct debits are defined in PSR. Text Origin: Commission Proposal
Article 62(2)				
747	2.For the purposes of paragraph 1, first subparagraph, point (b), the payer shall not invoke reasons related to possible currency exchange costs if the reference	2.For the purposes of paragraph 1, first subparagraph, point (b), the payer shall not invoke reasons related to possible currency exchange costs if the reference	2.For the purposes of paragraph 1, first subparagraph, point (b), the payer shall not invoke reasons related to possible currency exchange costs if the reference	2.For the purposes of paragraph 1, first subparagraph, point (b), the payer shall not invoke reasons related to possible currency exchange costs if the reference

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	exchange rate agreed with its payment service provider in accordance with Article 13(1), point (e), and Article 20, point (c)(iii), was applied.	exchange rate agreed with its payment service provider in accordance with Article 13(1), point (e), and Article 20, point (c)(iii), was applied.	exchange rate agreed with its payment service provider in accordance with Article 13(1), point (e), and Article 20, point (c)(iii), was applied.	exchange rate agreed with its payment service provider in accordance with Article 13(1), point (e), and Article 20, point (c)(iii), was applied. Text Origin: Commission Proposal
Article 62(3)				
748	3.The payer and the payment service provider may agree in a framework contract that the payer has no right to a refund where:	3.The payer and the payment service provider may agree in a framework contract that the payer has no right to a refund where:	3.The payer and the payment service provider may agree in a framework contract that the payer has no right to a refund where:	3.The payer and the payment service provider may agree in a framework contract that the payer has no right to a refund where: Text Origin: Commission Proposal
Article 62(3), point (a)				
749	(a) the payer has authorised the execution of the payment transaction directly with the payment service provider;	(a) the payer has authorised the execution of the payment transaction directly with the payment service provider;	(a) the payer has authorised the execution of the payment transaction directly with the payment service provider;	(a) the payer has authorised the execution of the payment transaction directly with the payment service provider; Text Origin: Commission Proposal
Article 62(3), point (b)				
750	(b) where applicable, information on the future payment transaction was provided or made available in an agreed manner to the payer for at least 4 weeks before the due date by the payment service provider or by the payee.	(b) where applicable, information on the future payment transaction was provided or made available in an agreed manner to the payer for at least 4 weeks before the due date by the payment service provider or by the payee.	(b) where applicable, information on the future payment transaction was provided or made available in an agreed manner to the payer for at least 4 weeks before the due date by the payment service provider or by the payee.	(b) where applicable, information on the future payment transaction was provided or made available in an agreed manner to the payer for at least 4 weeks before the due date by the payment service provider or by the payee. Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 62(4)								
G	751	4.For direct debits in currencies other than euro, payment service providers may offer more favourable refund rights in accordance with their direct debit schemes provided that they are more advantageous to the payer.		4.For direct debits in currencies other than euro, payment service providers may offer more favourable refund rights in accordance with their direct debit schemes provided that they are more advantageous to the payer.		4.For direct debits in currencies other than euro, payment service providers may offer more favourable refund rights in accordance with their direct debit schemes provided that they are more advantageous to the payer.		4.For direct debits in currencies other than euro, payment service providers may offer more favourable refund rights in accordance with their direct debit schemes provided that they are more advantageous to the payer. Text Origin: Commission Proposal
Article 63								
G	752	Article 63 Requests for refunds for payment transactions initiated by or through a payee		Article 63 Requests for refunds for payment transactions initiated by or through a payee		Article 63 Requests for refunds for payment transactions initiated by or through a payee		Article 63 Requests for refunds for payment transactions initiated by or through a payee Text Origin: Commission Proposal
Article 63(1)								
G	753	1.The payer may request the refund referred to in Article 62 of an authorised payment transaction initiated by or through a payee for a period of 8 weeks from the date on which the funds were debited.		1.The payer may request the refund referred to in Article 62 of an authorised payment transaction initiated by or through a payee for a period of 8 weeks from the date on which the funds were debited.		1.The payer may request the refund referred to in Article 62 of an authorised payment transaction initiated by or through a payee for a period of 8 weeks from the date on which the funds were debited.		1.The payer may request the refund referred to in Article 62 of an authorised payment transaction initiated by or through a payee for a period of 8 weeks from the date on which the funds were debited. Text Origin: Commission Proposal
Article 63(2), first subparagraph								
G	754	2.Within 10 business days of receiving a request for a refund, the payment service provider shall do either of the following:		2.Within 10 business days of receiving a request for a refund, the payment service provider shall do either of the following:		2.Within ~~10~~ 15 business days of receiving a request for a refund, the payment service provider shall do either of the following:		2.Within ~~10~~ 15 business days of receiving a request for a refund, the payment service provider shall do either of the following:

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 20.10: EC open to change. EP to check. TM 10.12: implementation of trilogue agreement. Text Origin: Council Mandate
Article 63(2), first subparagraph, point (a)				
755	(a) refund the full amount of the payment transaction;	(a) refund the full amount of the payment transaction;	(a) refund the full amount of the payment transaction;	(a) refund the full amount of the payment transaction; Text Origin: Commission Proposal
Article 63(2), first subparagraph, point (b)				
756	(b) provide a justification for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.	(b) provide a justification for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.	(b) provide a justification for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided.	(b) provide a justification for refusing the refund and indicate the bodies to which the payer may refer the matter in accordance with Articles 90, 91, 93, 94 and 95 if the payer does not accept the reasons provided. Text Origin: Commission Proposal
Article 63(2), second subparagraph				
757	The payment service provider's right under the first subparagraph of this paragraph to refuse the refund shall not apply in the case set out in of Article 62(1), fourth subparagraph.	The payment service provider's right under the first subparagraph of this paragraph to refuse the refund shall not apply in the case set out in of Article 62(1), fourth subparagraph.	The payment service provider's right under the first subparagraph of this paragraph to refuse the refund shall not apply in the case set out in of Article 62(1), fourth subparagraph.	The payment service provider's right under the first subparagraph of this paragraph to refuse the refund shall not apply in the case set out in of Article 62(1), fourth subparagraph. Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
CHAPTER 5								
G	758	CHAPTER 5 Execution of payment transactions		CHAPTER 5 Execution of payment transactions		CHAPTER 5 Execution of payment transactions		CHAPTER 5 Execution of payment transactions Text Origin: Commission Proposal
Section 1								
G	759	Section 1 Payment orders and amounts transferred		Section 1 Payment orders and amounts transferred		Section 1 Payment orders and amounts transferred		Section 1 Payment orders and amounts transferred Text Origin: Commission Proposal
Article 64								
G	760	Article 64 Receipt of payment orders		Article 64 Receipt of payment orders		Article 64 Receipt of payment orders		Article 64 Receipt of payment orders Text Origin: Commission Proposal
Article 64(1), first subparagraph								
G	761	1.The time of receipt of a payment order shall be when the payment order is received by the payer’s payment service provider.		1.The time of receipt of a payment order shall be when the payment order is received by the payer’s payment service provider.		1.The time of receipt of a payment order shall be when the payment order is received by the payer’s payment service provider.		1.The time of receipt of a payment order shall be when the payment order is received by the payer’s payment service provider. Text Origin: Commission Proposal
Article 64(1), second subparagraph								
G	762	The payer’s account shall not be debited before receipt of the payment order. If the time of receipt is not on a business day for the payer’s payment service provider, the payment order shall be deemed to have been received on the		The payer’s account shall not be debited before receipt of the payment order. If the time of receipt is not on a business day for the payer’s payment service provider, the payment order shall be deemed to have been received on the		The payer’s account shall not be debited before receipt of the payment order. If the time of receipt is not on a business day for the payer’s payment service provider, the payment order shall be deemed to have been received on the		The payer’s account shall not be debited before receipt of the payment order. If the time of receipt is not on a business day for the payer’s payment service provider, the payment order shall be deemed to have been received on the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	following business day. The payment service provider may establish a cut-off time near the end of a business day beyond which any payment order received shall be deemed to have been received on the following business day.	following business day. The payment service provider may establish a cut-off time near the end of a business day beyond which any payment order received shall be deemed to have been received on the following business day.	following business day. The payment service provider may establish a cut-off time near the end of a business day beyond which any payment order received shall be deemed to have been received on the following business day.	following business day. The payment service provider may establish a cut-off time near the end of a business day beyond which any payment order received shall be deemed to have been received on the following business day. Text Origin: Commission Proposal
Article 64(2)				
763	2.If the payment service user placing a payment order and the payment service provider agree that the execution of the payment order shall start on a specific day or at the end of a certain period or on the day on which the payer has put the funds at the payment service provider's disposal, the time of receipt for the purposes of Article 69 shall be deemed to be the agreed day. If the agreed day is not a business day for the payment service provider, the payment order received shall be deemed to have been received on the following business day.	2.If the payment service user placing a payment order and the payment service provider agree that the execution of the payment order shall start on a specific day or at the end of a certain period or on the day on which the payer has put the funds at the payment service provider's disposal, the time of receipt for the purposes of Article 69 shall be deemed to be the agreed day. If the agreed day is not a business day for the payment service provider, the payment order received shall be deemed to have been received on the following business day.	2.If the payment service user placing a payment order and the payment service provider agree that the execution of the payment order shall start on a specific day or at the end of a certain period or on the day on which the payer has put the funds at the payment service provider's disposal, the time of receipt for the purposes of Article 69 shall be deemed to be the agreed day. If the agreed day is not a business day for the payment service provider, the payment order received shall be deemed to have been received on the following business day.	2.If the payment service user placing a payment order and the payment service provider agree that the execution of the payment order shall start on a specific day or at the end of a certain period or on the day on which the payer has put the funds at the payment service provider's disposal, the time of receipt for the purposes of Article 69 shall be deemed to be the agreed day. If the agreed day is not a business day for the payment service provider, the payment order received shall be deemed to have been received on the following business day. Text Origin: Commission Proposal
Article 64(3)				
764	3.This Article shall not apply to instant credit transfers denominated in Euro as covered by Regulation XXX (IPR).	3.This Article shall not apply to instant credit transfers denominated in Euro as covered by Regulation XXX (IPR).	3.This Article shall not apply to instant credit transfers denominated in Euro as covered by Regulation XXX (IPR).	3.This Article shall not apply to instant credit transfers denominated in Euro as covered by Regulation XXX (IPR).

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 65				
G 765	Article 65 Refusal of payment orders	Article 65 Refusal of payment orders	Article 65 Refusal ~~to execute a~~ of payment ~~orders~~ order	Article 65 Refusal <u>to execute a</u> of payment ~~orders~~ <u>order</u> Text Origin: Council Mandate
Article 65(-1)				
G 765a			1. Where all of the conditions set out in the payer's framework contract are met, and without prejudice to the obligation to refrain from executing the transaction under article 71 AMLR, the payer's payment service provider shall not refuse to execute an authorised payment transaction, irrespective of whether the payment order is placed by a payer, including through a payment initiation service provider, or by or through a payee, unless relevant Union or national law provides otherwise.	<u>-1. Where all of the conditions set out in the payer's framework contract are met, the payer's payment service provider shall not refuse to execute an authorised payment transaction, irrespective of whether the payment order is placed by a payer, including through a payment initiation service provider, or by or through a payee, unless relevant Union or national law provides otherwise.</u> 24.09: this provision comes from line 769, with a change in the last part of the provision. EC supports new wording: AMLR does not explicit prohibit execution of PT. The reference to AMLR (and without prejudice to the obligation to refrain from executing the transaction under Article 71 AMLR,) is an example among Union law acts, that should be inserted in the corresponding recital.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
		Article 65(-1a)						
G	765b					1a. By way of derogation from paragraph 1 and without prejudice to the obligation to refrain from executing the transaction under Article 71 AMLR, the payer's payment service provider shall refuse to execute a payment transaction under the conditions provided for in this paragraph.		<u>-1a. By way of derogation from paragraph -1 and without prejudice to Regulation (EU) 2024/1624, the payer's payment service provider shall refuse to execute a payment transaction if the conditions set out in this Article are fulfilled.</u> 24.9: better to refer to the whole AMLR. Text Origin: Council Mandate
		Article 65(-1b), first subparagraph						
G	765c					Without prejudice to Article 69(1), where, based on the transaction monitoring referred to in Article 83 or on any other relevant information available to the payment service provider, the payer's payment service provider has duly justified and reasonable grounds to suspect that the transaction is fraudulent, the payer's payment service provider shall suspend the execution of a payment transaction.		<u>Notwithstanding Article 5c(5) of Regulation (EU) No 260/2012 and Articles 50 and 69(1) of this Regulation, where, based on the transaction monitoring referred to in Article 83 of this Regulation or on any other relevant information available to the payment service provider, but not solely on the basis of the outcome of the service ensuring the verification of payee, the payer's payment service provider has objectively justified reasons to suspect that the transaction is fraudulent, the payer's payment service provider shall suspend the execution of a payment transaction.</u> <u>Where the payer's payment service</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>provider has objectively justified reasons to suspect that the transaction is fraudulent and does not suspend that transaction in accordance with the first subparagraph, the payer shall not bear any financial losses, except if the payer has acted fraudulently.</u> <u>The burden of proof that there was no breach of this Article shall be on the payment service provider.</u> Reference to be inserted: without prejudice to article on VOP. Aligned with line 671. Art. 73: 'reasonable grounds' used in PSD2. 20.10: EC to check reference to IPR. 3.12: Council to revert. TM 15.12 Text Origin: Council Mandate
Article 65(-1b), second subparagraph								
6	765d					Without undue delay from the suspension of the transaction, unless prohibited by other relevant Union or national law, the payment service provider shall notify the payer, in an agreed manner, of any information or action needed from the payer to		<u>Without undue delay from the suspension of the transaction, unless prohibited by other relevant Union or national law, the payment service provider shall notify the payer, in an agreed manner, of any information or action needed from the payer to enable the payment</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						enable the payment service provider to assess, whether the reasons for such suspension are still justified. The notification shall give the payer sufficient information to enable the payer to understand the risks that the payment service provider has identified. Within the timelines specified in Article 69(1), the payment service provider shall make all reasonable efforts to contact the payer before taking a decision regarding the suspended transaction.		<u>service provider to assess, whether the reasons for such suspension are still justified. The notification shall give the payer sufficient information to enable the payer to understand the risks that the payment service provider has identified. Within the timelines specified in Article 69(1), the payment service provider shall make all reasonable efforts to contact the payer, and shall ensure that appropriate means are available at all times to enable the payer to contact the payment service provider where additional information is requested by the payment service provider to assess whether there are objectively justified reasons to suspect fraud.</u> <u>On the basis of that assessment, the payer's payment service provider shall decide whether or not to execute the payment order and, where applicable, restore the debited payment account to the state in which it would have been had the payment order not been submitted.</u> 24.09: interplay with AMLR is missing; the next step could be clarified. AM of EP in line 767 partially included in this line. Wording from Art. 5c(8) IPR.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Line 687a is partly included here. Text Origin: Council Mandate
	Article 65(-1b), third subparagraph							
G	765e					The obligation in the previous subparagraph shall not apply in the case of instant credit transfers. In such cases or where it has not been possible for the payer's payment service provider to receive information from the payer within the timelines specified in Article 69(1), the payment service provider shall assess, based on the transaction monitoring referred to in paragraph 1, and on any other relevant information available to the payment service provider, whether or not to execute the payment order.		<u>The obligation to notify the payer under the fifth subparagraph shall not apply in the case of instant credit transfers. In such cases or where it has not been possible for the payer's payment service provider to receive information from the payer within the timelines specified in Article 69(1), the payment service provider shall assess, based on the transaction monitoring referred to in paragraph -1, and on any other relevant information available to the payment service provider, but not solely on the basis of the outcome of the service ensuring the verification of payee, whether or not to execute the payment order.</u> TM 18.11: the obligation that should not apply is only the obligation to notify.μ TM 15.12 Text Origin: Council Mandate
	Article 65(-1b), fourth subparagraph							
G	765f					For the purpose of this Regulation, the fact that a payment order is unusual shall not by itself		<u>For the purpose of this Regulation, the fact that a payment order is unusual shall not by itself</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			constitute reasonable grounds to suspect fraud.	<u>constitute objectively justified reasons to suspect fraud.</u> TM 15.12 Text Origin: Council Mandate
Article 65(1), first subparagraph				
766	1. Where the payment service provider refuses to execute a payment order or to initiate a payment transaction, the payment service provider shall notify the refusal and, if possible, the reasons for that refusal and the procedure for correcting any factual mistakes that led to the refusal to the payment service user, unless prohibited by other relevant Union or national law.	1. Where the payment service provider refuses to execute a payment order or to initiate a payment transaction, the payment service provider shall notify the refusal and, if possible, the reasons for that refusal and the procedure for correcting any factual mistakes that led to the refusal to the payment service user, unless prohibited by other relevant Union or national law.	12. Where, on the basis of the assessment in paragraph 1a , the payment service provider refuses to execute a payment order or to initiate a payment transaction, the payer's payment service provider shall notify the payer and, where applicable, the payment initiation service provider , of the refusal and, ~~if possible~~ , the reasons for that refusal and the procedure for correcting ~~any factual mistakes that led to the refusal to the payment service user~~ the decision to refuse to execute the transaction , unless prohibited by other relevant Union or national law.	1. Where, <u>on the basis of the assessment in paragraph -1a</u> , the payment service provider refuses to execute a payment order or to initiate a payment transaction, the <u>payer's</u> payment service provider shall notify <u>to the payer and the payee's payment service provider and, where applicable, make available to the payment initiation service provider</u> , the refusal ~~and, if possible~~ , the <u>specific</u> reasons for that refusal and, <u>where applicable</u> , the procedure for correcting ~~any factual mistakes that led to the refusal to the payment service user~~ <u>the decision to refuse to execute the transaction</u> , unless <u>such notification is</u> prohibited ~~by other~~ <u>under</u> relevant Union or national law. TM 15.12 & 17.12 Text Origin: Council Mandate
Article 65(1), second subparagraph				
767	The payment service provider shall provide or make available the notification in an agreed manner at	The payment service provider shall provide or make available the notification in an agreed manner at	The payment service provider shall provide ~~or make available~~ the notification in an agreed manner at	The <u>payer's</u> payment service provider shall ~~provide or make available~~ <u>make</u> the notification in an

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the earliest opportunity, and in any case within the periods specified in Article 69.	the earliest opportunity, and in any case within the periods specified in Article 69. <u>Where the payment service provider refuses to execute the payment based on objective grounds for suspecting a fraudulent payment transaction in accordance with Article 83(1), the notification shall take into account the information necessary for the payment service user to resolve the suspicious transaction.</u>	~~the earliest opportunity~~ and without undue delay , and in any case within the periods specified in Article 69. In the case of instant credit transfers, the payer's payment service provider shall provide the notification of the refusal within 10 seconds of the time of receipt of the payment order by the payer's payment service provider, and provide the reasons for the refusal without undue delay, unless prohibited by other relevant Union or national law.	agreed manner, <u>and where applicable shall make the information available to the payment initiation service provider, without undue delay</u> ~~at the earliest opportunity~~ , and in any case within the periods specified in Article 69. <u>In the case of instant credit transfers, the payer's payment service provider shall provide the notification, and where applicable shall make the information available to the payment initiation service provider, within 10 seconds of the time of receipt of the payment order by the payer's payment service provider.</u> TM 15.12 17.12 inclusion of PISPs Text Origin: Council Mandate
Article 65(1), third subparagraph				
768	The framework contract may include a condition that the payment service provider may charge a reasonable fee for such a refusal if the refusal is objectively justified.	The framework contract may include a condition that the payment service provider may charge a reasonable fee for such a refusal if the refusal is objectively justified, <u>but not in the case of a refusal due to a suspected fraudulent transaction.</u>	The framework contract may include a condition that the payment service provider may charge a reasonable fee for such a refusal if the refusal is objectively justified, but not in the case of a refusal due to a suspected fraudulent transaction.	The framework contract may include a condition that the payment service provider may charge a reasonable fee for such a refusal if the refusal is objectively justified, <u>but not in the case of a refusal due to a suspected fraudulent transaction.</u> TM 15.12 Text Origin: EP Mandate
Article 65(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
769	2.Where all of the conditions set out in the payer's framework contract are met, the payer's account servicing payment service provider shall not refuse to execute an authorised payment transaction irrespective of whether the payment order is placed by a payer, including through a payment initiation service provider, or by or through a payee, unless prohibited by other relevant Union or national law.	2.Where all of the conditions set out in the payer's framework contract are met, the payer's account servicing payment service provider shall not refuse to execute an authorised payment transaction irrespective of whether the payment order is placed by a payer, including through a payment initiation service provider, or by or through a payee, unless prohibited by other relevant Union or national law.	~~2. Where all of the conditions set out in the payer's framework contract are met, the payer's account servicing payment service provider shall not refuse to execute an authorised payment transaction irrespective of whether the payment order is placed by a payer, including through a payment initiation service provider, or by or through a payee, unless prohibited by other relevant Union or national law.~~	<i>deleted</i> TM 15.12
Article 65(3)				
770	3.For the purposes of Articles 69 and 75 a payment order whose execution has been refused shall be deemed not to have been received.	3.For the purposes of Articles 69 and 75 a payment order whose execution has been refused shall be deemed not to have been received.	3.For the purposes of Articles 69 and 75 a payment order whose execution has been refused shall be deemed not to have been received.	3.For the purposes of Articles 69 and 75 a payment order whose execution has been refused shall be deemed not to have been received. Text Origin: Commission Proposal
Article 66				
771	Article 66 Irrevocability of a payment order	Article 66 Irrevocability of a payment order	Article 66 Irrevocability of a payment order	Article 66 Irrevocability of a payment order Text Origin: Commission Proposal
Article 66(1)				
772	1.The payment service user shall not revoke a payment order once it has been received by the payer's payment service provider, unless otherwise specified in this Article.	1.The payment service user shall not revoke a payment order once it has been received by the payer's payment service provider, unless otherwise specified in this Article.	1.The payment service user shall not revoke a payment order once it has been received by the payer's payment service provider, unless otherwise specified in this Article.	1.The payment service user shall not revoke a payment order once it has been received by the payer's payment service provider, unless otherwise specified in this Article. Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 66(2)				
773	2.Where the payment transaction is initiated by a payment initiation service provider or by or through the payee, the payer shall not revoke the payment order after giving permission to the payment initiation service provider to initiate the payment transaction or after giving permission to execute the payment transaction to the payee.	2.Where the payment transaction is initiated by a payment initiation service provider or by or through the payee, the payer shall not revoke the payment order after giving permission to the payment initiation service provider to initiate the payment transaction or after giving permission to execute the payment transaction to the payee.	2.Where the payment transaction is initiated by a payment initiation service provider or by or through the payee, the payer shall not revoke the payment order after giving permission to the payment initiation service provider to initiate the payment transaction or after giving permission to execute the payment transaction to the payee.	2.Where the payment transaction is initiated by a payment initiation service provider or by or through the payee, the payer shall not revoke the payment order after giving permission to the payment initiation service provider to initiate the payment transaction or after giving permission to execute the payment transaction to the payee. TM 16.12: LL revision, to be checked whether permission should be replaced. Text Origin: Commission Proposal
Article 66(3)				
774	3.In the case of a direct debit, and without prejudice to refund rights, the payer may revoke the payment order at the latest by the end of the business day preceding the day agreed for debiting the funds.	3.In the case of a direct debit, and without prejudice to refund rights, the payer may revoke the payment order at the latest by the end of the business day preceding the day agreed for debiting the funds.	3.In the case of a direct debit, and without prejudice to refund rights, the payer may revoke the payment order at the latest by the end of the business day preceding the day agreed for debiting the funds.	3.In the case of a direct debit, and without prejudice to refund rights, the payer may revoke the payment order at the latest by the end of the business day preceding the day agreed for debiting the funds. Text Origin: Commission Proposal
Article 66(4)				
775	4.In the case referred to in Article 64(2), the payment service user may revoke a payment order at the latest by the end of the business day preceding the agreed day.	4.In the case referred to in Article 64(2), the payment service user may revoke a payment order at the latest by the end of the business day preceding the agreed day.	4.In the case referred to in Article 64(2), the payment service user may revoke a payment order at the latest by the end of the business day preceding the agreed day.	4.In the case referred to in Article 64(2), the payment service user may revoke a payment order at the latest by the end of the business day preceding the agreed day.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 66(5)				
776	5.After the time limits laid down in paragraphs 1 to 4, the payment order may be revoked only if agreed between the payment service user and the relevant payment service providers. In the case referred to in paragraphs 2 and 3, the payee's agreement shall also be required. If agreed in the framework contract, the relevant payment service provider may charge for revocation.	5.After the time limits laid down in paragraphs 1 to 4, the payment order may be revoked only if agreed between the payment service user and the relevant payment service providers. In the case referred to in paragraphs 2 and 3, the payee's agreement shall also be required. If agreed in the framework contract, the relevant payment service provider may charge for revocation.	5.After the time limits laid down in paragraphs 1 to 4, the payment order may be revoked only if agreed between the payment service user and the relevant payment service providers. In the case referred to in paragraphs 2 and 3, the payee's agreement shall also be required. If agreed in the framework contract, the relevant payment service provider may charge for revocation.	5.After the time limits laid down in paragraphs 1 to 4, the payment order may be revoked only if agreed between the payment service user and the relevant payment service providers. In the case referred to in paragraphs 2 and 3, the payee's agreement shall also be required. If agreed in the framework contract, the relevant payment service provider may charge for revocation. Text Origin: Commission Proposal
Article 67				
777	Article 67 Amounts transferred and amounts received	Article 67 Amounts transferred and amounts received	Article 67 Amounts transferred and amounts received	Article 67 Amounts transferred and amounts received Text Origin: Commission Proposal
Article 67(1)				
778	1.The payment service provider of the payer, the payment service provider(s) of the payee and any intermediaries of the payment service providers shall transfer the full amount of the payment transaction and shall refrain from deducting charges from the amount	1.The payment service provider of the payer, the payment service provider(s) of the payee and any intermediaries of the payment service providers shall transfer the full amount of the payment transaction and shall refrain from deducting charges from the amount	1.The payment service provider of the payer, the payment service provider(s) of the payee and any intermediaries of the payment service providers shall transfer the full amount of the payment transaction and shall refrain from deducting charges from the amount	1.The payment service provider of the payer, the payment service provider(s) of the payee and any intermediaries of the payment service providers shall transfer the full amount of the payment transaction and shall refrain from deducting charges from the amount

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	transferred.	transferred.	transferred.	transferred. Text Origin: Commission Proposal
Article 67(2)				
779	2.The payee and the payment service provider may agree that the relevant payment service provider deduct its charges from the amount transferred before crediting it to the payee. In such a case, the full amount of the payment transaction and charges shall be separated in the information given to the payee.	2.The payee and the payment service provider may agree that the relevant payment service provider deduct its charges from the amount transferred before crediting it to the payee. In such a case, the full amount of the payment transaction and charges shall be separated in the information given to the payee.	2.The payee and the payment service provider may agree that the relevant payment service provider deduct its charges from the amount transferred before crediting it to the payee. In such a case, the full amount of the payment transaction and charges shall be separated in the information given to the payee.	2.The payee and the payment service provider may agree that the relevant payment service provider deduct its charges from the amount transferred before crediting it to the payee. In such a case, the full amount of the payment transaction and charges shall be separated in the information given to the payee. Text Origin: Commission Proposal
Article 67(3)				
780	3.If any charges other than those referred to in paragraph 2 are deducted from the amount transferred, the payment service provider of the payer shall ensure that the payee receives the full amount of the payment transaction initiated by the payer. Where the payment transaction is initiated by or through the payee, the payment service provider of the payee shall ensure that the full amount of the payment transaction is received by the payee.	3.If any charges other than those referred to in paragraph 2 are deducted from the amount transferred, the payment service provider of the payer shall ensure that the payee receives the full amount of the payment transaction initiated by the payer. Where the payment transaction is initiated by or through the payee, the payment service provider of the payee shall ensure that the full amount of the payment transaction is received by the payee.	3.If any charges other than those referred to in paragraph 2 are deducted from the amount transferred, the payment service provider of the payer shall ensure that the payee receives the full amount of the payment transaction initiated by the payer. Where the payment transaction is initiated by or through the payee, the payment service provider of the payee shall ensure that the full amount of the payment transaction is received by the payee.	3.If any charges other than those referred to in paragraph 2 are deducted from the amount transferred, the payment service provider of the payer shall ensure that the payee receives the full amount of the payment transaction initiated by the payer. Where the payment transaction is initiated by or through the payee, the payment service provider of the payee shall ensure that the full amount of the payment transaction is received by the payee. Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 67(3a)								
780a						Article 67a Payment transactions with electronic money tokens		<u>Article 67a</u> <u>Payment transactions with electronic money tokens</u> TM 15.12: those exemptions will be covered by review clause Text Origin: Council Mandate
Article 67(3b)								
780b						1.By derogation from Article 13, points (b) and (d), Article 20, points (b)(v) and (c)(i) and Article 24 of this Regulation, where payment service providers are not able, due to circumstances that are not attributable to them, to comply with the obligations set out therein as regards payment transactions with electronic money tokens settled on the distributed ledger, the payment service providers should at least provide the information required therein by way of a reasoned estimation, as soon as possible, and in any case prior to the payer authorizing the transaction.		<u>1.By way of derogation from Article 13, points (b) and (d), Article 20, points (b)(v) and (c)(i) and Article 24 of this Regulation, where payment service providers are not able, due to circumstances that are not attributable to them, to comply with the obligations set out therein as regards payment transactions with electronic money tokens settled on the distributed ledger, the payment service providers shall provide the information required therein by way of a reasoned estimation, as soon as possible, and in any case prior to the payer authorising the transaction.</u> BS 5.12: references are to lines 309 311 358 363 & 408ff TM 15.12: distributed ledger defined in MiCA (Art. 3(2)). Text Origin: Council Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 67(3c)								
G		780c				2.The requirements in Articles 40 and 41 of this Regulation for account servicing payment service providers regarding payment initiation services and account information services, shall not apply as regards payment transactions with electronic money tokens.		<u>2.The requirements in Articles 40 and 41 of this Regulation for account servicing payment service providers regarding payment initiation services and account information services, shall not apply as regards payment transactions with electronic money tokens.</u> TM 15.12 Text Origin: Council Mandate
Article 67(3d)								
G		780d				3.Articles 50 and 57 of this Regulation shall not apply to payment service providers as regards payment transactions with electronic money tokens.		<u>3.Articles 50 and 57 of this Regulation shall not apply to payment service providers as regards payment transactions with electronic money tokens.</u> TM 15.12 Text Origin: Council Mandate
Article 67(3e)								
G		780e						<u>4.The Commission may adopt delegated acts in accordance with Article 106 to amend this Regulation by adjusting the derogations and requirements set out in paragraphs 1, 2 and 3 of this Article as regards payment transactions with electronic money tokens to take into account</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>developments after the adoption of this Regulation and the specificities of the use of distributed ledger technology or similar technology for such transactions.</u> TM 15.12: line coming from 1087a. The DA should only cover payments with EMTs.
Section 2								
G	781	Section 2 Execution time and value date		Section 2 Execution time and value date		Section 2 Execution time and value date		Section 2 Execution time and value date Text Origin: Commission Proposal
Article 68								
G	782	Article 68 Scope		Article 68 Scope		Article 68 Scope		Article 68 Scope Text Origin: Commission Proposal
Article 68(1)								
G	783	1.This Section applies to:		1.This Section applies to:		1.This Section applies to:		1.This Section applies to: Text Origin: Commission Proposal
Article 68(1), point (a)								
G	784	(a) payment transactions in euro;		(a) payment transactions in euro;		(a) payment transactions in euro;		(a) payment transactions in euro; Text Origin: Commission Proposal
Article 68(1), point (b)								
G	785	(b) national payment transactions in		(b) national payment transactions in		(b) national payment transactions in		(b) national payment transactions in

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the currency of the Member State outside the euro area;	the currency of the Member State outside the euro area;	the currency of the Member State outside the euro area;	the currency of the Member State outside the euro area; Text Origin: Commission Proposal
Article 68(1), point (c)				
786	(c) payment transactions involving only one currency conversion between the euro and the currency of a Member State outside the euro area, provided that the required currency conversion is carried out in the Member State outside the euro area concerned and, in the case of cross-border payment transactions, the cross-border transfer takes place in euro.	(c) payment transactions involving only one currency conversion between the euro and the currency of a Member State outside the euro area, provided that the required currency conversion is carried out in the Member State outside the euro area concerned and, in the case of cross-border payment transactions, the cross-border transfer takes place in euro.	(c) payment transactions involving only one currency conversion between the euro and the currency of a Member State outside the euro area, provided that the required currency conversion is carried out in the Member State outside the euro area concerned and, in the case of cross-border payment transactions, the cross-border transfer takes place in euro.	(c) payment transactions involving only one currency conversion between the euro and the currency of a Member State outside the euro area, provided that the required currency conversion is carried out in the Member State outside the euro area concerned and, in the case of cross-border payment transactions, the cross-border transfer takes place in euro. Text Origin: Commission Proposal
Article 68(2)				
787	2.This Section applies to payment transactions not referred to in paragraph 1, unless otherwise agreed between the payment service user and the payment service provider, with the exception of Article 73, which is not at the disposal of the parties. However, if the payment service user and the payment service provider agree on a longer period than that set in Article 69, for intra-Union payment transactions, that longer period shall not exceed 4 business days following the time of	2.This Section applies to payment transactions not referred to in paragraph 1, unless otherwise agreed between the payment service user and the payment service provider, with the exception of Article 73, which is not at the disposal of the parties. However, if the payment service user and the payment service provider agree on a longer period than that set in Article 69, for intra-Union payment transactions, that longer period shall not exceed 45 business days following the time of	2.This Section applies to payment transactions not referred to in paragraph 1, unless otherwise agreed between the payment service user and the payment service provider, with the exception of Article 73, which is not at the disposal of the parties. However, if the payment service user and the payment service provider agree on a longer period than that set in Article 69, for intra-Union payment transactions, that longer period shall not exceed 4 business days following the time of	2.This Section applies to payment transactions not referred to in paragraph 1, unless otherwise agreed between the payment service user and the payment service provider, with the exception of Article 73, which is not at the disposal of the parties. However, if the payment service user and the payment service provider agree on a longer period than that set in Article 69, for intra-Union payment transactions, that longer period shall not exceed 45 business days following the time of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	receipt as referred to in Article 64.	receipt as referred to in Article 64.	receipt as referred to in Article 64.	receipt as referred to in Article 64. TM 20.10: against the general trend of speeding up the transactions. No request from industry. EP to check. TM 11.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 69				
788	Article 69 Payment transactions to a payment account	Article 69 Payment transactions to a payment account	Article 69 Payment transactions to a payment account	Article 69 Payment transactions to a payment account Text Origin: Commission Proposal
Article 69(1)				
789	1. Without prejudice to Article 2(1), point (c) of Regulation (EU) No 260/2012, the payer's payment service provider shall ensure that after the time of receipt as referred to in Article 64, the amount of the payment transaction will be credited to the payee's payment service provider's account by the end of the following business day. That time limit may be extended by a further business day for paper-initiated payment transactions.	1. Without prejudice to Article 2(1), point (c) of Regulation (EU) No 260/2012, the payer's payment service provider shall ensure that after the time of receipt as referred to in Article 64, the amount of the payment transaction will be credited to the payee's payment service provider's account by the end of the following business day. That time limit may be extended by a further business day for paper-initiated payment transactions.	1. Without prejudice to Article 2(1), point (c) of Regulation (EU) No 260/2012, the payer's payment service provider shall ensure that after the time of receipt as referred to in Article 64, the amount of the payment transaction will be credited to the payee's payment service provider's account by the end of the following business day. That time limit may be extended by a further business day for paper-initiated payment transactions.	1. Without prejudice to ~~Article 2(1), point (c) of Regulation (EU) No 260/2012~~ <u>relevant Union or national legislation in the field of anti-money laundering and anti-terrorism financing</u> , the payer's payment service provider shall ensure that after the time of receipt as referred to in Article 64, the amount of the payment transaction will be credited to the payee's payment service provider's account by the end of the following business day. That time limit may be extended by a further business day for paper-initiated payment

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								transactions. Text Origin: Commission Proposal
Article 69(1a)								
G		789a				The first subparagraph is without prejudice of the obligations of payment service providers pursuant to other relevant Union or national legislation in the field of anti-money laundering and anti-terrorism financing.		<i>deleted</i>
Article 69(2)								
G		790	2. The payment service provider of the payee shall value date and make available the amount of the payment transaction to the payee's payment account after the payment service provider has received the funds in accordance with Article 73.	2. The payment service provider of the payee shall value date and make available the amount of the payment transaction to the payee's payment account after the payment service provider has received the funds in accordance with Article 73.		2. The payment service provider of the payee shall value date and make available the amount of the payment transaction to the payee's payment account after the payment service provider has received the funds in accordance with Article 73.		2. <u><i>Without prejudice to relevant Union or national legislation in the field of anti-money laundering and anti-terrorism financing,</i></u> the payment service provider of the payee shall value date and make available the amount of the payment transaction to the payee's payment account after the payment service provider has received the funds in accordance with Article 73. Text Origin: Commission Proposal
Article 69(2a)								
G		790a				The first subparagraph is without prejudice to the obligations of payment service providers under other relevant Union or national legislation in the		<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						field of anti-money laundering and anti-terrorism financing.		
Article 69(2b)								
790b				<u>2a. Where the transaction monitoring mechanisms set out in Article 83(1) provide reasonable grounds for suspecting a fraudulent payment transaction, the payee's payment service provider may refuse to make the funds immediately available to the payee's payment account. The payee's payment service provider shall, as appropriate and without undue delay, seek clarification on the suspected fraud payment transaction and, depending on that outcome, either make the funds available or return them to the payer's account servicing payment service provider.</u>		2a. By way of derogation from paragraph 2 and without prejudice to the obligation to refrain from executing the transaction under article 71 AMLR, if, based on the transaction monitoring referred to in Article 83 or on any relevant information available to the payment service provider, there are reasonable grounds to suspect a fraudulent payment transaction, the payee's payment service provider may postpone making the funds available to the payee. The payee's payment service provider shall, without undue delay and within a maximum of two working days from the discovery of the suspicion, assess whether the reasons for such postponement are still justified. Moreover, without undue delay after the discovery of the suspicion, the payee's payment service provider shall notify the payer's payment service provider and the payee of the assessment that is being conducted, unless prohibited by other relevant Union or national law, in order to allow both the payee and the payer		<u>2a. By way of derogation from paragraph 2, if, based on the transaction monitoring conducted in accordance with Article 83, or on any relevant information available to the payee's payment service provider, but not solely on the outcome of the service ensuring the verification of payee, the payee's payment service provider has objectively justified reasons to suspect that a payment transaction credited or to be credited to its account is fraudulent, that payment service provider may, in compliance with its obligations to refrain from carrying out suspicious transactions under Article 71 of Regulation (EU) 2024/1624, decide to not make the funds available on the payee's payment account and to return the funds to the payment service provider of the payer, provided that that decision takes place within the timeline set out in Article 73 of this Regulation.</u> <u>Where the reasons to suspect that a payment transaction credited or to be credited to the payee's account is fraudulent are clear and incontrovertible, the payee's</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			to express their views and where necessary, to contest the decision to postpone making the funds available. On the basis of this assessment, the payee's payment service provider shall either make the funds available to the payee or, if the transaction is deemed fraudulent, return the funds to the payer's payment service provider.	<u>payment service provider shall not make the funds available on the payee's payment account and shall return the funds to the payment service provider of the payer.</u> <u>Where a payment service provider does not comply with the obligation set out in subparagraph 2, the payer shall not bear any financial losses, except if the payer has acted fraudulently.</u> <u>The first and second subparagraphs shall be without prejudice to the obligation of the payee's payment service provider to report suspicious transactions set out in Article 69 of Regulation (EU) 2024/1624.</u> <u>For the purpose of this Regulation, the fact that a payment order is unusual shall not by itself constitute objectively justified reasons to suspect fraud.</u> <u>The burden of proof that there was no breach of subparagraph 2 shall be on the payment service provider of the payee.</u> 24.09: payee would be the potential fraudster. Art. 71: scope is the same of 69: suspicion of fraud would be covered by AMLR.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								EC: sees added value on the side of the payer PSP (extra buffer before carrying out AML assessment), but not for the payee PSP who already has a know your customer obligation. EC to revert with non paper on the interaction with AMLR. TM 15.12: EP to revert on whether a liability should be attach to the requirement [] TM 16.12: liability provision added Text Origin: Council Mandate
		Article 69(2c)						
790c								<u>2b. Where the payment service provider of the payee returns the funds to the payer's payment service provider pursuant to the first or second subparagraphs of paragraph 2a, the payment service provider of the payee shall:</u> <u>(i) immediately notify the payment service provider of the payer of the return of the funds, and of the reasons for the refusal to make the funds available on the payee's payment account, in accordance with the rules on prohibition of disclosure set out in Article 73(5) of Regulation (EU) 2024/1624; and</u> <u>(ii) ensure that the amount of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>the payment transaction is credited to the payer's payment service provider within the timeline set out in paragraph 1.</u>
Article 69(2d)								
G	790d							<u>2c. Upon receiving the notification pursuant to paragraph 2b, point (i), the payment service provider of the payer shall, immediately and free of charge, inform the payer, and, where applicable, make the information available to the payment initiation service provider, that the funds have not been made available on the payee's payment account due to measures aimed at fraud prevention, without prejudice to Article 73 of Regulation (EU) 2024/1624. The payment service provider of the payer shall also inform the payer of the return of the funds and the timeline for making the amount of the payment transaction available on the payer's payment account. The payment service provider of the payer shall value date and make available the amount of the payment transaction credited to its account pursuant to paragraph 2b, point (ii), to the payer's payment account in accordance with Article 73 of this Regulation.</u> TM 16.12

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 69(2e)								
G	790e							<u>2d. In the case of instant credit transfers, where the payment service provider of the payee returns the funds to the payer's payment service provider pursuant to the first or second subparagraphs of paragraph 2a, the payment service provider of the payee shall:</u> <u>(i) within 10 seconds of the time of receipt of the payment order for an instant credit transfer by the payer's payment service provider, notify the payer's payment service provider of the return of the funds, and of the reasons for the refusal to make the funds available on the payee's payment account, in accordance with the rules on prohibition of disclosure set out in Article 73(5) of Regulation (EU) 2024/1624; and</u> <u>(ii) where the amount of the transaction has been credited to its account, ensure that those funds are credited immediately to the payer's payment service provider.</u>
Article 69(2f)								
G	790f							<u>2e. Immediately upon receiving the notification referred to in paragraph 2d, point (i), the payment service provider of the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>payer shall:</u> <u>(i) restore the payment account of the payer to the state in which it would have been had the transaction not taken place; and</u> <u>(ii) free of charge, inform the payer, and, where applicable, make the information available to the payment initiation service provider, of the return of the funds, and, without prejudice to Article 73 of Regulation (EU) 2024/1624, that the funds have not been made available on the payee's payment account due to measures aimed at fraud prevention.</u> TM 16.12
		Article 69(2g)						
G		790g						deleted
		Article 69(3)						
G		791		3.The payee's payment service provider shall transmit a payment order placed by or through the payee to the payer's payment service provider within the time limits agreed between the payee and the payment service provider, enabling settlement, as far as direct debit is concerned, on the agreed due date. <u>Paragraph [2a] shall apply accordingly.</u>		3.The payee's payment service provider shall transmit a payment order placed by or through the payee to the payer's payment service provider within the time limits agreed between the payee and the payment service provider, enabling settlement, as far as direct debit is concerned, on the agreed due date.		3.The payee's payment service provider shall transmit a payment order placed by or through the payee to the payer's payment service provider within the time limits agreed between the payee and the payment service provider, enabling settlement,~~as far as direct debit is concerned~~, on the agreed due date. <u>Paragraph 2a shall apply accordingly.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								24.09: parked 20.10: removal of reference to direct debit to widen the scope to MIT. EC to check. TM 15.12 Text Origin: EP Mandate
Article 70								
G	792	Article 70 Absence of payee’s payment account with the payment service provider		Article 70 Absence of payee’s payment account with the payment service provider		Article 70 Absence of payee’s payment account with the payment service provider		Article 70 Absence of payee’s payment account with the payment service provider Text Origin: Commission Proposal
Article 70, first paragraph								
G	793	Where the payee does not have a payment account with the payment service provider, the payment service provider who receives the funds for the payee shall make the funds available to the payee within the time limit laid down in Article 69(1).		Where the payee does not have a payment account with the payment service provider, the payment service provider who receives the funds for the payee shall make the funds available to the payee within the time limit laid down in Article 69(1).		Where the payee does not have a payment account with the payment service provider, the payment service provider who receives the funds for the payee shall make the funds available to the payee within the time limit laid down in Article 69(1).		Where the payee does not have a payment account with the payment service provider, the payment service provider who receives the funds for the payee shall make the funds available to the payee within the time limit laid down in Article 69(1). Text Origin: Commission Proposal
Article 70, first paragraph a								
G	793a					In the case of payment transactions with electronic money tokens from a custodial wallet to a self-hosted address, the payment service provider of the payer shall		<u>In the case of payment transactions with electronic money tokens from a custodial wallet to a self-hosted address, the payment service provider of the payer shall transfer</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			transfer the funds to the self-hosted address of the payee within the time limit laid down in Article 69(1).	<u>the funds to the self-hosted address of the payee within the time limit laid down in Article 69(1).</u> TM 15.12: needed because self-hosted address is not considered to be an account. Text Origin: Council Mandate
Article 71				
794	Article 71 Cash placed on a payment account	Article 71 Cash placed on a payment account	Article 71 Cash placed on a payment account	Article 71 Cash placed on a payment account Text Origin: Commission Proposal
Article 71, first paragraph				
795	Where a consumer places cash on a payment account with that payment service provider in the currency of that payment account, the payment service provider shall ensure that the amount is made available and value dated immediately after receipt of the funds. Where the payment service user is not a consumer, the amount shall be made available and value dated at the latest on the following business day after receipt of the funds.	Where a consumer places cash on a payment account with that payment service provider in the currency of that payment account, the payment service provider shall ensure that the amount is made available and value dated immediately after receipt of the funds. Where the payment service user is not a consumer, the amount shall be made available and value dated at the latest on the following business day after receipt of the funds.	Where a consumer places cash on a payment account with that payment service provider in the currency of that payment account, the payment service provider shall ensure that the amount is made available and value dated immediately after receipt of the funds. Where the payment service user is not a consumer, the amount shall be made available and value dated at the latest on the following business day after receipt of the funds.	Where a consumer places cash on a payment account with that payment service provider in the currency of that payment account, the payment service provider shall ensure that the amount is made available and value dated immediately after receipt of the funds. Where the payment service user is not a consumer, the amount shall be made available and value dated at the latest on the following business day after receipt of the funds. Text Origin: Commission Proposal
Article 72				
796	Article 72	Article 72	Article 72	Article 72

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	National payment transactions	National payment transactions	National payment transactions	National payment transactions Text Origin: Commission Proposal
Article 72, first paragraph				
797	For national payment transactions, Member States may provide for shorter maximum execution times than those provided for in this Section.	For national payment transactions, Member States may provide for shorter maximum execution times than those provided for in this Section. <u>Decisions taken under this Article shall be communicated by Member States to the Commission.</u>	For national payment transactions, Member States may provide for shorter maximum execution times than those provided for in this Section.	For national payment transactions, Member States may provide for shorter maximum execution times than those provided for in this Section. <u>Member States shall notify to the Commission the provisions of their law adopted pursuant to this Article. They shall, without delay, notify any subsequent amendments to such provisions.</u> TM 20.10: to align with line 446 in PSR. Text Origin: EP Mandate
Article 73				
798	Article 73 Value date and availability of funds	Article 73 Value date and availability of funds	Article 73 Value date and availability of funds	Article 73 Value date and availability of funds Text Origin: Commission Proposal
Article 73(1)				
799	1.The credit value date for the payee's payment account shall be no later than the business day on which the amount of the payment transaction is credited to the payee's payment service provider's account.	1.The credit value date for the payee's payment account shall be no later than the business day on which the amount of the payment transaction is credited to the payee's payment service provider's account.	1.The credit value date for the payee's payment account shall be no later than the business day on which the amount of the payment transaction is credited to the payee's payment service provider's account.	1.The credit value date for the payee's payment account shall be no later than the business day on which the amount of the payment transaction is credited to the payee's payment service provider's account.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 73(2), first subparagraph				
800	2.The payment service provider of the payee shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account where, on the part of the payee's payment service provider, there is either of the following:	2.The payment service provider of the payee shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account where, on the part of the payee's payment service provider, there is either of the following:	2.The payment service provider of the payee shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account where, on the part of the payee's payment service provider, there is either of the following:	2.The payment service provider of the payee shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account where, on the part of the payee's payment service provider, there is either of the following: Text Origin: Commission Proposal
Article 73(2), first subparagraph, point (a)				
801	(a) no currency conversion;	(a) no currency conversion;	(a) no currency conversion;	(a) no currency conversion; Text Origin: Commission Proposal
Article 73(2), first subparagraph, point (b)				
802	(b) a currency conversion between the euro and a Member State currency or between two Member State currencies.	(b) a currency conversion between the euro and a Member State currency or between two Member State currencies.	(b) a currency conversion between the euro and a Member State currency or between two Member State currencies.	(b) a currency conversion between the euro and a Member State currency or between two Member State currencies. Text Origin: Commission Proposal
Article 73(2), second subparagraph				
803	The obligation laid down in this paragraph shall also apply to payments within one payment service provider.	The obligation laid down in this paragraph shall also apply to payments within one payment service provider.	The obligation laid down in this paragraph shall also apply to payments within one payment service provider.	The obligation laid down in this paragraph shall also apply to payments within one payment service provider.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 73(3)				
804	3.The debit value date for the payer's payment account shall be no earlier than the time at which the amount of the payment transaction is debited to that payment account.	3.The debit value date for the payer's payment account shall be no earlier than the time at which the amount of the payment transaction is debited to that payment account.	3.The debit value date for the payer's payment account shall be no earlier than the time at which the amount of the payment transaction is debited to that payment account.	3.The debit value date for the payer's payment account shall be no earlier than the time at which the amount of the payment transaction is debited to that payment account. Text Origin: Commission Proposal
Article 74				
805	Article 74 Incorrect unique identifiers	Article 74 Incorrect unique identifiers	Article 74 Incorrect unique identifiers	Article 74 Incorrect unique identifiers Text Origin: Commission Proposal
Article 74(1)				
806	1.If a payment transaction is executed in accordance with the unique identifier, the payment transaction shall be deemed to have been executed correctly with regard to the payee specified by the unique identifier.	1.If a payment transaction is executed in accordance with the unique identifier, the payment transaction shall be deemed to have been executed correctly with regard to the payee specified by the unique identifier.	1.If a payment transaction is executed in accordance with the unique identifier, the payment transaction shall be deemed to have been executed correctly with regard to the payee specified by the unique identifier.	1.If a payment transaction is executed in accordance with the unique identifier, the payment transaction shall be deemed to have been executed correctly with regard to the payee specified by the unique identifier. Text Origin: Commission Proposal
Article 74(2)				
807	2.If the unique identifier provided by the payment service user is incorrect, the payment service provider shall not be liable under Article 75 for non-execution or defective execution	2.If the unique identifier provided by the payment service user is incorrect, the payment service provider shall not be liable under Article 75 for non-execution or defective execution	2.If the unique identifier provided by the payment service user is incorrect, the payment service provider shall not be liable under Article 75 for non-execution or defective execution	2.If the unique identifier provided by the payment service user is incorrect, the payment service provider shall not be liable under Article 75 for non-execution or defective execution

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	of the payment transaction.	of the payment transaction.	of the payment transaction.	of the payment transaction. Text Origin: Commission Proposal
Article 74(3), first subparagraph				
808	3.The payer's payment service provider shall make reasonable efforts to recover the funds involved in the payment transaction. The payee's payment service provider shall cooperate in those efforts also by communicating to the payer's payment service provider all relevant information for the collection of funds.	3.The payer's payment service provider shall make reasonable efforts to recover the funds involved in the payment transaction. The payee's payment service provider shall cooperate in those efforts also by communicating to the payer's payment service provider all relevant information for the collection of funds.	3.The payer's payment service provider shall make reasonable efforts to recover the funds involved in the payment transaction. The payee's payment service provider shall cooperate in those efforts also by communicating to the payer's payment service provider all relevant information for the collection of funds.	3.The payer's payment service provider shall make reasonable efforts to recover the funds involved in the payment transaction. The payee's payment service provider shall cooperate in those efforts also by communicating to the payer's payment service provider all relevant information for the collection of funds. Text Origin: Commission Proposal
Article 74(3), second subparagraph				
809	Where the collection of funds under the first subparagraph is not possible, the payer's payment service provider shall provide to the payer, upon written request, all information available to the payer's payment service provider and relevant to the payer in order for the payer to file a legal claim to recover the funds.	Where the collection of funds under the first subparagraph is not possible, the payer's payment service provider shall provide to the payer, upon written request, all information available to the payer's payment service provider and relevant to the payer in order for the payer to file a legal claim to recover the funds.	Where the collection of funds under the first subparagraph is not possible, the payer's payment service provider shall provide to the payer, upon written request, all information available to the payer's payment service provider and relevant to the payer in order for the payer to file a legal claim to recover the funds.	Where the collection of funds under the first subparagraph is not possible, the payer's payment service provider shall provide to the payer, upon written request, all information available to the payer's payment service provider and relevant to the payer in order for the payer to file a legal claim to recover the funds. Text Origin: Commission Proposal
Article 74(4)				
810	4.Where agreed in the framework	4.Where agreed in the framework	4.Where agreed in the framework	4.Where agreed in the framework

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	contract, the payment service provider may charge the payment service user for recovery.	contract, the payment service provider may charge the payment service user for recovery. <u>The charge shall be reasonable and proportionate to the costs incurred.</u>	contract, the payment service provider may charge the payment service user for recovery.	contract, the payment service provider may charge the payment service user for recovery. <u>The charge shall be reasonable and proportionate to the costs incurred.</u> Text Origin: EP Mandate
Article 74(5)				
811	5.If the payment service user provides information in addition to the information referred to in Article 13(1), point (a), or Article 20 point (b) (ii), the payment service provider shall be liable only for the execution of payment transactions in accordance with the unique identifier provided by the payment service user.	5.If the payment service user provides information in addition to the information referred to in Article 13(1), point (a), or Article 20 point (b) (ii), the payment service provider shall be liable only for the execution of payment transactions in accordance with the unique identifier provided by the payment service user.	5.If the payment service user provides information in addition to the information referred to in Article 13(1), point (a), or Article 20 point (b) (ii), the payment service provider shall be liable only for the execution of payment transactions in accordance with the unique identifier provided by the payment service user.	5.If the payment service user provides information in addition to the information referred to in Article 13(1), point (a), or Article 20 point (b) (ii), the payment service provider shall be liable only for the execution of payment transactions in accordance with the unique identifier provided by the payment service user. Text Origin: Commission Proposal
Article 74(6)				
812	6.Where the unique identifier provided by the payment initiation service provider is incorrect, payment service providers shall be liable in accordance with Article 76.	6.Where the unique identifier provided by the payment initiation service provider is incorrect, payment service providers shall be liable in accordance with Article 76.	6.Where the unique identifier provided by the payment initiation service provider is incorrect, payment service providers shall be liable in accordance with Article 76.	6.Where the unique identifier provided by the payment initiation service provider is incorrect, payment service providers shall be liable in accordance with Article 76. Text Origin: Commission Proposal
Article 75				
813	Article 75 Payment service providers' liability for non-execution, defective or late	Article 75 Payment service providers' liability for non-execution, defective or late	Article 75 Payment service providers' liability for non-execution, defective or late	Article 75 Payment service providers' liability for non-execution, defective or late

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	execution of payment transactions	execution of payment transactions	execution of payment transactions	execution of payment transactions Text Origin: Commission Proposal
Article 75(1), first subparagraph				
814	1. Where a payment order is placed directly by the payer, the payer's payment service provider shall, without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payer for correct execution of the payment transaction, unless it can prove to the payer and, where relevant, to the payee's payment service provider that the payee's payment service provider received the amount of the payment transaction in accordance with Article 69(1). In that case, the payee's payment service provider shall be liable to the payee for the correct execution of the payment transaction.	1. Where a payment order is placed directly by the payer, the payer's payment service provider shall, without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payer for correct execution of the payment transaction, unless it can prove to the payer and, where relevant, to the payee's payment service provider that the payee's payment service provider received the amount of the payment transaction in accordance with Article 69(1). In that case, the payee's payment service provider shall be liable to the payee for the correct execution of the payment transaction.	1. Where a payment order is placed directly by the payer, the payer's payment service provider shall, without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payer for correct execution of the payment transaction, unless it can prove to the payer and, where relevant, to the payee's payment service provider that the payee's payment service provider received the amount of the payment transaction in accordance with Article 69(1). In that case, the payee's payment service provider shall be liable to the payee for the correct execution of the payment transaction.	1. Where a payment order is placed directly by the payer, the payer's payment service provider shall, without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payer for correct execution of the payment transaction, unless it can prove to the payer and, where relevant, to the payee's payment service provider that the payee's payment service provider received the amount of the payment transaction in accordance with Article 69(1). In that case, the payee's payment service provider shall be liable to the payee for the correct execution of the payment transaction. Text Origin: Commission Proposal
Article 75(1), second subparagraph				
815	Where the payer's payment service provider is liable under the first subparagraph, it shall immediately refund to the payer the amount of the non-executed or defective payment transaction, and, where applicable, restore the debited payment account to the state in which it would have	Where the payer's payment service provider is liable under the first subparagraph, it shall immediately refund to the payer the amount of the non-executed or defective payment transaction, and, where applicable, restore the debited payment account to the state in which it would have	Where the payer's payment service provider is liable under the first subparagraph, it shall immediately refund to the payer the amount of the non-executed or defective payment transaction, and, where applicable, restore the debited payment account to the state in which it would have	Where the payer's payment service provider is liable under the first subparagraph, it shall immediately refund to the payer the amount of the non-executed or defective payment transaction, and, where applicable, restore the debited payment account to the state in which it would have

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	been had the defective payment transaction not taken place.	been had the defective payment transaction not taken place.	been had the defective payment transaction not taken place.	been had the defective payment transaction not taken place. Text Origin: Commission Proposal
Article 75(1), third subparagraph				
816	The credit value date for the payer's payment account shall be no later than the date on which the amount was debited.	The credit value date for the payer's payment account shall be no later than the date on which the amount was debited.	The credit value date for the payer's payment account shall be no later than the date on which the amount was debited.	The credit value date for the payer's payment account shall be no later than the date on which the amount was debited. Text Origin: Commission Proposal
Article 75(1), fourth subparagraph				
817	Where the payee's payment service provider is liable under the first subparagraph, it shall immediately place the amount of the payment transaction at the payee's disposal and, where applicable, credit the corresponding amount to the payee's payment account.	Where the payee's payment service provider is liable under the first subparagraph, it shall immediately place the amount of the payment transaction at the payee's disposal and, where applicable, credit the corresponding amount to the payee's payment account.	Where the payee's payment service provider is liable under the first subparagraph, it shall immediately place the amount of the payment transaction at the payee's disposal and, where applicable, credit the corresponding amount to the payee's payment account.	Where the payee's payment service provider is liable under the first subparagraph, it shall immediately place the amount of the payment transaction at the payee's disposal and, where applicable, credit the corresponding amount to the payee's payment account. Text Origin: Commission Proposal
Article 75(1), fifth subparagraph				
818	The credit value date for the payee's payment account shall be no later than the date on which the amount would have been value dated, had the transaction been correctly executed in accordance with Article 73.	The credit value date for the payee's payment account shall be no later than the date on which the amount would have been value dated, had the transaction been correctly executed in accordance with Article 73.	The credit value date for the payee's payment account shall be no later than the date on which the amount would have been value dated, had the transaction been correctly executed in accordance with Article 73.	The credit value date for the payee's payment account shall be no later than the date on which the amount would have been value dated, had the transaction been correctly executed in accordance with Article 73. Text Origin: Commission

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				Proposal
Article 75(1), sixth subparagraph				
819	Where a payment transaction is executed late, the payee's payment service provider shall ensure, upon the request of the payer's payment service provider acting on behalf of the payer, that the credit value date for the payee's payment account is no later than the date the amount would have been value dated had the transaction been correctly executed.	Where a payment transaction is executed late, the payee's payment service provider shall ensure, upon the request of the payer's payment service provider acting on behalf of the payer, that the credit value date for the payee's payment account is no later than the date the amount would have been value dated had the transaction been correctly executed.	Where a payment transaction is executed late, the payee's payment service provider shall ensure, upon the request of the payer's payment service provider acting on behalf of the payer, that the credit value date for the payee's payment account is no later than the date the amount would have been value dated had the transaction been correctly executed.	Where a payment transaction is executed late, the payee's payment service provider shall ensure, upon the request of the payer's payment service provider acting on behalf of the payer, that the credit value date for the payee's payment account is no later than the date the amount would have been value dated had the transaction been correctly executed. Text Origin: Commission Proposal
Article 75(1), seventh subparagraph				
820	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by the payer, the payer's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payer of the outcome.	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by the payer, the payer's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payer of the outcome.	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by the payer, the payer's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payer of the outcome.	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by the payer, the payer's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payer of the outcome. Text Origin: Commission Proposal
Article 75(2), first subparagraph				
821	2.Where a payment order is placed by or through the payee, the payee's payment service provider shall,	2.Where a payment order is placed by or through the payee, the payee's payment service provider shall,	2.Where a payment order is placed by or through the payee, the payee's payment service provider shall,	2.Where a payment order is placed by or through the payee, the payee's payment service provider shall,

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	without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payee for correct transmission of the payment order to the payment service provider of the payer in accordance with Article 69(3). Where the payee's payment service provider is liable under this subparagraph, it shall immediately re-transmit the payment order in question to the payment service provider of the payer.	without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payee for correct transmission of the payment order to the payment service provider of the payer in accordance with Article 69(3). Where the payee's payment service provider is liable under this subparagraph, it shall immediately re-transmit the payment order in question to the payment service provider of the payer.	without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payee for correct transmission of the payment order to the payment service provider of the payer in accordance with Article 69(3). Where the payee's payment service provider is liable under this subparagraph, it shall immediately re-transmit the payment order in question to the payment service provider of the payer.	without prejudice to Article 54, Article 74(2) and (3), and Article 79, be liable to the payee for correct transmission of the payment order to the payment service provider of the payer in accordance with Article 69(3). Where the payee's payment service provider is liable under this subparagraph, it shall immediately re-transmit the payment order in question to the payment service provider of the payer. Text Origin: Commission Proposal
Article 75(2), second subparagraph				
822	In the case of a late transmission of the payment order, the amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed.	In the case of a late transmission of the payment order, the amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed.	In the case of a late transmission of the payment order, the amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed.	In the case of a late transmission of the payment order, the amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed. Text Origin: Commission Proposal
Article 75(2), third subparagraph				
823	Without prejudice to Article 54, Article 74(2) and (3), and Article 79, the payment service provider of the payee shall be liable to the payee for handling the payment transaction in accordance with its obligations under Article 73. Where the payee's payment service provider is liable	Without prejudice to Article 54, Article 74(2) and (3), and Article 79, the payment service provider of the payee shall be liable to the payee for handling the payment transaction in accordance with its obligations under Article 73. Where the payee's payment service provider is liable	Without prejudice to Article 54, Article 74(2) and (3), and Article 79, the payment service provider of the payee shall be liable to the payee for handling the payment transaction in accordance with its obligations under Article 73. Where the payee's payment service provider is liable	Without prejudice to Article 54, Article 74(2) and (3), and Article 79, the payment service provider of the payee shall be liable to the payee for handling the payment transaction in accordance with its obligations under Article 73. Where the payee's payment service provider is liable

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	under this subparagraph, it shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account. The amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed.	under this subparagraph, it shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account. The amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed.	under this subparagraph, it shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account. The amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed.	under this subparagraph, it shall ensure that the amount of the payment transaction is at the payee's disposal immediately after that amount is credited to the payee's payment service provider's account. The amount shall be value dated on the payee's payment account no later than the date the amount would have been value dated had the transaction been correctly executed. Text Origin: Commission Proposal
Article 75(2), fourth subparagraph				
824	In the case of a non-executed or defectively executed payment transaction for which the payee's payment service provider is not liable under the first and third subparagraphs, the payer's payment service provider shall be liable to the payer. Where the payer's payment service provider is so liable it shall, as appropriate and without undue delay, refund to the payer the amount of the non-executed or defective payment transaction and restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place. The credit value date for the payer's payment account shall be no later than the date the amount was	In the case of a non-executed or defectively executed payment transaction for which the payee's payment service provider is not liable under the first and third subparagraphs, the payer's payment service provider shall be liable to the payer. Where the payer's payment service provider is so liable it shall, as appropriate and without undue delay, refund to the payer the amount of the non-executed or defective payment transaction and restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place. The credit value date for the payer's payment account shall be no later than the date the amount was	In the case of a non-executed or defectively executed payment transaction for which the payee's payment service provider is not liable under the first and third subparagraphs, the payer's payment service provider shall be liable to the payer. Where the payer's payment service provider is so liable it shall, as appropriate and without undue delay, refund to the payer the amount of the non-executed or defective payment transaction and restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place. The credit value date for the payer's payment account shall be no later than the date the amount was	In the case of a non-executed or defectively executed payment transaction for which the payee's payment service provider is not liable under the first and third subparagraphs, the payer's payment service provider shall be liable to the payer. Where the payer's payment service provider is so liable it shall, as appropriate and without undue delay, refund to the payer the amount of the non-executed or defective payment transaction and restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place. The credit value date for the payer's payment account shall be no later than the date the amount was

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	debited.	debited.	debited.	debited. Text Origin: Commission Proposal
Article 75(2), fifth subparagraph				
825	The obligation under the fourth subparagraph shall not apply to the payer's payment service provider where the payer's payment service provider proves that the payee's payment service provider has received the amount of the payment transaction, even if execution of payment transaction is merely delayed. If so, the payee's payment service provider shall value date the amount on the payee's payment account no later than the date the amount would have been value dated had it been executed correctly.	The obligation under the fourth subparagraph shall not apply to the payer's payment service provider where the payer's payment service provider proves that the payee's payment service provider has received the amount of the payment transaction, even if execution of payment transaction is merely delayed. If so, the payee's payment service provider shall value date the amount on the payee's payment account no later than the date the amount would have been value dated had it been executed correctly.	The obligation under the fourth subparagraph shall not apply to the payer's payment service provider where the payer's payment service provider proves that the payee's payment service provider has received the amount of the payment transaction, even if execution of payment transaction is merely delayed. If so, the payee's payment service provider shall value date the amount on the payee's payment account no later than the date the amount would have been value dated had it been executed correctly.	The obligation under the fourth subparagraph shall not apply to the payer's payment service provider where the payer's payment service provider proves that the payee's payment service provider has received the amount of the payment transaction, even if execution of payment transaction is merely delayed. If so, the payee's payment service provider shall value date the amount on the payee's payment account no later than the date the amount would have been value dated had it been executed correctly. Text Origin: Commission Proposal
Article 75(2), sixth subparagraph				
826	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by or through the payee, the payee's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payee of the outcome.	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by or through the payee, the payee's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payee of the outcome.	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by or through the payee, the payee's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payee of the outcome.	In the case of a non-executed or defectively executed payment transaction where the payment order is placed by or through the payee, the payee's payment service provider shall, regardless of liability under this paragraph, on request and without charging the payer, make immediate efforts to trace the payment transaction and notify the payee of the outcome.

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				Text Origin: Commission Proposal
Article 75(3)				
827	3.Payment service providers shall be liable to their respective payment service users for any charges for which they are responsible, and for any interest to which the payment service user is subject as a consequence of non-execution or defective, including late, execution of the payment transaction.	3.Payment service providers shall be liable to their respective payment service users for any charges for which they are responsible, and for any interest to which the payment service user is subject as a consequence of non-execution or defective, including late, execution of the payment transaction.	3.Payment service providers shall be liable to their respective payment service users for any charges for which they are responsible, and for any interest to which the payment service user is subject as a consequence of non-execution or defective, including late, execution of the payment transaction.	3.Payment service providers shall be liable to their respective payment service users for any charges for which they are responsible, and for any interest to which the payment service user is subject as a consequence of non-execution or defective, including late, execution of the payment transaction. Text Origin: Commission Proposal
Article 76				
828	Article 76 Liability in the case of payment initiation services for non-execution, defective or late execution of payment transactions	Article 76 Liability in the case of payment initiation services for non-execution, defective or late execution of payment transactions	Article 76 Liability in the case of payment initiation services for non-execution, defective or late execution of payment transactions	Article 76 Liability in the case of payment initiation services for non-execution, defective or late execution of payment transactions Text Origin: Commission Proposal
Article 76(1), first subparagraph				
829	1.Where a payment order is placed by the payer or by the payee through a payment initiation service provider, the account servicing payment service provider shall, without prejudice to Article 54 and Article 74(2) and (3), refund to the payer the amount of the non-	1.Where a payment order is placed by the payer or by the payee through a payment initiation service provider, the account servicing payment service provider shall, without prejudice to Article 54 and Article 74(2) and (3), refund to the payer the amount of the non-	1.Where a payment order is placed by the payer or by the payee through a payment initiation service provider, the account servicing payment service provider shall, without prejudice to Article 54 and Article 74(2) and (3), refund to the payer the amount of the non-	1.Where a payment order is placed by the payer or by the payee through a payment initiation service provider, the account servicing payment service provider shall, without prejudice to Article 54 and Article 74(2) and (3), refund to the payer the amount of the non-

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	executed or defective payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place.	executed or defective payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place.	executed or defective payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place.	executed or defective payment transaction and, where applicable, restore the debited payment account to the state in which it would have been had the defective payment transaction not taken place. Text Origin: Commission Proposal
Article 76(1), second subparagraph				
830	The burden shall be on the payment initiation service provider to prove that the payment order was received by the payer's account servicing payment service provider in accordance with Article 64 and that within its sphere of competence the payment transaction was authenticated, accurately recorded and not affected by a technical breakdown or other deficiency linked to the non-execution, defective or late execution of the transaction.	The burden shall be on the payment initiation service provider to prove that the payment order was received by the payer's account servicing payment service provider in accordance with Article 64 and that within its sphere of competence the payment transaction was authenticated, accurately recorded and not affected by a technical breakdown or other deficiency linked to the non-execution, defective or late execution of the transaction.	The burden shall be on the payment initiation service provider to prove that the payment order was received by the payer's account servicing payment service provider in accordance with Article 64 and that within its sphere of competence the payment transaction was authenticated, accurately recorded and not affected by a technical breakdown or other deficiency linked to the non-execution, defective or late execution of the transaction.	The burden shall be on the payment initiation service provider to prove that the payment order was received by the payer's account servicing payment service provider in accordance with Article 64 and that within its sphere of competence the payment transaction was authenticated, accurately recorded and not affected by a technical breakdown or other deficiency linked to the non-execution, defective or late execution of the transaction. Text Origin: Commission Proposal
Article 76(2)				
831	2.If the payment initiation service provider is liable for the non-execution, defective or late execution of the payment transaction, it shall immediately compensate the account servicing payment service provider at its	2.If the payment initiation service provider is liable for the non-execution, defective or late execution of the payment transaction, it shall immediately compensate the account servicing payment service provider at its	2.If the payment initiation service provider is liable for the non-execution, defective or late execution of the payment transaction, it shall immediately compensate the account servicing payment service provider at its	2.If the payment initiation service provider is liable for the non-execution, defective or late execution of the payment transaction, it shall immediately compensate the account servicing payment service provider at its

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	request for the losses incurred or sums paid as a result of the refund to the payer.	request for the losses incurred or sums paid as a result of the refund to the payer.	request for the losses incurred or sums paid as a result of the refund to the payer.	request for the losses incurred or sums paid as a result of the refund to the payer. Text Origin: Commission Proposal
Article 77				
832	Article 77 Additional financial compensation	Article 77 Additional financial compensation	Article 77 Additional financial compensation	Article 77 Additional financial compensation Text Origin: Commission Proposal
Article 77, first paragraph				
833	Any financial compensation additional to that provided for under this Section may be determined in accordance with the law applicable to the contract concluded between the payment service user and the payment service provider.	Any financial compensation additional to that provided for under this Section may be determined in accordance with the law applicable to the contract concluded between the payment service user and the payment service provider.	Any financial compensation additional to that provided for under this Section may be determined in accordance with the law applicable to the contract concluded between the payment service user and the payment service provider.	Any financial compensation additional to that provided for under this Section may be determined in accordance with the law applicable to the contract concluded between the payment service user and the payment service provider. Text Origin: Commission Proposal
Article 78				
834	Article 78 Right of recourse	Article 78 Right of recourse	Article 78 Right of recourse	Article 78 Right of recourse Text Origin: Commission Proposal
Article 78(1)				
835	1.Where the liability of a payment service provider under Articles 56, 57, 59, 75 and 76 is attributable to another payment service provider or	1.Where the liability of a payment service provider under Articles 56, 57, 59, 75 and 76 is attributable to another payment service provider or	1.Where the liability of a payment service provider under Articles 56, 57, 59, 75 and 76 is attributable to another payment service provider or	1.Where the liability of a payment service provider under Articles 56, 57, 59, 75, ~~76 and 83~~ ~~and 76~~ is attributable to another payment

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	to an intermediary, that payment service provider or intermediary shall compensate the first payment service provider for any losses incurred or sums paid under Articles 56, 57, 59, 75 and 76. That shall include compensation where any of the payment service providers fail to apply strong customer authentication.	to an intermediary, that payment service provider or intermediary shall compensate the first payment service provider for any losses incurred or sums paid under Articles 56, 57, 59, 75 and 76. That shall include compensation where any of the payment service providers fail to apply strong customer authentication.	to an intermediary, that payment service provider or intermediary shall compensate the first payment service provider for any losses incurred or sums paid under Articles 56, 57, 59, 75 and 76. That shall include compensation where any of the payment service providers fail to apply strong customer authentication.	service provider or to an intermediary, that payment service provider or intermediary shall compensate the first payment service provider for any losses incurred or sums paid under Articles 56, 57, 59, 75, ~~76 and 83~~ ~~and 76~~ . That shall include compensation where any of the payment service providers fail to apply strong customer authentication. TM 14.10: to reflect changes in Article 83. Text Origin: Commission Proposal
Article 78(1a)				
835a				<u><i>1a. Where a provider of hosting services within the meaning of Article 3(g)(iii) of Regulation (EU) 2022/2065 does not meet the conditions set out in Article 6(1), points (a) and (b), of that Regulation, in respect of the storage of illegal content within the meaning of Article 3(h) of that Regulation and where such content gives rise to one or a series of unauthorised payment transactions as referred to in Article 56, or to one or a series of fraudulent authorised payment transactions as referred to in Article 59, that provider shall compensate the</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>payment service provider for any losses incurred or sums paid under Articles 56 and 59.</u> TM 27.11 Recitals: Recitals (81e) For the purposes of Regulation (EU) 2022/2065, the concept of illegal content should be understood to refer to information, irrespective of its form, that under the applicable EU or national law is either itself illegal, or that the applicable rules render illegal in view of the fact that it relates to illegal activities. Illustrative examples include any offer of financial services, including payment services, which is not in compliance with requirements applicable to the offer of such services under this Regulation, Directive XXX [PSD3] or other EU or national law, or content rendered illegal in view of national law on fraud, including offences set out under national law adopted pursuant to Directive (EU) 2019/713. 81ea Any claim by a payment service provider against other providers, such as electronic communications services providers or providers of intermediary services, for financial damage caused in the context of fraud should be made in accordance with national law. W

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								81eb. With regard to providers of intermediary services, Regulation (EU) 2022/2065 on a Single Market For Digital Services and amending Directive (EU) 2000/31/EC (Digital Services Act) sets up a framework for the conditional exemption from liability of those providers, under certain conditions and as interpreted by the Court of Justice. In order to benefit from the exemption from liability for hosting services under Regulation (EU) 2022/2065, providers of hosting services including online platforms, should remove illegal content or disable access to it, expeditiously, upon obtaining actual knowledge or, in the case of claims for damages, upon becoming aware of the content, in particular in cases in which the provider of hosting services has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question. In particular with regard to providers of hosting services as defined in Article 3(g)(iii) of the Digital Services Act, Where those conditions for exemption from liability under Article 6(1) of Regulation (EU) 2022/2065 are not met, and and hosting service providers become liable for content stored in their services, and where that content givesave rise to one or a series of unauthorized payment transactions or fraudulent authorized payment transactions within the meaning of this

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Regulation, payment service providers should be able to obtain compensation from hosting services providers for the amount refunded to their customers for those transactions under this Regulation. 81(eb) The recourse obligations imposed byNothing in this Regulation on providers of hosting services should not amount tois to be interpreted as a general obligation to monitor the information which they transmit or store, nor should they or as requiring providers of hosting services to actively seek facts or circumstances indicating illegal activity, such as the impersonation of a payment service provider. 81(ec) In addition, tThe exemptions from liability established in Regulation (EU) 2022/2065 should do also not affect the possibility of injunctions of different kinds against providers of intermediary services. Such injunctions could, in particular, consist of removal orders and information orders by courts or administrative authorities, issued in compliance with Union law.
Article 78(2)								
G	836	2.Further financial compensation may be determined in accordance with agreements between payment service providers or intermediaries and the law applicable to the		2.Further financial compensation may be determined in accordance with agreements between payment service providers or intermediaries and the law applicable to the		2.Further financial compensation may be determined in accordance with agreements between payment service providers or intermediaries and the law applicable to the		2.Further financial compensation may be determined in accordance with agreements between payment service providers or intermediaries and the law applicable to the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	agreement concluded between them.	agreement concluded between them.	agreement concluded between them.	agreement concluded between them. Text Origin: Commission Proposal
Article 79				
837	Article 79 Abnormal and unforeseeable circumstances	Article 79 Abnormal and unforeseeable circumstances	Article 79 Abnormal and unforeseeable circumstances	Article 79 Abnormal and unforeseeable circumstances Text Origin: Commission Proposal
Article 79, first paragraph				
838	No liability shall arise under Chapter 4 or 5 in cases of abnormal and unforeseeable circumstances beyond the control of the party pleading for the application of those circumstances, the consequences of which would have been unavoidable despite all efforts to the contrary, or where a payment service provider is bound by other legal obligations covered by Union or national law.	No liability shall arise under Chapter 4 or 5 in cases of abnormal and unforeseeable circumstances beyond the control of the party pleading for the application of those circumstances, the consequences of which would have been unavoidable despite all efforts to the contrary, or where a payment service provider is bound by other legal obligations covered by Union or national law.	No liability shall arise under Chapter 4 or 5 in cases of abnormal and unforeseeable circumstances beyond the control of the party pleading for the application of those circumstances, the consequences of which would have been unavoidable despite all efforts to the contrary, or where a payment service provider is bound by other legal obligations covered by Union or national law.	No liability shall arise under Chapter 4 or 5 in cases of abnormal and unforeseeable circumstances beyond the control of the party pleading for the application of those circumstances, the consequences of which would have been unavoidable despite all efforts to the contrary, or where a payment service provider is bound by other legal obligations covered by Union or national law. Text Origin: Commission Proposal
CHAPTER 6				
839	CHAPTER 6 Data protection	CHAPTER 6 Data protection		CHAPTER 6 Data protection Text Origin: Commission Proposal
Article 80				
840	Article 80	Article 80	Article 80	Article 80

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Data protection	Data protection	Data protection	Data protection Text Origin: Commission Proposal
Article 80, first paragraph				
841	Payment systems and payment service providers shall be allowed to process special categories of personal data as referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 to the extent necessary for the provision of payment services and for compliance with obligations under this Regulation, in the public interest of the well-functioning of the internal market for payment services, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including the following:	Payment systems and payment service providers shall be allowed to process special categories of personal data as referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 to the extent necessary for the provision of payment services and for compliance with obligations under this Regulation, in the public interest of the well-functioning of the internal market for payment services, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including the following:	Payment systems and payment service providers shall be allowed to process special categories of personal data as referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 to the extent necessary for the provision of payment services and for compliance with obligations under this Regulation, in the public interest of the well-functioning of the internal market for payment services, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including the following:	Payment systems, <u>payment schemes, processing entities</u> and payment service providers shall be allowed to process special categories of personal data as referred to in Article 9(1) of Regulation (EU) 2016/679 and Article 10(1) of Regulation (EU) 2018/1725 to the extent necessary for the provision of payment services and for compliance with obligations under this Regulation, in the public interest of the well-functioning of the internal market for payment services, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including the following: TM 16.12 4/3 addition of processing entities. Text Origin: Commission Proposal
Article 80, first paragraph, point (a)				
842	(a) technical measures to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation,	(a) technical measures to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation,	(a) technical measures to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation,	(a) technical measures to ensure compliance with the principles of purpose limitation, data minimisation and storage limitation,

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	as laid down in Regulation (EU) 2016/679, including technical limitations on the re-use of data and use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption;	as laid down in Regulation (EU) 2016/679, including technical limitations on the re-use of data and use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption;	as laid down in Regulation (EU) 2016/679, including technical limitations on the re-use of data and use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption;	as laid down in Regulation (EU) 2016/679, including technical limitations on the re-use of data and use of state-of-the-art security and privacy-preserving measures, including pseudonymisation, or encryption; Text Origin: Commission Proposal
Article 80, first paragraph, point (b)				
843	(b) organizational measures, including training on processing special categories of data, limiting access to special categories of data and recording such access.	(b) organizational measures, including training on processing special categories of data, limiting access to special categories of data and recording such access.	(b) organizational measures, including training on processing special categories of data, limiting access to special categories of data and recording such access.	(b) ~~organizational~~ organisational measures, including training on processing special categories of data, limiting access to special categories of data and recording such access. Text Origin: Commission Proposal
CHAPTER 7				
844	CHAPTER 7 Operational and security risks and authentication	CHAPTER 7 Operational and security risks and authentication	CHAPTER 7 Operational and security risks and authentication	CHAPTER 7 Operational and security risks and authentication Text Origin: Commission Proposal
Article 81				
845	Article 81 Management of operational and security risks	Article 81 Management of operational and security risks	Article 81 Management of operational and security risks	Article 81 Management of operational and security risks Text Origin: Commission Proposal
Article 81(1), first subparagraph				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	846	1.Payment service providers shall establish a framework with appropriate mitigation measures and control mechanisms to manage operational and security risks relating to the payment services they provide. As part of that framework, payment service providers shall establish and maintain effective incident management procedures, including for the detection and classification of major operational and security incidents.		1.Payment service providers shall establish a framework with appropriate mitigation measures and control mechanisms to manage operational and security risks relating to the payment services they provide. As part of that framework, payment service providers shall establish and maintain effective incident management procedures, including for the detection and classification of major operational and security incidents.		1.Payment service providers shall establish a framework with appropriate mitigation measures and control mechanisms to manage operational and security risks relating to the payment services they provide. As part of that framework, payment service providers shall establish and maintain effective incident management procedures, including for the detection and classification of major operational and security incidents.		1.Payment service providers shall establish a framework with appropriate mitigation measures and control mechanisms to manage operational and security risks relating to the payment services they provide. As part of that framework, payment service providers shall establish and maintain effective incident management procedures, including for the detection and classification of major operational and security incidents. Text Origin: Commission Proposal
Article 81(1), second subparagraph								
G	847	The first subparagraph shall be without prejudice to the application of Chapter II of Regulation (EU) 2022/2554 of the European Parliament and of the Council ¹ to: 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1).		The first subparagraph shall be without prejudice to the application of Chapter II of Regulation (EU) 2022/2554 of the European Parliament and of the Council ¹ to: 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1).		The first subparagraph shall be without prejudice to the application of Chapter II of Regulation (EU) 2022/2554 of the European Parliament and of the Council ¹ to: 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1).		The first subparagraph shall be without prejudice to the application of Chapter II of Regulation (EU) 2022/2554 of the European Parliament and of the Council ¹ to: 1. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 (OJ L 333, 27.12.2022, p. 1). Text Origin: Commission Proposal
Article 81(1), second subparagraph, point (a)								
G	848	(a) payment service providers		(a) payment service providers		(a) payment service providers		(a) payment service providers

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	referred to in Article 2(1), points (a), (b) and (d) of this Regulation;	referred to in Article 2(1), points (a), (b) and (d) of this Regulation;	referred to in Article 2(1), points (a), (b) and (d) of this Regulation;	referred to in Article 2(1), points (a), (b) and (d) of this Regulation; Text Origin: Commission Proposal
Article 81(1), second subparagraph, point (b)				
849	(b) account information service providers referred to in Article 36(1) of Directive (EU) (PSD3); and	(b) account information service providers referred to in Article 36(1) of Directive (EU) (PSD3); and	(b) account information service providers referred to in Article 36(1) of Directive (EU) (PSD3); and	(b) account information service providers referred to in Article 36(1) of Directive (EU) (PSD3); and Text Origin: Commission Proposal
Article 81(1), second subparagraph, point (c)				
850	(c) payment institutions exempted pursuant to Article 34(1) of Directive (EU) (PSD3).	(c) payment institutions exempted pursuant to Article 34(1) of Directive (EU) (PSD3).	(c) payment institutions exempted pursuant to Article 34(1) of Directive (EU) (PSD3).	(c) payment institutions exempted pursuant to Article 34(1) of Directive (EU) (PSD3). Text Origin: Commission Proposal
Article 81(1), third subparagraph				
851	Payment service providers shall provide to the competent authority designated under Directive (EU) XXX (PSD3) on an annual basis, or at shorter intervals as determined by the competent authority, an updated and comprehensive assessment of the operational and security risks relating to the payment services they provide and on the adequacy of the mitigation measures and control mechanisms implemented in response to those risks.	Payment service providers shall provide to the competent authority designated under Directive (EU) XXX (PSD3) on an annual basis, or at shorter intervals as determined by the competent authority, an updated and comprehensive assessment of the operational and security risks relating to the payment services they provide and on the adequacy of the mitigation measures and control mechanisms implemented in response to those risks.	~~Payment service providers shall provide to the competent authority designated under Directive (EU) XXX (PSD3) on an annual basis, or at shorter intervals as determined by the competent authority, an updated and comprehensive assessment of the operational and security risks relating to the payment services they provide and on the adequacy of the mitigation measures and control mechanisms implemented in response to those risks.~~	<i>deleted</i> TM 20.10: simplification, because covered by DORA.
Article 81(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
852	2.The EBA shall promote cooperation, including the sharing of information, in the area of operational and security risks associated with payment services among the competent authorities, between the competent authorities and the ECB and, where relevant, the European Union Agency for Network and Information Security.	2.The EBA shall promote cooperation, including the sharing of information, in the area of operational and security risks associated with payment services among the competent authorities, between the competent authorities and the ECB and, where relevant, the European Union Agency for Network and Information Security.	2.The EBA shall promote cooperation, including the sharing of information, in the area of operational and security risks associated with payment services among the competent authorities, between the competent authorities and the ECB and, where relevant, the European Union Agency for Network and Information Security.	2.The EBA shall promote cooperation, including the sharing of information, in the area of operational and security risks associated with payment services among the competent authorities, between the competent authorities and the ECB and, where relevant, the European Union Agency for Network and Information Security. Text Origin: Commission Proposal
Article 82				
853	Article 82 Fraud reporting	Article 82 Fraud reporting	Article 82 Fraud reporting	Article 82 Fraud reporting Text Origin: Commission Proposal
Article 82(1)				
854	1.Payment service providers shall 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 the EBA and the ECB with such data in an aggregated form.	1.Payment service providers shall 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 the EBA and the ECB with such data in an aggregated form.	1.Payment service providers shall 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 the EBA and the ECB with such data in an aggregated form. The EBA and the ECB shall publish an annual joint report analysing the trends observed on the basis of these data.	1.Payment service providers shall 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 the EBA and the ECB with such data in an aggregated form. TM 20.10: Council AM in line 854c. Text Origin: Commission Proposal
Article 82(1a)				
854a		<u>Statistical data on fraud shall</u>		<u>Statistical data on fraud shall</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>include the number and value of reimbursed fraudulent transactions. Where reimbursement has been refused, payment service providers shall provide the reason for the rejection, such as stipulating that the consumer has acted fraudulently or with gross negligence.</u>				<u>include the number and value of refunded fraudulent transactions and of transactions where refund has been refused in accordance with this Regulation, together with the reason for that refusal, such as stating that the consumer has acted fraudulently or with gross negligence.</u> TM 20.10: the reason for the rejection should be further clarified in a recital: the intention is that PSP should state the category of reasons only, and not send a justified reasoning for each refusal. Text Origin: EP Mandate
Article 82(1b)								
	854b				1a. Competent authorities may allow payment service providers to fulfill the obligation in paragraph 1 by reporting fraud data under another data reporting requirement, if that requirement is not less extensive than the reporting requirement under this Article and if arrangements have been made under which the EBA and the ECB will receive the data that is due under this Article.			<u>1a. Competent authorities may allow payment service providers to fulfill the obligation in paragraph 1 by reporting fraud data under another data reporting requirement, if that requirement is not less extensive than the reporting requirement under this Article and if arrangements have been made under which the EBA and the ECB will receive the data that is due under this Article.</u> Text Origin: Council Mandate
Article 82(1a)								
	854c			<u>1a. The EBA and the ECB shall</u>				<u>1b. The EBA and the ECB shall</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>publish the statistical data in aggregated form at least on a yearly basis.</i></u>		<u><i>publish in an annual joint report the statistical data in aggregated form and an analysis of the trends observed on the basis of those data.</i></u> TM 20.10: revised based on Council AM in line 854. Text Origin: EP Mandate
Article 82(2), first subparagraph				
855	2.The EBA shall, in close cooperation with the ECB, develop draft regulatory technical standards on statistical data to be provided in accordance with paragraph 1 on the fraud reporting requirements referred to in paragraph 1.	2.The EBA shall, in close cooperation with the ECB, develop draft regulatory technical standards on statistical data to be provided in accordance with paragraph 1 on the fraud reporting requirements referred to in paragraph 1.	2.The EBA shall, in close cooperation with the ECB, develop draft regulatory technical standards on statistical data to be provided in accordance with paragraph 1 on the fraud reporting requirements referred to in paragraph 1.	2.The EBA shall, in close cooperation with the ECB, develop draft regulatory technical standards on statistical data to be provided in accordance with paragraph 1 on the fraud reporting requirements referred to in paragraph 1. Text Origin: Commission Proposal
Article 82(2), second subparagraph				
856	The EBA shall submit the regulatory technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the regulatory technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the regulatory technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	The EBA shall submit the regulatory technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
				Proposal	
Article 82(3), first subparagraph					
857	3.The EBA shall develop draft implementing technical standards establishing the standard forms and templates for the submission of the payment fraud data by competent authorities to the EBA, as referred to in paragraph 1.	3.The EBA shall develop draft implementing technical standards establishing the standard forms and templates for the submission of the payment fraud data by competent authorities to the EBA, as referred to in paragraph 1.	3.The EBA shall develop draft implementing technical standards establishing the standard forms and templates for the submission of the payment fraud data by competent authorities to the EBA, as referred to in paragraph 1. These implementing technical standards shall not be applicable if the competent authority makes use of the option referred to in paragraph 1a.	3.The EBA shall develop draft implementing technical standards establishing the standard forms and templates for the submission of the payment fraud data by competent authorities to the EBA, as referred to in paragraph 1. <u>These implementing technical standards shall not be applicable if the competent authority makes use of the option referred to in paragraph 1a.</u> Text Origin: Council Mandate	
Article 82(3), second subparagraph					
858	The EBA shall submit the implementing technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010.	The EBA shall submit the implementing technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010.	The EBA shall submit the implementing technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the ~~regulatory~~ implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010.	The EBA shall submit the implementing technical standards referred to in first subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the ~~regulatory~~ implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010. Text Origin: Council Mandate	
Article 83					
859	Article 83 Transaction monitoring mechanisms	Article 83 Transaction monitoring mechanisms	Article 83 Transaction monitoring mechanisms	Article 83 Transaction monitoring mechanisms	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and fraud data sharing	and fraud data sharing	~~and fraud data sharing~~	~~and fraud data sharing~~ Text Origin: Council Mandate
Article 83(1)				
860	1.Payment service providers shall have transaction monitoring mechanisms in place that:	1.Payment service providers shall have transaction monitoring mechanisms in place that:	1.Payment service providers shall have transaction monitoring mechanisms in place that:	1.Payment service providers shall have transaction monitoring mechanisms in place ~~that~~ to: Text Origin: Commission Proposal
Article 83(1), point (a)				
861	(a) support the application of strong customer authentication in accordance with Article 85;	(a) support the <u>risk-based</u> application of strong customer authentication in accordance with Article 85;	(a) support the application of strong customer authentication in accordance with Article 85;	(a) support the application of strong customer authentication in accordance with Article 85; TM 14.10: SCA related, line 884 TM 10.12 Text Origin: Commission Proposal
Article 83(1), point (b)				
862	(b) exempt the application of strong customer authentication based on the criteria under Article 85(11), subject to specified and limited conditions based on the level of risk involved, the types and details of the data assessed by the payment service provider;	(b) exempt the application of strong customer authentication based on the criteria under Article 85(11), subject to specified and limited conditions based on the level of risk involved, the types and details of the data assessed by the payment service provider, <u>including through the transaction monitoring mechanisms as set out in paragraph 2 of this Article</u> ;	(b) exempt the application of strong customer authentication based on the criteria under Article 85(11), subject to specified and limited conditions based on the level of risk involved, the types and details of the data assessed by the payment service provider;	(b) exempt the application of strong customer authentication based on the criteria under Article 85(11), subject to specified and limited conditions based on the level of risk involved, the types and details of the data assessed by the payment service provider; Text Origin: Commission Proposal
Article 83(1), point (c)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
863	(c) enable payment service providers to prevent and detect potentially fraudulent payment transactions, including transactions involving payment initiation services.	(c) ~~enable payment service providers to prevent~~ <i>and</i> , detect <i>and, where possible, resolve</i> potentially fraudulent payment transactions, including transactions involving payment initiation services.	(c) enable payment service providers to prevent and detect potentially fraudulent payment transactions, including transactions involving payment initiation services.	(c) ~~enable payment service providers to prevent~~ and detect potentially fraudulent payment transactions, including transactions involving payment initiation services. TM 14.10: Text Origin: EP Mandate
Article 83(1), point (ca)				
863a			1a. The payment service provider of the payer shall carry out the transaction monitoring referred to in paragraph 1 prior to the execution of a payment transaction. Without prejudice to Article 69(2), the payment service provider of the payee shall also carry out transaction monitoring of received payment transactions.	<u>1a. The payment service provider of the payer shall carry out the transaction monitoring referred to in paragraph 1 prior to the execution of a payment transaction. The payment service provider of the payee shall also carry out transaction monitoring before the funds are made available to the payee in accordance with Article 69(2).</u> Text Origin: Council Mandate
Article 83(1), point (cb)				
863b				<i>deleted</i>
Article 83(1), point (cc)				
863c			Where such monitoring does not take place in a specific transaction, the payment service provider shall bear liability for the damage incurred. The payer shall not bear	<u>Where a payment service provider does not carry out such monitoring with respect to a transaction and the payer incurs financial damage, that payment service provider shall</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						any financial consequences from that specific transaction, except where the payer has acted fraudulently.		<u>bear liability.</u> <u>Where the payer's payment service provider does not provide evidence to the payer that such monitoring for a transaction has been carried out by both providers, it shall refund the payer the amount of the transaction.</u> <u>The payer shall not bear any financial consequences from that transaction, except where the payer has acted fraudulently.</u> TM10.12 recital to cover the information needed by payer's PSP from payee PSP Text Origin: Council Mandate
		Article 83(1), point (cd)						
G		863d				The burden to prove that there was no breach of this Article shall be on the payment service provider.		<u>The burden to prove that there was no breach of this Article shall be on the payment service provider concerned.</u> Text Origin: Council Mandate
		Article 83(1), point (ce)						
G		863e				1b. Without prejudice to this Article, the provisions of Chapter 4 of this Regulation are applicable in cases when the payment service user is entitled to a refund from the payment service provider of a fraudulent payment transaction		<i>deleted</i> TM 15.10: considered covered 863c. TM10.12 Chapter 4 is Arts 49-63. Deleted and greened

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			based on the liability shift in this Article.	
	Article 83(1), point (cf)			
863f				deleted
	Article 83(1), point (cg)			
863g				deleted
	Article 83(2), 1b.			
864	2.Transaction monitoring mechanisms shall be based on the analysis of previous payment transactions and access to payment accounts online. Processing shall be limited to the following data required for the purposes referred to in paragraph 1:	2.Transaction monitoring mechanisms shall be based on the analysis of previous payment transactions and access to payment accounts online <u>as well as on the fraud data shared and observed fraud patterns</u> . Processing shall ~~be limited to~~ <u>include</u> the following data required for the purposes referred to in paragraph 1:	2.Transaction monitoring mechanisms shall be based on the analysis of previous payment transactions and access to payment accounts online. Processing by the payment service provider of the payer shall be limited to the following data ~~required for~~ , insofar as necessary to achieve the purposes referred to in paragraph 1:	~~21b.~~ Transaction monitoring mechanisms shall be based on the analysis of previous payment transactions and access to payment accounts online. <u>2. Processing by the payment service provider of the payer</u> shall be limited to the following data ~~required for~~ , <u>insofar as necessary to achieve</u> the purposes referred to in paragraph 1: TM 15.10: GDPR requires to have a closed list of data (categories). If there is an obligation to process data, it should be clear which data should be required to allow compliance. EP AM 'fraud data shared and observed fraud patterns' moved in the list below.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM10.12 greened Text Origin: Council Mandate
Article 83(2), 1b., point (a)				
865	(a) information on the payment service user, including the environmental and behavioural characteristics which are typical of the payment service user in the circumstances of a normal use of the personalised security credentials;	(a) information on the payment service user, including the environmental and behavioural characteristics which are typical of the payment service user in the circumstances of a normal use of the personalised security credentials;	(a) information on the ~~payment service user~~ payer , including the environmental and behavioural characteristics which are typical of the ~~payment service user~~ payer in the circumstances of a normal use of the personalised security credentials;	(a) information on the ~~payment service user~~ payer , including the environmental and behavioural characteristics which are typical of the ~~payment service user~~ payer in the circumstances of a normal use of the personalised security credentials; Text Origin: Council Mandate
Article 83(2), 1b., point (b)				
866	(b) information on the payment account, including the payment transaction history;	(b) information on the payment account, including the payment transaction history;	(b) information on the payment account, including the payment transaction history;	(b) information on the payment account, including the payment transaction history; Text Origin: Commission Proposal
Article 83(2), 1b., point (c)				
867	(c) transaction information, including the transaction amount and unique identifier of the payee;	(c) transaction information, including the transaction amount and unique identifier of the payee;	(c) transaction information, including the transaction amount, payment instrument, if applicable, currency, date and time of execution, as well as ~~and~~ unique identifier of the payee;	(c) transaction information, including the transaction amount, <u>payment instrument, currency, date and time of execution, as well as</u> ~~and~~ unique identifier of the payee; Text Origin: Council Mandate
Article 83(2), 1b., point (d)				
868	(d) session data, including the device internet protocol address-range from which the payment account has been accessed.	(d) session data, including the device internet protocol address-range from which the payment account has been accessed.	(d) session data, including the device internet protocol address-range from which the payment account has been accessed-, from which the transaction was initiated	(d) session data, including the device internet protocol address-range from which the payment account has been accessed-, <u>from which the transaction was initiated;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						and from which the transaction was authenticated;		TM 15.10: initiation covers already authentication Text Origin: Council Mandate
		Article 83(2), 1b., point (da)						
G		868a				(e) device data, including device identifiers from which the transaction was initiated and from which the transaction was authenticated.		<u>(e) device data, including device identifiers from which the transaction was initiated;</u> TM 15.10: initiation covers already authentication Text Origin: Council Mandate
		Article 83(2), 1b., point (db)						
G		868b						<u>(ea) information on the payee, including the unique identifier of the payee;</u> <u>(eb) information received through the information sharing arrangements.</u> TM 15.10: EP AM 'fraud data shared' in 864 included here Possibly also via the EBA platform (TBC).
		Article 83(2), 1b., point (dc)						
G		868c				Processing by the payment service provider of the payee shall be limited to the following data, insofar as necessary to achieve the purpose referred to in paragraph 1, as applicable:		<u>2a. Processing by the payment service provider of the payee shall be limited to the following data, insofar as necessary to achieve the purpose referred to in paragraph 1, as applicable;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
		Article 83(2), 1b., point (dd)						
G		868d						deleted
		Article 83(2), 1b., point (de)						
G		868e				(a) information on the payee;		<u>(a) information on the payee;</u> Text Origin: Council Mandate
		Article 83(2), 1b., point (df)						
G		868f						<u>(aa) information received through the information sharing arrangements;</u>
		Article 83(2), 1b., point (dg)						
G		868g				(b) information on the payment account of the payee, including the payment transaction history;		<u>(b) information on the payment account of the payee, including the payment transaction history;</u> Text Origin: Council Mandate
		Article 83(2), 1b., point (dh)						
G		868h				(c) transaction information, including the transaction amount, payment instrument, if applicable, currency, date and time of execution, as well as the name of the payer;		<u>(c) transaction information, including the transaction amount, payment instrument, currency, date and time of execution, as well as the name of the payer.</u> Text Origin: Council Mandate
		Article 83(2), 1b., point (di)						
G		868i				(d) session data;		deleted

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 15.10: Council to revert. TM 10.12 deleted as included in data shared under data sharing, (aa) above Text Origin: Council Mandate
Article 83(2), 1b., point (dj)								
868j					(e) device data, including device identifiers.			deleted TM 15.10: Council to revert. TM 10.12 deleted as included in data shared under data sharing, (aa) above Text Origin: Council Mandate
Article 83(2), 1b. a								
868k				<u>When the transaction monitoring mechanisms provide strong evidence for suspecting a fraudulent transaction, or when a police report is notified by the user to the payment service provider, payment service providers shall have the right to block the execution of the payment order, or block and recover the related funds. That evidence shall be understood as objectively justified reasons relating to the security of the payment transaction and the suspicion of unauthorised or fraudulent transactions.</u>				deleted TM 15.10: considered covered under Articles 65 and 69. EP to check. TM10.12 greened. Lines 765c and 790b apply.
Article 83(2), first subparagraph b								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	868l			<u>Payees' payment service providers shall provide the data required for the purposes referred to in paragraph 1 to the payment service providers involved in the transaction.</u>				deleted TM 15.10: EP to revert TM10.12 deleted as overtaken by information sharing arrangements Text Origin: EP Mandate
Article 83(2), second subparagraph								
G	869	Payment service providers shall not store data referred to in this paragraph longer than necessary for the purposes set out in paragraph 1, and not after the termination of the customer relationship. Payment service providers shall ensure that the transaction monitoring mechanisms take into account, at a minimum, each of the following risk-based factors:		Payment service providers shall not store data referred to in this paragraph longer than necessary for the purposes set out in paragraph 1, and, <u>in any event, no longer than 10 years</u> ~~not~~ after the termination of the customer relationship. Payment service providers shall ensure that the transaction monitoring mechanisms take into account, at a minimum, each of the following risk-based factors:		~~Payment service providers shall not store data referred to in this paragraph longer than necessary for the purposes set out in paragraph 1, and not after the termination of the customer relationship. Payment service providers shall ensure that the transaction monitoring mechanisms take into account, at a minimum, each of the following risk-based factors:~~		<u>2b.</u> Payment service providers shall not store data referred to in ~~this paragraph~~ <u>paragraphs 2 and 2a</u> longer than necessary for the purposes set out in paragraph 1, and, <u>in any event, no longer than 5 years</u> ~~not~~ after the termination of the customer relationship. ~~Payment service providers shall ensure that the transaction monitoring mechanisms take into account, at a minimum, each of the following risk-based factors:~~ TM 10.12 greened TM 15.10: 5 years, EC to check with colleagues Text Origin: EP Mandate
Article 83(2), second subparagraph a								
G	869a							<u>2c. Payment service providers shall ensure that the transaction monitoring mechanisms take into account, at a minimum, each of the following risk-based factors:</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 15.10: comes from 869.
Article 83(2), second subparagraph a, point (a)				
G 870	(a) lists of compromised or stolen authentication elements;	(a) lists of compromised or stolen authentication elements;	~~(a) lists of compromised or stolen authentication elements;~~	(a) lists of compromised or stolen authentication elements; Text Origin: Commission Proposal
Article 83(2), second subparagraph a, point (b)				
G 871	(b) the amount of each payment transaction;	(b) the amount of each payment transaction;	~~(b) the amount of each payment transaction;~~	(b) the amount of each payment transaction; Text Origin: Commission Proposal
Article 83(2), second subparagraph a, point (c)				
G 872	(c) known fraud scenarios in the provision of payment services;	(c) known fraud scenarios in the provision of payment services;	~~(c) known fraud scenarios in the provision of payment services;~~	(c) known fraud scenarios in the provision of payment services; Text Origin: Commission Proposal
Article 83(2), second subparagraph a, point (d)				
G 873	(d) signs of malware infection in any sessions of the authentication procedure;	(d) signs of malware infection in any sessions of the authentication procedure;	~~(d) signs of malware infection in any sessions of the authentication procedure;~~	(d) signs of malware infection in any sessions of the authentication procedure; Text Origin: Commission Proposal
Article 83(2), second subparagraph a, point (e)				
G 874	(e) in case the access device or the software is provided by the payment service provider, a log of the use of the access device or the software provided to the payment service user	(e) in case the access device or the software is provided by the payment service provider, a log of the use of the access device or the software provided to the payment service user	~~(e) in case the access device or the software is provided by the payment service provider, a log of the use of the access device or the software provided to the payment service user~~	(e) in case the access device or the software is provided by the payment service provider, a log of the use of the access device or the software provided to the payment service user

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and the abnormal use of the access device or the software.	and the abnormal use of the access device or the software.	~~and the abnormal use of the access device or the software.~~	and the abnormal use of the access device or the software. Text Origin: Commission Proposal
Article 83(2), second subparagraph b				
874a		<u>Payment service providers may process the data listed in the first subparagraph of Article 83(2) for strong customer authentication as an element of 'inherence' pursuant to Article 3, point (35).</u>		deleted TM 15.10: Council expressed reservations. EP to check If kept, should be placed under Art. 85. TM10.12 deletion here greened
Article 83(3)				
875	3. To the extent necessary to comply with paragraph 1, point (c), payment service providers may exchange the unique identifier of a payee with other payment service providers who are subject to information sharing arrangements as referred to in paragraph 5, when the payment service provider has sufficient evidence to assume that there was a fraudulent payment transaction. Sufficient evidence for sharing unique identifiers shall be assumed when at least two different payment services users who are customers of the same payment service provider have informed that a unique identifier of a payee was used to make a fraudulent credit transfer.	~~3. To the extent necessary~~ To comply with paragraph 1, point (c), payment service providers ~~may~~ <u>shall</u> exchange <u>information, including the unique identifier, name, personal identification number, organisation number, modus operandi and other transaction information</u> of a payee with other payment service providers who are subject to information sharing arrangements as referred to in paragraph 5, when the payment service provider has sufficient evidence to assume that there was a fraudulent payment transaction. Sufficient evidence for sharing unique ~~identifiers~~ <u>information</u> shall be assumed when at least two different payment services users.	~~3. To the extent necessary to comply with paragraph 1, point (c),~~ payment service providers may exchange the unique identifier of a payee with other payment service providers who are subject to information sharing arrangements as referred to in paragraph 5, when the payment service provider has sufficient evidence to assume that there was a fraudulent payment transaction. Sufficient evidence for sharing unique identifiers shall be assumed when at least two different payment services users who are customers of the same payment service provider have informed that a unique identifier of a payee was used to make a fraudulent credit	deleted TM 16.10: EC: no need to create an obligation, but it was important to allow such exchange of information because there is an incentive to share. Also, issue of capacity to cope with the amount of data, and issue of the quality data being exchanged. 'to the extent necessary' to comply with GDPR. 'modus operandi' can be add in a recital, as this should not be covered by this provision.' The corresponding recital should justify why we extended the information to be shared. 'objectively justified reasons' to align

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Payment service providers shall not keep unique identifiers obtained following the information exchange referred to in this paragraph and paragraph 5 for longer than it is necessary for the purposes laid down in paragraph 1, point (c).	who are customers of the same payment service provider have informed that a unique identifier of a payee was used to make a fraudulent credit transfer. Payment service providers shall not keep ~~unique identifiers~~ <u>information</u> obtained following the information exchange referred to in this paragraph and paragraph 5 for longer than it is necessary for the purposes laid down in paragraph 1, point (c).	~~transfer. Payment service providers shall not keep unique identifiers obtained following the information exchange referred to in this paragraph and paragraph 5 for longer than it is necessary for the purposes laid down in paragraph 1, point (c).~~	with 765c Line moved 878b Text Origin: Council Mandate
Article 83(3a)				
875a		<u>3a. To the extent necessary to comply with paragraph 1, point (c), payment service providers, law enforcement agents and public authorities may also exchange the information referred to in paragraph 3 with public authorities.</u>		deleted TM 16.10: considered covered by 980a and 878g.
Article 83(4)				
876	4. The information sharing arrangements shall define details for participation and shall set out the details on operational elements, including the use of dedicated IT platforms. Before concluding such arrangements, payment service providers shall conduct jointly a data protection impact assessment as referred to in Article 35 of the Regulation (EU) 2016/679 and, where applicable, carry out prior consultation of the supervisory	4. The information sharing arrangements shall define details for participation and shall set out the details on operational elements, including the use of dedicated IT platforms, <u>if applicable</u> . Before concluding such arrangements, payment service providers shall conduct jointly a data protection impact assessment as referred to in Article 35 of the Regulation (EU) 2016/679 and, where applicable, carry out prior consultation of the	~~4. The information sharing arrangements shall define details for participation and shall set out the details on operational elements, including the use of dedicated IT platforms. Before concluding such arrangements, payment service providers shall conduct jointly a data protection impact assessment as referred to in Article 35 of the Regulation (EU) 2016/679 and, where applicable, carry out prior consultation of the supervisory~~	deleted TM 16.10: line moved to line 878e outstanding issue: whether compulsory or not to enter into arrangements and if so, it needs to be moved to 878e. TM 10.12 deletion greened

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	authority as referred to in Article 36 of that Regulation.	supervisory authority as referred to in Article 36 of that Regulation. <u>The information sharing arrangements shall be concluded by ... [12 months from the date of entry into force of this Regulation].</u>	authority as referred to in Article 36 of that Regulation.	
Article 83(4a), first subparagraph				
876a		<u>4a. The EBA shall set up a dedicated IT platform to allow payment service providers to exchange information on fraudulent unique identifiers and other relevant information described in this Article with other payment service providers.</u>		deleted TM 16.10: private sector already working on platforms. TM 18.11: Council proposed deletion as part of simplification effort. TM10.12 deleted EP to check TM 15.12: considered covered by the enhanced data sharing requirements among PSPs and with ECSPs/hosting services.
Article 83(4a), second subparagraph				
876b		<u>That platform shall be set up by ... [12 months from the date of entry into force of this Regulation].</u>		deleted
Article 83(5)				
877	5. Payment service providers shall notify competent authorities of their participation in the information sharing arrangements referred to in paragraph 5, upon validation of their membership by participants of the	5. Payment service providers shall notify competent authorities of their participation in the information sharing arrangements referred to in paragraph 5, upon validation of their membership by participants of the	~~5. Payment service providers shall notify competent authorities of their participation in the information sharing arrangements referred to in paragraph 5, upon validation of their membership by participants of the~~	deleted TM 16.10: in the spirit of simplification, Council and EC propose to delete this provision.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	information sharing arrangement or, as applicable, of the cessation of their membership, once that cessation takes effect.	the information sharing arrangement or, as applicable, of the cessation of their membership, once that cessation takes effect.	~~information sharing arrangement or, as applicable, of the cessation of their membership, once that cessation takes effect.~~	<i>EP to check</i> <i>TM10.12 Deleted and greened. CAs can always ask for this information</i>
Article 83(5a)				
877a		<u>5a. Where the payment service provider fails to block a unique identifier which was reported to that payment service provider as fraudulent or involved in transactions demonstrably confirmed as fraudulent, the payment service user shall not bear any resulting financial losses.</u>		<i>deleted</i> <i>TM 16.10: depends on the discussions re: lines 671 (liability) and 766 (blocking). Could be better placed in Art. 65 and possibly 69.</i> <i>TM10.12 yellow pending conclusion 65/69</i> <i>TM 15.12: see changes in 65 (payer) and 69 (payee)</i>
Article 83(5b)				
877b		<u>5b. Where payment fraud originates in the publication of fraudulent content online, payment service providers shall, without undue delay, inform providers of hosting services following the procedure laid down in Article 16 of Regulation (EU) 2022/2065 (Digital Services Act).</u>		<i>deleted</i> <i>TM 16.10: linked to Art. 59 and 59a.</i> <i>TM10.12 will be included in 59a</i> <i>TM 12.12: moved to 59a</i>
Article 83(6)				
878	6. The processing of personal data in accordance with paragraph 4 shall not lead to termination of the	6. The processing of personal data in accordance with paragraph 4 shall not lead to termination of the	~~6. The processing of personal data in accordance with paragraph 4 shall not lead to termination of the~~	<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	contractual relationship with the customer by the payment service provider or affect their future on-boarding by another payment service provider.	contractual relationship with the customer by the payment service provider or affect their future on-boarding by another payment service provider <u>unless a thorough fraud investigation conducted by the relevant authorities has concluded that the customer participated in the fraudulent activity.</u>	~~contractual relationship with the customer by the payment service provider or affect their future on-boarding by another payment service provider.~~	TM 16.10: a mere suspicious cannot affect the business relationship with PSU. the fact that PSP should not only rely on the data received is not necessary. This part can be part of a recital. Council: ok to delete the reference to 'execution of PT'. EC: EBA will have to specify the modalities of TMM. Council is open to align with the bar set in other legislation. EC to check interaction with Art. 19(2) PAD and AMLR. This provision needs to be moved below. TM10.12 Now in 878f Text Origin: Council Mandate
Article 83(6a)				
878a			Article 83a Fraud data sharing	<u>Article 83a</u> <u>Fraud information sharing</u> TM 10.12 aligned Text Origin: Council Mandate
Article 83(6b)				
878b			1.Payment service providers shall exchange data with other payment service providers who are subject to an information sharing arrangement as referred to in paragraph (3) to the extent strictly	<u>1.Payment service providers shall participate in information sharing arrangements with other payment service providers as referred to in paragraph 3 and shall exchange data to the extent necessary to</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						necessary to comply with their obligations in Article 83(1), point (c), where the payment service provider has reasonable and objective grounds to suspect fraudulent behaviour by a payment service user. The catalogue of data to be shared shall be limited to the data listed in Article 83(2), including the payment service provider’s account of the reasonable and objective grounds that gave rise to the suspicion of fraudulent behaviour on basis of that data. Information on the environmental and behavioural characteristics which are typical of the payer in the circumstances of a normal use of the personalised security credentials shall be excluded from data sharing under this Article.		<u><i>comply with their obligations in Article 83(1), point (c), where the payment service provider has objectively justified reasons to suspect fraudulent behaviour by a payment service user. The categories of data to be shared shall be limited to the data listed in Article 83(2), points (a) to (ea), and 83(2a), points (a), (b) and (c), to the payment service provider’s objectively justified reasons that gave rise to the suspicion of fraudulent behaviour on basis of that data, and to notifications made by the payment service provider to a provider of hosting services in accordance with Article 16 of Regulation EU/2022/2065. Information on the environmental and behavioural characteristics which are typical of the payer in the circumstances of a normal use of the personalised security credentials shall be excluded from information sharing under this Article.</i></u> TM10.12 Note that 83(2) point (eb) and 83(2a) point (aa) are excluded TM11.12 notifcations under Art 16 DSA added
Article 83(6c)								
G		878c				1a. Payment service providers shall implement appropriate		<u><i>2.Payment service providers shall implement appropriate technical</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						technical and organisational measures, including measures to allow pseudonymisation, to ensure a level of security and confidentiality proportionate to the nature and extent of the information exchanged.		<u>and organisational measures, including measures to allow pseudonymisation, to ensure a level of security and confidentiality proportionate to the nature and extent of the information exchanged.</u> TM 16.10: at the point of exchange, the PSP does not know if the person is a fraudster. TM10.12 recital needed to indicate this is about sharing of individual data points not bulk data and protecting identity of individuals Text Origin: Council Mandate
Article 83(6d)								
878d						2.Payment service providers shall not keep data obtained following the information exchange referred to in this paragraph and paragraph 1 for longer than it is necessary for the purposes laid down in Article 83(1a) but no longer than 5 years after the suspected fraudulent transaction has taken place.		<u>3.Payment service providers shall not keep data obtained following the information exchange referred to in paragraph 1 for longer than it is necessary for the purposes laid down in Article 83(1), point (c), and in any case no longer than 5 years after the suspected fraudulent transaction has taken place.</u> TM10.12 recital needed to justify 5 years specifically here given that the info is held by the source Text Origin: Council Mandate
Article 83(6e)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
878e						3.The information sharing arrangements shall specify the details of participation and the details of operational elements, including the use of dedicated IT platforms. Before concluding such arrangements, payment service providers shall jointly carry out a data protection impact assessment in accordance with Article 35 of Regulation (EU) 2016/679 and, where applicable, prior consultation of the supervisory authority in accordance with Article 36 of that Regulation.		<u>4.The information sharing arrangements shall specify the details of participation and the details of operational elements, including the use of dedicated IT platforms. Before concluding such arrangements, payment service providers shall jointly carry out a data protection impact assessment in accordance with Article 35 of Regulation (EU) 2016/679 and, where applicable, prior consultation of the supervisory authority in accordance with Article 36 of that Regulation.</u> TM10.12 Text Origin: Council Mandate
Article 83(6f)								
878f						5.Payment service providers shall not rely solely on the information received in the context of the data sharing referred to in para. 1 to comply with the requirements of this Regulation and shall not draw conclusions or take decisions that have an impact on the business relationship with the payment service user or on the execution of a payment transaction on the basis of information received from other payment service providers who are subject to an information sharing arrangement without		<u>5.Payment service providers shall not draw conclusions or take decisions that have an impact on a business relationship with the payment service user, such as terminating the contractual relationship with the user or affecting their future onboarding, solely on the basis of information received from other payment service providers who are subject to an information sharing arrangement without having assessed that information.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						having assessed that information.		TM 16.10: a mere suspicion cannot affect the business relationship with PSU. the fact that PSP should not only rely on the data received is not necessary. This part can be part of a recital. Council: ok to delete the reference to 'execution of PT'. EC: EBA will have to specify the modalities of TMM. Council is open to align with the bar set in other legislation. EC to check interaction with Art. 19(2) PAD and AMLR. from line 878 TM10.12 EC still to revert. EP/COM text in 878 specific to termination is still not included. EC to propose wording drawing on 75(4)(c) AMLR TM 15.12
Article 83(6g)								
878g						6.For the purposes of this Article, Member States shall ensure that appropriate measures are in place so that the payment service providers are also able to share the data referred to in paragraph 1 with the relevant national authorities in accordance with national law.		<i>deleted</i> TM 16.10 EC expressed reservations. Art. 75 AMLR + FIU system already establish a similar regime (optional) - if we decide not to take this provision in, a recital could explain the reference to Art. 75 AMLR. TM10.12 deleted to avoid replication / circumvention of AMLR. Recital needed

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								(EC to provide) Text Origin: Council Mandate
		Article 83(6h)						
G		878h				Article 83b Platform on combatting fraud		<u>Article 83b</u> <u>Platform on combatting fraud</u> Text Origin: Council Mandate
		Article 83(6i)						
G		878i				1.The Commission shall establish a Platform on combatting fraud in the area of payments services in the Union (the ‘Platform’). Its composition shall be a broad and balanced mix of representatives and experts from both the public and private sectors, who have proven knowledge and experience in the field of payment services fraud.		<u>1.The Commission shall establish a platform on combatting fraud in the area of payments services in the Union (the ‘Platform’). Its composition shall be a broad and balanced mix of representatives and experts from both the public and private sectors, who have proven knowledge and experience in the field of payment services fraud.</u> Text Origin: Council Mandate
		Article 83(6j)						
G		878j				2.The Platform shall:		<u>2.The Platform shall:</u> Text Origin: Council Mandate
		Article 83(6k)						
G		878k				(a) advise the Commission on developing and monitoring the implementation of legal acts aimed at combatting fraud in the area of payment services;		<u>(a) advise the Commission on developing and monitoring the implementation of legal acts aimed at combatting fraud in the area of payment services;</u> Text Origin: Council Mandate
		Article 83(6l)						

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	878l					(b) issue recommendations to the Commission and the European Board of Digital Services for the purpose of the drawing up of the voluntary code of conduct referred to in Article 59a(3);		<u>(b) issue recommendations to the Commission and the European Board of Digital Services for the purpose of the drawing up of the voluntary code of conduct referred to in Article 59a(2);</u> TM 3.10: Should be Art. 59a(2) depends on the discussions re: Code of conduct TM 10.12 greened Text Origin: Council Mandate
Article 83(6m)								
G	878m					(c) share information on and analyse trends in fraud in the area of payment services;		<u>(c) share information on and analyse trends in fraud in the area of payment services;</u> Text Origin: Council Mandate
Article 83(6n)								
G	878n					(d) share information on measures to combat fraud in the area of payments services, including mitigation measures;		<u>(d) share information on measures to combat fraud in the area of payments services, including mitigation measures;</u> Text Origin: Council Mandate
Article 83(6o)								
G	878o					(e) share information on ways to improve cross-border and cross-sectoral cooperation on the means of combatting fraud in the area of payment services.		<u>(e) share information on ways to improve cross-border and cross-sectoral cooperation on the means of combatting fraud in the area of payment services.</u> Text Origin: Council Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 83(6p)								
G	878p					3.The Platform shall be chaired by the Commission and constituted in accordance with the horizontal rules on the creation and operation of Commission expert groups.		<u>3.The Platform shall be chaired by the Commission and constituted in accordance with the horizontal rules on the creation and operation of Commission expert groups.</u> Text Origin: Council Mandate
Article 83(6q)								
G	878q					4.The Platform shall report annually on its activities to the European Parliament and the Council.		<u>4.The Platform shall report annually on its activities to the European Parliament, the Council and the Commission.</u> TM 3.10: EC finds the provision too prescriptive. Alternatively, this reporting can be included in the review clause. TM 10.12 greened. COM also to be recipient (not a report BY the Commission) Text Origin: Council Mandate
Article 84								
G	879	Article 84 Payment fraud risks and trends		Article 84 Payment fraud risks and trends		Article 84 Payment fraud risks and trends		Article 84 Payment fraud risks and trends Text Origin: Commission Proposal
Article 84(1)								
G	880	1.Payment service providers shall alert their customers via all		1.Payment service providers shall alert their customers via all		1.Payment service providers shall alert their customers via all		1.Payment service providers shall alert their customers via all

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	appropriate means and media when new forms of payment fraud emerge, taking into account the needs of their most vulnerable groups of customers. Payment service providers shall give their customers clear indications on how to identify fraudulent attempts and warn them as to the necessary actions and precautions to be taken to avoid falling victim of fraudulent actions targeting them. Payment service providers shall inform their customers of where they can report fraudulent actions and rapidly obtain fraud-related information.	appropriate means and media when new forms of payment fraud emerge, taking into account the needs of their most vulnerable groups of customers. Payment service providers shall give their customers clear indications on how to identify fraudulent attempts and warn them as to the necessary actions and precautions to be taken to avoid falling victim of fraudulent actions targeting them. Payment service providers shall inform their customers of where they can report fraudulent actions and rapidly obtain fraud-related information.	appropriate means and media when new forms of payment fraud emerge, taking into account the needs of their most vulnerable groups of customers. Payment service providers shall give their customers clear indications on how to identify fraudulent attempts and warn them as to the necessary actions and precautions to be taken to avoid falling victim of fraudulent actions targeting them. Payment service providers shall inform their customers of where they can report fraudulent actions and rapidly obtain fraud-related information.	appropriate means and media when new forms of payment fraud emerge, taking into account the needs of their most vulnerable groups of customers. Payment service providers shall give their customers clear indications on how to identify fraudulent attempts and warn them as to the necessary actions and precautions to be taken to avoid falling victim of fraudulent actions targeting them. Payment service providers shall inform their customers of where they can report fraudulent actions and rapidly obtain fraud-related information. Text Origin: Commission Proposal
Article 84(1a), first subparagraph				
880a		<u><i>1a. Member States shall allocate substantial means to investing in education on payment-related fraud. Such education may take the form of a media campaign or lessons at schools. Payment service providers and electronic communications service providers shall cooperate free of charge with the Member States in those educational activities. Member States shall inform the European Parliament and the Commission about the planned campaigns.</i></u>		<u><i>1a. Member States shall have in place adequate measures with appropriate funding to raise awareness among the public about the trends and new forms of payment fraud, the procedures to be followed in order to identify fraudulent attempts and the rights and obligations conferred by this Regulation relating to fraud. Member States shall ensure that communication measures are sufficient and well-targeted, in particular reaching out to the most vulnerable consumer groups,</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>including younger and older persons and those with low digital skills.</u> <u>Member States shall inform the Commission about the measures taken.</u> TM 3.10: Directive 2019 on combatting fraud: Art. 17 similar approach reporting obligation moved to Article 83a The sentence: "Payment service providers and electronic communications service providers shall cooperate free of charge with the Member States in those educational activities." will be discussed together with Art. 59. Relations with Art. 17 of Directive on combatting fraud to be clarified in recital. TM 10.12 Text Origin: Council Mandate
Article 84(1a), second subparagraph								
G	880b			<u>Payment service providers, in cooperation with electronic communications services providers, shall take adequate prevention and robust technical safeguards to prevent cases where fraudsters replicate and misuse the payment service provider's name, mail</u>				<i>deleted</i> TM 10.12: wording is ok, but could be moved up. TM 11.12 moved up to 716b

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>address or telephone number for misleading payment service users into making fraudulent transactions.</u>				Text Origin: EP Mandate
Article 84(1a), third subparagraph								
880c								<u>Payment service providers, providers of very large online platforms or of very large online search engines and electronic communications service providers as defined in Article 2(4), point (b), of Directive (EU) 2018/1972 shall cooperate free of charge with the Member States in the measures referred to in subparagraph 1.</u> TM 3.10: moved from line 880a. TM 15.12: implementation of trilogue agreement. Recital to clarify that MS should not abuse this.
Article 84(1a), fourth subparagraph								
880d				<u>Electronic communications service providers shall cooperate with payment service providers to ensure that appropriate organisational and technical measures are in place to safeguard the security and confidentiality of communications in accordance with Directive 2002/58/EC, including with regard to calling line identification and electronic mail address.</u>				deleted TM 10.12: intention covered by 59c and 59a
Article 84(2)								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
881	2.Payment service providers shall organize at least annually training programmes on payment fraud risks and trends for their employees and shall ensure that their employees are adequately trained to carry out their tasks and responsibilities in accordance with the relevant security policies and procedures to mitigate and manage payment fraud risks.	2.Payment service providers shall organize at least annually training programmes on payment fraud risks and trends for their employees <u>active in designing and maintaining payment services and offering them to customers</u> and shall ensure that their employees are adequately trained to carry out their tasks and responsibilities in accordance with the relevant security policies and procedures to mitigate and manage payment fraud risks.	2.Payment service providers shall organize at least annually training programmes on payment fraud risks and trends for their employees and shall ensure that their employees are adequately trained to carry out their tasks and responsibilities in accordance with the relevant security policies and procedures to mitigate and manage payment fraud risks.	2.Payment service providers shall ~~organize~~ <u>organise</u> at least annually training programmes on payment fraud risks and trends for their employees <u>that are active in designing, maintaining or offering payment services</u> , and shall ensure that their employees are adequately trained to carry out their tasks and responsibilities in accordance with the relevant security policies and procedures to mitigate and manage payment fraud risks. Text Origin: EP Mandate
Article 84(3)				
882	3.By [OP please insert the date= 18 months after the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010 with regard to the programmes on payment fraud risks referred to in paragraphs 1 and 2 of this Article.	3.By [OP please insert the date= 18 months after the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010 with regard to the programmes on payment fraud risks referred to in paragraphs 1 and 2 of this Article.	3.By [OP please insert the date= 18 months after the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010 with regard to the programmes on payment fraud risks referred to in paragraphs 1 and 2 of this Article.	<i>deleted</i> TM 18.11 Council proposes to add a reference to programmes on payment fraud risks in Art. 83(b), para. 2, f. EBA did not recommend to drop it. EC behind the proposal. EP to revert. TM 10.12: Council to revert TM 16.12: corresponding recital to mention that the EBA should be encourage to issue guidelines if it sees a need to harmonise practices at national

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				level. Text Origin: Commission Proposal
Article 84(3a)				
882a			4.Member States shall have in place adequate measures to raise awareness among the public about the trends and new forms of payment fraud, the procedures to be followed in order to identify fraudulent attempts and the rights and obligations conferred by this Regulation in what regards fraud. Member States shall ensure that communication measures are sufficient and well-targeted, in particular reaching out to the most vulnerable consumer groups, including older persons and those with low digital skills.	deleted TM 3.10: move to 880a.
Article 85				
883	Article 85 Strong customer authentication	Article 85 Strong customer authentication	Article 85 Strong customer authentication	Article 85 Strong customer authentication Text Origin: Commission Proposal
Article 85(1)				
884	1.A payment service provider shall apply strong customer authentication where the payer:	1.A payment service provider shall apply strong customer authentication, <u>on the basis of the risk assesment carried out under the transaction monitoring mechanism as set out in Article 83.</u>	1.A payment service provider shall apply strong customer authentication where the payer:	1.A payment service provider shall apply strong customer authentication where the payer: TM 15.10: subjectivity already in 901a and e

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		where the payer:		Text Origin: Commission Proposal
Article 85(1), point (a)				
885	(a) accesses its payment account online;	(a) accesses its payment account online;	(a) accesses its payment account online;	(a) accesses its payment account online; Text Origin: Commission Proposal
Article 85(1), point (b)				
886	(b) accesses payment account information;	<i>deleted</i>	(b) accesses payment account information online ;	<i>deleted</i> TM 15.10: Council sees risks associated with access to payment account information. EBA can introduce flexibility. link with 907 4.12: EC to revert with objective behind the addition of the addition Council believes that this should be covered by (d) below 906 and 907 are the only lines where payment account information is mentioned (both concern AISPs) proposal to keep accesses payment account information through AISP TM 15.12:
Article 85(1), point (c)				
887	(c) places a payment order for an electronic payment transaction;	(c) places a payment order for an electronic payment transaction;	(c) places a payment order for an electronic payment transaction;	(c) places a payment order for an electronic payment transaction;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 85(1), point (ca)				
887a			(c1) orders the creation or replacement of a token of a payment instrument via a remote channel;	deleted TM 15.10: Council believes there is risk linked with digital wallet that should be explicitly mentioned. EC: already in a recital (line 128) Council: should be in level 1 this line has been included in the line below (888)
Article 85(1), point (d)				
888	(d) carries out any action through a remote channel which may imply a risk of payment fraud or other abuses.	(d) carries out any action through a remote channel which may imply a risk of payment fraud or other abuses.	(d) carries out any other action through a remote channel which may imply a risk of payment fraud or other abuses, including, but not limited to, increasing their spending limits according to Article 51, changing their password online, changing their contact information online.	(d) carries out any <u>other</u> action through a remote channel which ~~may~~ <u>might</u> imply a risk of payment fraud or other abuses, <u>including ordering the creation or replacement of a tokenised payment instrument via a remote channel, increasing its spending limits according to Article 51, changing its password online or changing its contact information online.</u> Text Origin: Council Mandate
Article 85(2)				
889	2.Payment transactions that are not initiated by the payer but by the payee only shall not be subject to strong customer authentication to the extent that those transactions are	2.Payment transactions that are not initiated by the payer but by the payee only shall not be subject to strong customer authentication to the extent that those transactions are	2.Payment transactions that are ~~not~~ initiated ~~by the payer but~~ by the payee ~~only~~ shall not be subject to strong customer authentication to the extent that those transactions are	2.Payment transactions that are ~~not~~ initiated by the ~~payer but by the~~ payee ~~only~~ shall not be subject to strong customer authentication to the extent that those transactions are

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	initiated without any interaction or involvement of the payer.	initiated without any interaction or involvement of the payer. <u>Such exemptions shall also apply to refunds that are initiated by the original payee in favour of the payer.</u>	initiated without any interaction or involvement of the payer. Such exemptions shall also apply to refunds that are initiated by the original payee in favour of the payer.	initiated without any interaction or involvement of the payer. <u>Refunds that are initiated by the original payee in favour of the original payer against such transactions shall not be subject to strong customer authentication.</u> TM 15.10: EC: different transaction that is not necessary risk free - assessment should be done in the RTS by the EBA. Council/EP clarify that this exemption should be read together with the first sentence (ie limited to payment transactions initiated by payees). EC refers to the EBA opinion which opens the door to provide in the RTS an exemption for all refunds. TM 4.12: EC considers that refunds are separate transactions; open to suggestion of EBA to add an exemption of SCA in RTS. EP confirms the scope: refund of the transactions initiated by payee. Hence "such transactions" Text Origin: Council Mandate
Article 85(3)				
890	3. Where the payer has given a mandate authorising the payee to place a payment order for a payment transaction or a series of payment transactions through a particular	3. Where the payer has given a mandate authorising the payee to place a payment order for a payment transaction or a series of payment transactions through a particular	~~3. Where the payer has given a mandate authorising the payee to place a payment order for a payment transaction or a series of payment transactions through a particular~~	<i>deleted</i> TM 15.10: moved to definitions 268a.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment instrument that is issued to be used by the payer to place payment orders for the payment transactions, and where the mandate is based on an agreement between the payer and the payee for the provision of products or services, the payment transactions initiated thereafter by the payee on the basis of such a mandate may be qualified as payee initiated transactions, provided that those transactions do not need to be preceded by a specific action of the payer to trigger their initiation by the payee.	payment instrument that is issued to be used by the payer to place payment orders for the payment transactions, and where the mandate is based on an agreement between the payer and the payee for the provision of products or services, the payment transactions initiated thereafter by the payee on the basis of such a mandate may be qualified as payee initiated transactions, provided that those transactions do not need to be preceded by a specific action of the payer to trigger their initiation by the payee.	~~payment instrument that is issued to be used by the payer to place payment orders for the payment transactions, and where the mandate is based on an agreement between the payer and the payee for the provision of products or services, the payment transactions initiated thereafter by the payee on the basis of such a mandate may be qualified as payee initiated transactions, provided that those transactions do not need to be preceded by a specific action of the payer to trigger their initiation by the payee.~~	
Article 85(4)				
891	4. The payment transactions for which payment orders are placed by the payee that are based on the mandate given by the payer shall be subject to the general provisions that apply to payee-initiated transactions as referred to in Articles 61, 62 and 63.	4. The payment transactions for which payment orders are placed by the payee that are based on the mandate given by the payer shall be subject to the general provisions that apply to payee-initiated transactions as referred to in Articles 61, 62 and 63.	~~4. The payment transactions for which payment orders are placed by the payee that are based on the mandate given by the payer shall be subject to the general provisions that apply to payee-initiated transactions as referred to in Articles 61, 62 and 63.~~	<i>deleted</i> TM 15.10: Council: already included under Art. 61, 62, 63. EC is fine. Council to check if anything is missing. 4.12: Council confirmed that this is already included in Art. 61, 62 and 63.
Article 85(5)				
892	5. Where the mandate of the payer to the payee to place payment orders for transactions referred to in paragraph 3 is provided through a remote channel with the involvement of the payment service provider, the	5. Where the mandate of the payer to the payee to place payment orders for transactions referred to in paragraph 3 is provided through a remote channel with the involvement of the payment service provider, the	~~53. Where the mandate of the payer to the payee to place payment orders for merchant-initiated transactions referred to in paragraph 3 is provided through a remote channel with the involvement of the payment~~	5. Where the mandate of the payer to the payee to place payment orders for merchant initiated transactions ~~referred to in paragraph 3~~ is provided through a remote channel with the involvement of the payment

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	setting up of such a mandate shall be subject to strong customer authentication.	setting up of such a mandate shall be subject to strong customer authentication.	service provider, the setting up of such a mandate shall be subject to strong customer authentication.	service provider, the setting up of such a mandate shall be subject to strong customer authentication. Text Origin: EP Mandate
Article 85(6)				
893	6.For direct debits, where the mandate given by the payer to the payee to initiate one or several direct debit transactions is provided through a remote channel with the direct involvement of a payment service provider in the setting up of such a mandate, strong customer authentication shall be applied.	6.For direct debits, where the mandate given by the payer to the payee to initiate one or several direct debit transactions is provided through a remote channel with the direct involvement of a payment service provider in the setting up of such a mandate, strong customer authentication shall be applied.	64. For direct debits, where the mandate given by the payer to the payee to initiate one or several direct debit transactions is provided through a remote channel with the direct involvement of the payer's a payment service provider in the setting up of such a mandate, shall be subject to strong customer authentication ~~shall be applied~~ .	~~64.~~ For direct debits, where the mandate given by the payer to the payee to initiate one or several direct debit transactions is provided through a remote channel with the direct involvement of <u>the payer's</u> a payment service provider in ~~the~~ setting up of such a mandate, <u>shall be subject to</u> strong customer authentication ~~shall be applied~~ . Text Origin: Council Mandate
Article 85(7)				
894	7.Payment transactions for which payment orders are placed by the payer with modalities other than the use of electronic platforms or devices, such as paper-based payment orders, mail orders or telephone orders, shall not be subject to strong customer authentication, irrespective of whether or not the execution of the transaction is performed electronically, provided that security requirements and checks are carried out by the payment service provider of the payer allowing a form of	7.Payment transactions for which payment orders are placed by the payer with modalities other than the use of electronic platforms or devices, such as paper-based payment orders, mail orders or ~~telephone orders~~ <u>telephone-based mechanisms</u> , shall not be subject to strong customer authentication, irrespective of whether or not the execution of the transaction is performed electronically, provided that security requirements and checks are carried out by the payment service provider of the	~~75. Payment~~ <u>MOTO</u> transactions ~~for which payment orders are placed by the payer with modalities other than the use of electronic platforms or devices, such as paper-based payment orders, mail orders or telephone orders,~~ shall not be subject to strong customer authentication, ~~irrespective of whether or not the execution of the transaction is performed electronically,~~ provided that security requirements and checks are carried out by the payment service provider of the payer allowing a form of	~~75. Payment~~ <u>MOTO</u> transactions ~~for which payment orders are placed by the payer with modalities other than the use of electronic platforms or devices, such as paper-based payment orders, mail orders or telephone orders,~~ shall not be subject to strong customer authentication, ~~irrespective of whether or not the execution of the transaction is performed electronically,~~ provided that security requirements and checks are carried out by the payment service provider of the payer allowing a form of

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	authentication of the payment transaction.	payer allowing ~~another~~ form of authentication of the payment transaction <u>than strong customer authentication</u> .	authentication of the payment transaction.	authentication of the payment transaction. TM 15.10: part moved to definitions - 268e. EC: re: last part of AM is already included. Text Origin: Council Mandate
Article 85(8)				
895	8.For the remote placement of a payment order as referred to in paragraph 1, point (c), payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a specific amount and a specific payee.	8.For the remote placement of a payment order as referred to in paragraph 1, point (c), payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a specific amount and a specific payee.	~~86.~~ For the remote placement of a payment order as referred to in paragraph 1, point (c), payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a specific amount and a specific payee.	8.For the remote placement of a payment order as referred to in paragraph 1, point (c), payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a specific amount and a specific payee. Text Origin: Commission Proposal
Article 85(9)				
896	9.For the placement of a payment order as referred to in paragraph 1, point (c), through a payer's device using proximity technology for the exchange of information with the payee's infrastructure, the authentication of which requires the use of internet on the payer's device, payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a	9.For the placement of a payment order as referred to in paragraph 1, point (c), through a payer's device using proximity technology for the exchange of information with the payee's infrastructure, the authentication of which requires the use of internet on the payer's device, payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a	~~97.~~ For the placement of a payment order as referred to in paragraph 1, ~~point (e)~~ points (c) and (d) , through a payer's device using proximity technology for the exchange of information with the payee's infrastructure, the authentication of which requires the use of internet on the payer's device, payment service providers shall apply strong customer authentication that includes elements which	9.For the placement of a payment order as referred to in paragraph 1, point (c), through a payer's device using proximity technology for the exchange of information with the payee's infrastructure, the authentication of which requires the use of internet on the payer's device, payment service providers shall apply strong customer authentication that includes elements which dynamically link the transaction to a

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the amount of the transaction and the payee throughout all of the phases of initiation.	specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the amount of the transaction and the payee throughout all of the phases of initiation.	dynamically link the transaction to a specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the amount of the transaction and the payee throughout all of the phases of initiation.	specific amount and a specific payee or harmonised security measures of identical effect, which ensure the confidentiality, authenticity and integrity of the amount of the transaction and the payee throughout all of the phases of initiation. Text Origin: Commission Proposal
Article 85(10)				
897	10. For the purposes of paragraph 1, payment service providers shall have in place adequate security measures to protect the confidentiality and integrity of payment service users' personalised security credentials.	10. For the purposes of paragraph 1, payment service providers shall have in place adequate security measures to protect the confidentiality and integrity of payment service users' personalised security credentials.	~~108.~~ For the purposes of paragraph 1, payment service providers shall have in place adequate security measures to protect the confidentiality and integrity of payment service users' personalised security credentials.	10. For the purposes of paragraph 1, payment service providers shall have in place adequate security measures to protect the confidentiality and integrity of payment service users' personalised security credentials. Text Origin: Commission Proposal
Article 85(11)				
898	11. Any exemptions from the application of strong customer authentication to be designed by the EBA under Article 89 shall be based on one or more of the following criteria:	11. Any exemptions from the application of strong customer authentication to be designed by the EBA under Article 89 shall be based on one or more of the following criteria:	~~119.~~ Any exemptions from the application of strong customer authentication to be designed by the EBA under Article 89 shall be based on one or more of the following criteria:	11. Any exemptions from the application of strong customer authentication to be designed by the EBA under Article 89 shall be based on one or more of the following criteria: Text Origin: Commission Proposal
Article 85(11), point (a)				
899	(a) the level of risk involved in the service provided;	(a) the level of risk involved in the service provided;	(a) the level of fraud risk involved in the service provided;	(a) the level of <u>fraud</u> risk involved in the service provided, <u>in particular based on the transaction</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>monitoring mechanism as set out in Article 83;</u> TM 15.10: language from 884. 'in particular' does not exclude other sources. EC prefers to not include the additional wording. Text Origin: Council Mandate
Article 85(11), point (b)								
G	900	(b) the amount, the recurrence of the transaction, or both;	(b) the amount, the recurrence of the transaction, or both;	(b) the amount, the recurrence of the transaction, or both;	(b) the amount, the recurrence of the transaction, or both;	(b) the amount, the recurrence of the transaction, or both;	(b) the amount, the recurrence of the transaction, or both;	Text Origin: Commission Proposal
Article 85(11), point (c)								
G	901	(c) the payment channel used for the execution of the transaction.	(c) the payment channel used for the execution of the transaction.;	(c) the payment channel used for the execution of the transaction.	(c) the payment channel used for the execution of the transaction.	(c) the payment channel used for the execution of the transaction.	(c) the payment channel used for the execution of the transaction.;	<u>(ca) whether or not the payer is a consumer.</u> TM 15.10: the new wording comes from line 901b. The revised wording aims to capture also public authorities, not only corporate. 17.12 revised to cover only payer and made separate point Text Origin: Commission Proposal
Article 85(11), point (ca)								
G	901a					Exemptions from the application		<u>Exemptions from the application</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			of strong customer authentication shall not be mandatory. A payment service provider implementing an exemption always retains the right to decide that under the circumstances, strong customer authentication is necessary.	<u>of strong customer authentication shall not be mandatory. A payment service provider implementing an exemption always retains the right to decide that under the circumstances and based on a risk assessment, strong customer authentication is necessary.</u> Text Origin: Council Mandate
Article 85(11), point (cb)				
901b		<u>(ca) whether the parties to the transaction are consumers or corporate payers.</u>		deleted TM 15.10: the revised wording aims to capture also public authorities, not only corporate. Moved under line 901 Text Origin: EP Mandate
Article 85(12)				
902	12. The two or more elements referred to in Article 3, point (35), on which strong customer authentication shall be based do not necessarily need to belong to different categories, as long as their independence is fully preserved.	12. The two or more elements referred to in Article 3, point (35), on which strong customer authentication shall be based do not necessarily need to belong to different categories, ~~as long as their~~ <u>The independence is of the elements shall at all times be fully preserved and the authentication procedure shall at all times ensure a high level of security.</u>	~~12.10.~~ The two or more elements referred to in Article 3, point (35), on which strong customer authentication shall be based ~~do not necessarily~~ need to belong to different categories, ~~as long as their~~ independence is fully preserved.	12. The two or more elements referred to in Article 3, point (35), on which strong customer authentication shall be based ~~do not necessarily~~ need to belong to different categories, ~~as long as their~~ <u>except for the category inheritance, where payment service provider can implement strong customer authentication using two elements only from this category, if it demonstrates to the national competent authority that the independence of the elements is at all times fully preserved and the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>authentication procedure ensures at all times a high level of security.</u> <u>The EBA shall develop guidelines by [18 months after entry into force of this Regulation] in accordance with Article 16 of the Regulation 1093/2010 on how to assess that the independence of the two inheritance elements</u> is fully preserved. TM 15.10: Council upholds current practice provided by the guidelines. EC: important is the principle of independent. EP to check. TM 10.12: EP to revert; EC prefers to have an uniform level of security. TM 15.12: guidance from EBA is necessary.
	Article 85(12a)							
G	902a			<u>The inheritance element of strong customer authentication may include environmental and behavioural characteristics such as those related to the location of the payment service user, the time when the transaction occurs or the device being used.</u>				<i>deleted</i> TM 15.10: EC: these criteria are already used but not necessary for SCA. Council: this requires more clarification. Physical behavioural already covered by EBA. Those criteria could be used for transaction risk analysis, rather than SCA.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								EC raises concerns about the "device being used". Link with 874a should be clarified. 4.12: EC open to expand the behavioural characteristics for SCA. Same data points could be used under TMM. behavioural characteristics: environmental, biological (fingers prints, DNA), biometrics (body movements) Suggestion by Council: The category inherence of strong customer authentication relates to physical properties of body parts, physiological characteristics and behavioural processes created by the body, and any combination of these. It does not include environmental characteristics such as the location of the payment service user, the time when the transaction occurs or the device being used Text Origin: EP Mandate
Article 85a								
G	902b					Article 85a Strong customer authentication in respect of credit transfers		<u>Article 85a</u> <u>Strong customer authentication in respect of credit transfers</u> Text Origin: Council Mandate
Article 85a(1)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
902c						In the context of one or several credit transfers, when the payment service provider of the payer initiates the transaction following a request issued by the merchant, provided that the request is based on the conditions previously agreed between the payer and the merchant and that the setting up of the agreement by the payment service provider of the payer is subject to strong customer authentication, those transactions shall not be subject to strong customer authentication, provided that the transactions do not need an additional action of the payer to trigger the initiation. In this context, the provisions referred to in Articles 61, 62 and 63, will be applicable		<u>1. By derogation from Article 85(1), point (c), in the context of one or several recurring credit transfers initiated by the payer's payment service provider in accordance with this Article, the obligation to apply strong customer authentication shall not apply where the following cumulative conditions are met:</u> <u>(a) the credit transfers are initiated by the payment service provider of the payer following a request from the payee;</u> <u>(b) the payee's request is based on an agreement between the payer and the payee in which the payment conditions regarding frequency and amounts paid are set out, including where the amounts can vary, the circumstances in which the amounts can vary;</u> <u>(c) the payer agrees that its payment service provider executes the respective credit transfers in line with the agreement mentioned in point (b) and the setting up of such agreement is subject to strong customer authentication;</u> <u>(d) no additional action is required from the payer to initiate of the respective credit transfers.</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>2. In the case referred to in paragraph 1, the provisions referred to in Articles 61, 62 and 63 shall apply, with the exception of Article 62(1), fourth subparagraph.</u> TM 15.10: in this case, the payee requests (not initiates) the payment transaction. payer's PSP does initiate the PT. Revised wording proposed by the EC. Link with AM in line 241. TM 4.3: to clarify that the unconditional refund right is limited to direct debits.
		Article 85a(2)						
G		902d				The EBA shall develop Regulatory Technical Standards to specify the conditions of the exemption referred to in the first subparagraph.		<i>deleted</i>
		Article 85a(3)						
G		902e				The EBA shall submit the Regulatory Technical Standards referred to in the second subparagraph to the Commission by [OP please insert the date= one year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the Regulatory Technical Standards referred to in the second subparagraph in		<i>deleted</i>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	
Article 85a(4)				
902f			In accordance with Article 10 of Regulation (EU) No 1093/2010, the EBA shall review and, if appropriate, update the regulatory technical standards on a regular basis in order, inter alia, to take account of innovation and technological developments.	deleted
Article 86				
903	Article 86 Strong customer authentication in respect of payment initiation and account information services	Article 86 Strong customer authentication in respect of payment initiation and account information services	Article 86 Strong customer authentication in respect of payment initiation and account information services	Article 86 Strong customer authentication in respect of payment initiation and account information services Text Origin: Commission Proposal
Article 86(1)				
904	1. Article 85(9) shall also apply where payments are initiated through a payment initiation service provider. Article 85(10) shall also apply where payments are initiated through a payment initiation service provider and when the information is requested through an account information service provider.	1. Article ~~85(9)~~ <u>85(8) and (9)</u> shall also apply where payments are initiated through a payment initiation service provider. Article 85(10) shall also apply where payments are initiated through a payment initiation service provider and when the information is requested through an account information service provider.	1. Article ~~85(9)~~ <u>85 (6), (7) and (10)</u> shall also apply where payments are initiated through a payment initiation service provider. Article ~~85(10)~~ <u>85(8)</u> shall also apply where payments are initiated through a payment initiation service provider and when the information is requested through an account information service provider.	1. Article ~~85(9)~~ <u>85(8), (9) and (12)</u> shall also apply where payments are initiated through a payment initiation service provider. Article 85(10) shall also apply where payments are initiated through a payment initiation service provider and when the information is requested through an account information service provider. Text Origin: EP Mandate
Article 86(2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
905	2.Account servicing payment service providers shall allow payment initiation service providers and the account information service providers to rely on the authentication procedures provided by the account servicing payment service provider to the payment service user in accordance with Article 85(1) and (10) and, where the payment initiation service provider is involved, in accordance with Article 85(1), (8), (9), (10) and (11).	2.Account servicing payment service providers shall allow payment initiation service providers and the account information service providers to rely on the authentication procedures provided by the account servicing payment service provider to the payment service user in accordance with Article 85(1) and (10) and, where the payment initiation service provider is involved, in accordance with Article 85(1), (8), (9), (10) and (11).	2.Account servicing payment service providers shall allow payment initiation service providers and the account information service providers to rely on the authentication procedures provided by the account servicing payment service provider to the payment service user in accordance with Article 85(1) and ~~(10)~~ (8) and, where the payment initiation service provider is involved, in accordance with Article 85(1), ~~(6), (7), (8), (9), (10)~~ and ~~(11)~~ .	2.Account servicing payment service providers shall allow payment initiation service providers and the account information service providers to rely on the authentication procedures provided by the account servicing payment service provider to the payment service user in accordance with Article 85(1) and (10) and, where the payment initiation service provider is involved, in accordance with Article 85(1), (8), (9), (10) and ~~(11)~~ <u>12</u> . Text Origin: EP Mandate
Article 86(3)				
906	3.Without prejudice to paragraph 2, where payment account information is accessed by an account information service provider, the account servicing payment service provider shall only apply strong customer authentication for the first access to payment account data by a given account information service provider, unless the account servicing payment service provider has reasonable grounds to suspect fraud, but not for the subsequent access to that payment account by that account information service provider.	3.Without prejudice to paragraph 2, where payment account information is accessed by an account information service provider, the account servicing payment service provider shall only apply strong customer authentication for the first access to payment account data by a given account information service provider, unless the account servicing payment service provider has reasonable grounds to suspect fraud, but not for the subsequent access to that payment account by that account information service provider.	3.Without prejudice to paragraph 2, where payment account information is accessed by an account information service provider, the account servicing payment service provider shall only apply strong customer authentication for the first access to payment account data by a given account information service provider, ~~unless the account servicing payment service provider has reasonable grounds to suspect fraud,~~ but not for the subsequent access to that payment account by that account information service provider, unless, in either case, the account servicing payment service provider has reasonable grounds	3.Without prejudice to paragraph 2, where payment account information is accessed by an account information service provider, the account servicing payment service provider shall only apply strong customer authentication for the first access to payment account data by a given account information service provider, ~~unless the account servicing payment service provider has reasonable grounds to suspect fraud,~~ but not for the subsequent access to that payment account by that account information service provider <u>unless the account servicing payment service provider has reasonable grounds to suspect</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			to suspect fraud.	<u>fraud</u> . Text Origin: Council Mandate
Article 86(4)				
907	4.Unless the account servicing payment service provider has reasonable grounds to suspect fraud, account information service providers shall apply their own strong customer authentication when the payment services user accesses the payment account information retrieved by that account information service provider at least 180 days after strong customer authentication was last applied.	<i>deleted</i>	4. ~~Unless the account servicing payment service provider has reasonable grounds to suspect fraud,~~ Account information service providers shall apply their own strong customer authentication when the payment services user accesses the payment account information retrieved by that account information service provider at least 180 days after strong customer authentication was last applied.	4. ~~Unless the account servicing payment service provider has reasonable grounds to suspect fraud,~~ Account information service providers shall apply ~~their own~~ strong customer authentication when the payment services user accesses the payment account information ~~retrieved by~~ <u>using</u> that account information service provider at least 180 days after strong customer authentication was last applied. <u>Account information service providers may apply their own or the account servicing payment service provider's strong customer authentication.</u> TM 15.10: linked to 85(1)b TM 10.12 Text Origin: Council Mandate
Article 87				
908	Article 87 Outsourcing agreements for the application of strong customer authentication	<i>deleted</i>	Article 87 Outsourcing agreements for the application of strong customer authentication	Article 87 Outsourcing agreements for the application of strong customer authentication Text Origin: Council Mandate
Article 87, first paragraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 909	A payer payment service provider shall enter into an outsourcing agreement with its technical service provider in case that technical service provider is providing and verifying the elements of strong customer authentication. A payer's payment service provider shall, under such agreement, retain full liability for any failure to apply strong customer authentication and have the right to audit and control security provisions.	<i>deleted</i>	~~1.A payer-The~~ payment service provider ~~of the payer~~ shall enter into an outsourcing agreement with ~~its~~ ~~the~~ technical service provider in case that technical service provider is providing and verifying the elements of strong customer authentication. A payer's payment service provider shall, under such agreement, retain full liability for any failure to apply strong customer authentication and have the right to audit and control security provisions.	~~1.A payer-The~~ payment service provider ~~of the payer~~ shall enter into an outsourcing agreement with ~~its~~ ~~the~~ technical service provider in case that technical service provider is providing and verifying the elements of strong customer authentication. ~~A payer's payment service provider shall, under such agreement, retain full liability for any failure to apply strong customer authentication and have the right to audit and control security provisions.~~ TM 3.10: DORA refers to cybersecurity issues. EBA outsourcing guidelines are not deemed to be sufficient by the EBA itself. TM 10.12 Text Origin: Council Mandate
Article 87, first paragraph a				
G 909a			2.The payment service provider of the payer shall, under such agreement, retain full liability towards the payer for any failure to apply strong customer authentication and have the right to audit and control security provisions.	TM 10.12 - see change in line 715
Article 88				
G 910	Article 88 Accessibility requirements regarding	Article 88 Accessibility requirements regarding	Article 88 Accessibility requirements regarding	Article 88 Accessibility requirements regarding

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	strong customer authentication	strong customer authentication	strong customer authentication	strong customer authentication Text Origin: Commission Proposal
Article 88(1)				
911	1. Without prejudice to the accessibility requirements under Directive (EU) 2019/882, payment service providers shall ensure that all their customers, including persons with disabilities, older persons, with low digital skills and those who do not have access to digital channels or payment instruments, have at their disposal at least a means, adapted to their specific situation, which enables them to perform strong customer authentication.	1. Without prejudice to the accessibility requirements under Directive (EU) 2019/882, payment service providers shall ensure that all their customers, including persons with disabilities, older persons, with low digital skills and those who do not have access to digital channels or payment instruments, have at their disposal at least a means, adapted to their specific situation, which enables them to perform strong customer authentication.	1. Without prejudice to the accessibility requirements under Directive (EU) 2019/882, payment service providers shall ensure that all their customers, including persons with disabilities, older persons, with low digital skills and those who do not have access to digital channels or payment instruments, have at their disposal at least a means, adapted to their specific situation, which enables them to perform strong customer authentication free of charge. In case the payment service user requests help or is in need of assistance, the payment service provider shall ensure that support is provided. This requirement does not extend to providing devices to the payment service user. Payment service providers shall ensure that payment service users are adequately informed about the different means available to them to perform strong customer authentication.	1. Without prejudice to the accessibility requirements under Directive (EU) 2019/882, payment service providers shall ensure that all their customers, including persons with disabilities, older persons, with low digital skills and those who do not have access to digital channels or payment instruments, have at their disposal at least a means, adapted to their specific situation, which enables them to perform strong customer authentication <u>free of charge. In case the payment service user requests help or is in need of assistance, the payment service provider shall ensure that support is provided. This requirement does not extend to providing devices to the payment service user. Payment service providers shall ensure that payment service users are adequately informed about the different means available to them to perform strong customer authentication.</u> TM 21.10: EC: free of charge should be covered by Arti. 28.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 88(2)				
912	2.Payment services providers shall not make the performance of strong customer authentication dependant on the exclusive use of a single means of authentication and shall not make the performance of strong customer authentication depend, explicitly or implicitly, on the possession of a smartphone. Payment services providers shall develop a diversity of means for application of strong customer authentication to cater for the specific situation of all their customers.	2.Payment services providers shall not make the performance of strong customer authentication <u>– which is to be provided free of charge -</u> dependant on the exclusive use of a single means of authentication and shall not make the performance of strong customer authentication depend, explicitly or implicitly, on the possession of a smartphone <u>or other smart device</u>. Payment services providers shall develop ~~a diversity of~~ <u>more than one</u> means for <u>the</u> application of <u>strong customer authentication to cater for the various specific situation of all their customers specifically those with disabilities, few digital skills, older persons and those who do not have access to digital channels or payment instruments</u>.	2.Payment services providers shall not make the performance of strong customer authentication dependant on the exclusive use of a single means of authentication and shall not make the performance of strong customer authentication depend, explicitly or implicitly, on the possession of a smartphone, unless the business model or the payment account package chosen by the payment service user of the payment service provider consists in providing services exclusively through a smartphone. Payment services providers shall develop a diversity of means for application of strong customer authentication to cater for the specific situation of all their customers.	2.Payment services providers shall not make the performance of strong customer authentication dependant on the exclusive use of a single means of authentication and shall not make the performance of strong customer authentication depend, explicitly or implicitly, on the possession of a smartphone <u>or other smart device, unless the payment service user has agreed to the provision of services exclusively through mobile applications on such device</u>. Payment services providers shall develop ~~a diversity of~~ <u>more than one</u> means for <u>the</u> application of strong customer authentication to cater for the specific situation of all their customers <u>including those referred to in paragraph 1</u>. TM 21.10: "free of charge" already covered under para. 1. "specifically those with ... payment instruments" already covered in para. 1, hence a mere cross reference suffices. EC: "accessibility act" to be taken into account. Intention to have an exemption for app on smart devices (smartphone and tablet), not webpages. Hence addition

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								of 'banking app' Text Origin: Council Mandate
Article 88a								
G	912a			<u>Article 88a</u> <u>Fair, reasonable and non-discriminatory access to mobile devices</u>				<u>Article 88a</u> <u>Fair, reasonable and non-discriminatory access to mobile devices</u> TM 30.10: EC agrees with EP proposal. Also in Art. 33 of digital euro proposal. New entrants might be left out of this requirement. TM 2.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 88a(1)								
G	912b			<u>1. Without prejudice to Article 6 paragraph (7) of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828, original equipment manufacturers of mobile devices and electronic communications service providers within the meaning of Article 2(1) of Directive (EU) 2018/1972 shall allow providers of front end services effective interoperability with, and access for the purposes of</u>				<u>1. Without prejudice to Article 6(7) of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828, original equipment manufacturers of mobile devices and electronic communications service providers within the meaning of Article 2(4) of Directive (EU) 2018/1972 shall allow payment service providers and technical services providers acting on their behalf effective</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>interoperability to, the technical features necessary for storing and transferring data to process payment transactions, on fair, reasonable and non-discriminatory terms.</u>				<u>interoperability with, and access for the purposes of interoperability to, the technical features, such as hardware features and software features, that are necessary to processing and executing securely payment transactions, on fair, reasonable and non-discriminatory terms.</u> TM 2.12: implementation of trilogue agreement. Replacement of providers of front end services by PSP and technical providers acting in their behalf; to make this provision better suited to the PSR. EC: Technical features should be further clarified for legal certainty: hardware and software features. Council proposes changes "storing and transferring data" by "processing and executing securely" EC to check the reference to ECSP directive Text Origin: EP Mandate
Article 88a(2)								
G	912c			<u>2.Original equipment manufacturers of mobile devices and electronic communications service providers referred to in paragraph 1 shall not be prevented from taking strictly necessary and</u>				<u>2.Original equipment manufacturers of mobile devices and electronic communications service providers referred to in paragraph 1 shall not be prevented from taking strictly necessary and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>proportionate measures to ensure that interoperability does not compromise the integrity of the hardware and software features concerned by the interoperability obligation provided that such measures are duly justified.</u>				<u>proportionate measures to ensure that interoperability does not compromise the integrity of the hardware and software features concerned by the interoperability obligation provided that such measures are duly justified.</u> TM 2.12: implementation of trilogue agreement. Text Origin: EP Mandate
Article 88a(3)								
G	912d			<u>3. For the purpose of applying fair, reasonable and non-discriminatory terms pursuant to paragraph 1, original equipment manufacturers of mobile devices and electronic communications service providers referred to in that paragraph shall publish general conditions of effective interoperability and access.</u>				<u>3. For the purpose of applying fair, reasonable and non-discriminatory terms pursuant to paragraph 1, original equipment manufacturers of mobile devices and electronic communications service providers referred to in that paragraph shall publish general conditions of effective interoperability and access.</u> Text Origin: EP Mandate
Article 89								
G	913	Article 89 Regulatory technical standards on authentication, communication and transaction monitoring mechanisms		Article 89 Regulatory technical standards on authentication, communication and transaction monitoring mechanisms		Article 89 Regulatory technical standards on authentication, communication and transaction monitoring mechanisms		Article 89 Regulatory technical standards on authentication, communication and transaction monitoring mechanisms Text Origin: Commission Proposal
Article 89(1), first subparagraph								

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	914	1.The EBA shall develop draft regulatory technical standards which shall specify:	1.The EBA shall develop draft regulatory technical standards which shall specify:	1.The EBA shall develop draft regulatory technical standards which shall specify: Text Origin: Commission Proposal	G
Article 89(1), first subparagraph, point (a)					
G	915	(a) the requirements of strong customer authentication as referred to in Article 85;	(a) the requirements of strong customer authentication as referred to in Article 85;	(a) the requirements of strong customer authentication as referred to in Article 85; Text Origin: Commission Proposal	G
Article 89(1), first subparagraph, point (b)					
G	916	(b) the exemptions from the application of Article 85(1), (8) and (9), based on the criteria laid down in Article 85(11);	(b) the exemptions from the application of Article 85(1), (8) and (9), based on the criteria laid down in Article 85(11);	(b) the exemptions from the application of Article 85(1), (8) and (9), based on the criteria laid down in Article 85(11); Text Origin: Commission Proposal	G
Article 89(1), first subparagraph, point (c)					
G	917	(c) the requirements with which security measures have to comply, in accordance with Article 85(10) in order to protect the confidentiality and the integrity of the payment service users' personalised security credentials;	(c) the requirements with which security measures have to comply, in accordance with Article 85(10) in order to protect the confidentiality and the integrity of the payment service users' personalised security credentials;	(c) the requirements with which security measures have to comply, in accordance with Article 85(10) in order to protect the confidentiality and the integrity of the payment service users' personalised security credentials; Text Origin: Commission Proposal	G
Article 89(1), first subparagraph, point (d)					
G	918	(d) the requirements applicable, in	(d) the requirements applicable, in	(d) the requirements applicable, in	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	accordance with Article 87, to the outsourcing agreements between the payers' payments service providers and technical service providers concerning the provision and verification of the elements of strong customer authentication by technical service providers;	accordance with Article 87, to the outsourcing agreements between the payers' payments service providers and technical service providers concerning the provision and verification of the elements of strong customer authentication by technical service providers; <u>When doing so, the EBA shall take into account its existing guidelines on outsourcing arrangements;</u>	accordance with Article 87, to the outsourcing agreements between the payers' payments service providers and technical service providers concerning the provision and verification of the elements of strong customer authentication by technical service providers;	accordance with Article 87, to the outsourcing agreements between the payers' payments service providers and technical service providers concerning the provision and verification of the elements of strong customer authentication by technical service providers; TM 21.10 depends on whether 87 not removed. EC: Scope of DORA is more limited. EC and EBA behind the requirement to conclude outsourcing agreement, essential as well for the liability requirement. Contracts do not foresee provision of SCA explicitly, and those contracts are difficult to enforce by banks. The technical service providers will be in breach of a legal obligation. Council: ok to keep Art. 87. Also, line 379 PSD3 should be revised and complemented by a reference to PSR. EP to revert. TM 16.12: EP addition to be added to the corresponding recital. Text Origin: Commission Proposal
Article 89(1), first subparagraph, point (e)				
919	(e) the requirements under Title III, Chapter 3 for common and secure open standards of communication for the purpose of identification,	(e) the requirements under Title III, Chapter 3 for common and secure open standards of communication for the purpose of identification,	(e) the requirements under Title III, Chapter 3 for common and secure open standards of communication for the purpose of identification,	(e) the requirements under Title III, Chapter 3 for common and secure open standards of communication for the purpose of identification,

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	authentication, notification, and information, as well as for the implementation of security measures, between account servicing payment service providers, payment initiation service providers, account information service providers, payers, payees and other payment service providers;	authentication, notification, and information, as well as for the implementation of security measures, between account servicing payment service providers, payment initiation service providers, account information service providers, payers, payees and other payment service providers;	authentication, notification, and information, as well as for the implementation of security measures, between account servicing payment service providers, payment initiation service providers, account information service providers, payers, payees and other payment service providers;	authentication, notification, and information, as well as for the implementation of security measures, between account servicing payment service providers, payment initiation service providers, account information service providers, payers, payees and other payment service providers; Text Origin: Commission Proposal
	Article 89(1), first subparagraph, point (f)			
920	(f) supplementary provisions on secure open standards of communication using dedicated interfaces;	(f) supplementary provisions on secure open standards of communication using dedicated interfaces;	(f) supplementary provisions on secure open standards of communication using dedicated interfaces;	(f) supplementary provisions on secure open standards of communication using dedicated interfaces; Text Origin: Commission Proposal
	Article 89(1), first subparagraph, point (g)			
921	(g) the technical requirements for transaction monitoring mechanisms referred to in Article 83.	(g) the technical requirements for transaction monitoring mechanisms referred to in Article 83.	(g) the technical requirements for transaction monitoring mechanisms referred to in Article 83.	(g) the technical requirements for transaction monitoring mechanisms referred to in Article 83. Text Origin: Commission Proposal
	Article 89(1), second subparagraph			
922	For the purposes of point (b), as regards the exemption from the application of strong customer authentication for payment transactions, based on transaction risk analysis the draft regulatory	For the purposes of point (b), as regards the exemption from the application of strong customer authentication for payment transactions, based on transaction risk analysis the draft regulatory	For the purposes of point (b), as regards the exemption from the application of strong customer authentication for payment transactions, based on transaction risk analysis the draft regulatory	For the purposes of point (b), as regards the exemption from the application of strong customer authentication for payment transactions, based on transaction risk analysis the draft regulatory

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	technical standards shall specify, inter alia:	technical standards shall specify, inter alia:	technical standards shall specify, inter alia:	technical standards shall specify, inter alia: Text Origin: Commission Proposal
Article 89(1), second subparagraph, point (i)				
923	(i) the conditions that have to be met for a remote electronic payment transaction to be considered as posing a low level of risk;	(i) the conditions that have to be met for a remote electronic payment transaction to be considered as posing a low level of risk, <u>taking into consideration the levels of fraud in each economic activity</u> ;	(i) the conditions that have to be met for a remote electronic payment transaction to be considered as posing a low level of risk;	(i) the conditions that have to be met for a remote electronic payment transaction to be considered as posing a low level of risk; TM 21.10: EP AM considered covered under 932a. Text Origin: Commission Proposal
Article 89(1), second subparagraph, point (ii)				
924	(ii) the methodologies and models to implement transaction risk analysis;	(ii) the methodologies and models to implement transaction risk analysis;	(ii) the methodologies and models to implement transaction risk analysis;	(ii) the methodologies and models to implement transaction risk analysis; Text Origin: Commission Proposal
Article 89(1), second subparagraph, point (iii)				
925	(iii) the criteria for the calculation of fraud rates, including on the allocation of fraud rates between payment service providers providing issuing and acquiring services, or within payment service providers providing issuing and acquiring services through a single legal entity;	(iii) the criteria for the calculation of fraud rates, including on the allocation of fraud rates between payment service providers providing issuing and acquiring services, or within payment service providers providing issuing and acquiring services through a single legal entity;	(iii) the criteria for the calculation of fraud rates, including on the allocation of fraud rates between payment service providers providing issuing and acquiring services, or within payment service providers providing issuing and acquiring services through a single legal entity;	(iii) the criteria for the calculation of fraud rates, including on the allocation of fraud rates between payment service providers providing issuing and acquiring services, or within payment service providers providing issuing and acquiring services through a single legal entity; Text Origin: Commission Proposal

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 89(1), second subparagraph, point (iv)				
G 926	(iv) detailed and proportionate reporting and audit requirements.	(iv) detailed and proportionate reporting and audit requirements.	(iv) detailed and proportionate reporting and audit requirements.	(iv) detailed and proportionate reporting and audit requirements. Text Origin: Commission Proposal
Article 89(1), first subparagraph, point (ga)				
G 926a		<u>(ga) a standardised list of categories of information to be disclosed on the dashboard;</u>		deleted TM 21.10: empowerment already in 582b (guidelines - still open)
Article 89(1), first subparagraph, point (gb)				
G 926b		<u>(gb) an exhaustive list of the methods that can be used as a unique identifier;</u>		deleted TM 21.10: empowerment already in 268q (still open)
Article 89(1), first subparagraph, point (gc)				
G 926c		<u>(gc) the criteria for the exclusion for payment transactions from the payer to the payee through a commercial agent referred to in Article 2(2), point (b).</u>		deleted TM 21.10: empowerment already in 206 (still open)
Article 89(2), first subparagraph				
G 927	2. When developing the draft regulatory technical standards referred to in paragraph 1, the EBA shall take into account:	2. When developing the draft regulatory technical standards referred to in paragraph 1, the EBA shall take into account:	2. When developing the draft regulatory technical standards referred to in paragraph 1, the EBA shall take into account:	2. When developing the draft regulatory technical standards referred to in paragraph 1, the EBA shall take into account: Text Origin: Commission Proposal
Article 89(2), first subparagraph, point (a)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
928	(a) the need to ensure an appropriate level of security for payment service users and payment service providers, through the adoption of effective and risk-based requirements;	(a) the need to ensure an appropriate level of security for payment service users and payment service providers, through the adoption of effective and risk-based requirements;	(a) the need to ensure an appropriate level of security for payment service users and payment service providers, through the adoption of effective and risk-based requirements;	(a) the need to ensure an appropriate level of security for payment service users and payment service providers, through the adoption of effective and risk-based requirements; Text Origin: Commission Proposal
Article 89(2), first subparagraph, point (b)				
929	(b) the need to ensure the safety of payment service users' funds and personal data;	(b) the need to ensure the safety of payment service users' funds and personal data;	(b) the need to ensure the safety of payment service users' funds and personal data;	(b) the need to ensure the safety of payment service users' funds and personal data; Text Origin: Commission Proposal
Article 89(2), first subparagraph, point (c)				
930	(c) the need to secure and maintain fair competition among all payment service providers;	(c) the need to secure and maintain fair competition among all payment service providers;	(c) the need to secure and maintain fair competition among all payment service providers;	(c) the need to secure and maintain fair competition among all payment service providers; Text Origin: Commission Proposal
Article 89(2), first subparagraph, point (d)				
931	(d) the need to ensure technology and business-model neutrality;	(d) the need to ensure technology and business-model neutrality;	(d) the need to ensure technology and business-model neutrality;	(d) the need to ensure technology and business-model neutrality; Text Origin: Commission Proposal
Article 89(2), first subparagraph, point (e)				
932	(e) the need to allow for the development of user-friendly, accessible and innovative means of payment.	(e) the need to allow for the development of user-friendly, accessible and innovative means of payment.;	(e) the need to allow for the development of user-friendly, accessible and innovative means of payment.	(e) the need to allow for the development of user-friendly, accessible and innovative means of payment.;
				Text Origin: EP Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 89(2), first subparagraph, point (ea)								
G	932a			<u>(ea) the need to balance fraud risk versus the consumer experience with regards to low value transactions;</u>				<u>(ea) the need to balance fraud risk in a service or economic activity concerned with the consumer experience, in particular with regards to low value transactions;</u> TM 21.10: could cover AM of EP in 923 (levels of fraud in each economic activity) proportionality principle. EC: should be already covered, including in the current RTS. This provision could be relevant for (b) and (g). Text Origin: EP Mandate
Article 89(2), first subparagraph, point (eb)								
G	932b			<u>(eb) the different situation and specific needs of consumer and corporate payers.</u>				<u>(eb) whether or not the payers in the transactions are consumers.</u> TM 21.10: in line with line 901, the payment channel used for the execution of the transaction, including whether or not the parties to the transactions are consumers 17.12 aligned to revision of 901
Article 89(2), first subparagraph a								
G	932c			<u>The EBA, before submitting its draft regulatory technical standards to the Commission, shall hold an open consultation with public and private stakeholders in order to</u>				deleted TM 21.10: not necessary because already in provided in Art. 10 EBA regulation.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
				<u>ensure that the most up to date advances in technology and payment processing, as well as the specificities of business to business and business to government transactions, are taken into account in the draft regulatory technical standards.</u>				Those elements are already in lines above (eg 932, 932b) relevant recital is in 149.
Article 89(2), second subparagraph								
933		The EBA shall submit the draft regulatory technical standards referred to in paragraph 1 to the Commission by [OP please insert the date= 1 year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.		The EBA shall submit the draft regulatory technical standards referred to in paragraph 1 to the Commission by [OP please insert the date= 1 year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.		The EBA shall submit the draft regulatory technical standards referred to in paragraph 1 to the Commission by [OP please insert the date= 1 year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.		The EBA shall submit the draft regulatory technical standards referred to in paragraph 1 to the Commission by [OP please insert the date= 1 year after the date of entry into force of this Regulation]. Power is delegated on the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. Text Origin: Commission Proposal
Article 89(2), second subparagraph a								
933a						These regulatory technical standards shall become applicable 18 months after they enter into force. Until this point of time, payment service providers shall apply the exemptions according to the regulatory technical standards based on Article 98 of Directive (EU) 2015/2366.		deleted TM 21.10: RTS stay in application despite the repeal of PSD2. Second sentence could then be deleted. EP questions the necessity to be so prescriptive. Council: banks should have sufficient

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<i>time to implement these RTS.</i> <i>Part of the discussion on L2/L3.</i> TM 16.12 <i>Text Origin: Council Mandate</i>
Article 89(3)				
934	3.In accordance with Article 10 of Regulation (EU) No 1093/2010, the EBA shall review and, if appropriate, update the regulatory technical standards on a regular basis in order, inter alia, to take account of innovation and technological developments, and the provisions of Chapter II of Regulation (EU) 2022/2554, and the European Digital Identity Wallets implemented under Regulation (EU) No 910/2014.	3.In accordance with Article 10 of Regulation (EU) No 1093/2010, the EBA shall review and, if appropriate, update the regulatory technical standards on a regular basis in order, inter alia, to take account of innovation and technological developments, and the provisions of Chapter II of Regulation (EU) 2022/2554, and the European Digital Identity Wallets implemented under Regulation (EU) No 910/2014.	3.In accordance with Article 10 of Regulation (EU) No 1093/2010, the EBA shall review and, if appropriate, update the regulatory technical standards on a regular basis in order, inter alia, to take account of innovation and technological developments, and the provisions of Chapter II of Regulation (EU) 2022/2554, and the European Digital Identity Wallets implemented under Regulation (EU) No 910/2014.	3.In accordance with Article 10 of Regulation (EU) No 1093/2010, the EBA shall review and, if appropriate, update the regulatory technical standards on a regular basis in order, inter alia, to take account of innovation and technological developments, and the provisions of Chapter II of Regulation (EU) 2022/2554, and the European Digital Identity Wallets implemented under Regulation (EU) No 910/2014. <i>Text Origin: Commission Proposal</i>
CHAPTER 8				
935	CHAPTER 8 Enforcement procedures, competent authorities and penalties	CHAPTER 8 Enforcement procedures, competent authorities and penalties	CHAPTER 8 Enforcement procedures, competent authorities and penalties	CHAPTER 8 Enforcement procedures, competent authorities and penalties <i>Text Origin: Commission Proposal</i>
Section -1				
935a				<u>Article 89a</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>Enforcement of provisions related to very large online platforms and very large online search engines</u>
Article 89a								
935b								<u>The Commission shall have exclusive powers to supervise and enforce Article 59a(3), third subparagraph, point (iii), and Article 59b of this Regulation, where the obligations in those provisions apply to providers of very large online platforms and very large online search engines within the meaning of Article 33 of Regulation (EU) 2022/2065. Chapter IV of Regulation (EU) 2022/2065 shall apply for the purposes of that supervision and enforcement and any references therein to compliance with the relevant provisions of Regulation (EU) 2022/2065 shall be deemed to include Article 59a(3), third subparagraph, point (iii), and Article 59b of this Regulation, where the obligations in those provisions apply to providers of very large online platforms and very large online search engines. To the extent that powers are conferred upon the Commission under Chapter IV of Regulation (EU) 2022/2065, those powers shall also cover the application of Article 59a (3), third subparagraph, point (iii), and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>Article 59b of this Regulation, where those obligations apply to providers of very large online platforms and very large online search engines.</u> TM 15.12: : list of Articles to be completed. 5/3: revised version, where the competence of the EC is limited to 59b and 59a(3), subparagraph 3, point(iii) ie compliance with Art.16 DSA.
Section -1a								
G	935c					Section -1 Prohibition of persons other than payment service providers from providing payment services		<u>Section -1 Prohibition of persons other than payment service providers from providing payment services</u> Text Origin: Council Mandate
Section -1b								
G	935d					Article 89a Member States shall prohibit natural or legal persons that are neither authorised payment service providers nor explicitly excluded from the scope of this Regulation from providing payment services.		<u>Article 89b Prohibition of persons other than payment service providers from providing payment services</u> <u>Natural or legal persons that are neither authorised payment service providers under [PSD3] nor exempted from such authorisation shall be prohibited from providing payment services.</u> TM 19.11: PSD2 Art. 37. Revised ITM

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				17.12 Text Origin: Council Mandate
Section 1				
936	Section 1 Complaint procedures	Section 1 Complaint procedures	Section 1 Complaint procedures and investigation of infringements	Section 1 Complaint procedures <u>and investigatory powers</u> Text Origin: Council Mandate
Article 90				
937	Article 90 Complaints	Article 90 Complaints	Article 90 Complaints	Article 90 Complaints Text Origin: Commission Proposal
Article 90(1)				
938	1.Member States shall set up procedures which allow payment service users and other interested parties including consumer associations, to submit complaints to the competent authorities designated to ensure enforcement of this Regulation, with regard to payment service providers' alleged infringements of the provisions of this Regulation.	1.Member States shall set up procedures which allow payment service users and other interested parties including consumer associations, to submit complaints to the competent authorities designated to ensure enforcement of this Regulation, with regard to payment service providers' alleged infringements of the provisions of this Regulation.	1.Member States shall set up procedures which allow payment service users and other interested parties including consumer associations, to submit complaints to the competent authorities designated to ensure enforcement of this Regulation, with regard to payment service providers' alleged infringements of the provisions of this Regulation.	1.Member States shall set up procedures which allow payment service users and other interested parties including consumer associations, to submit complaints to the competent authorities designated to ensure enforcement of this Regulation, with regard to payment service providers' alleged infringements of the provisions of this Regulation. Text Origin: Commission Proposal
Article 90(2)				
939	2.Where appropriate and without prejudice to the right to bring proceedings before a court in accordance with national procedural	2.Where appropriate and without prejudice to the right to bring proceedings before a court in accordance with national procedural	2.Where appropriate and without prejudice to the right to bring proceedings before a court in accordance with national procedural	2.Where appropriate and without prejudice to the right to bring proceedings before a court in accordance with national procedural

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	law, the reply from the competent authorities to the complaints referred to in paragraph 1 shall inform the complainant of the existence of the alternative dispute resolution (ADR) procedures set up in accordance with Article 95.	law, the reply from the competent authorities to the complaints referred to in paragraph 1 shall inform the complainant of the existence of the alternative dispute resolution (ADR) procedures set up in accordance with Article 95.	law, the reply from the competent authorities to the complaints referred to in paragraph 1 shall inform the complainant of the existence of the alternative dispute resolution (ADR) procedures set up in accordance with Article 95.	law, the reply from the competent authorities to the complaints referred to in paragraph 1 shall inform the complainant of the existence of the alternative dispute resolution (ADR) procedures set up in accordance with Article 95. Text Origin: Commission Proposal
Article 91				
G 940	Article 91 Competent authorities and investigatory powers	Article 91 Competent authorities and investigatory powers	Article 91 Competent authorities and investigatory powers	Article 91 Competent authorities and <u>supervisory and</u> investigatory powers Text Origin: Commission Proposal
Article 91(-1)				
G 940a			1.Member States shall designate the competent authorities responsible for carrying out the functions and duties provided for in this Regulation. Member States shall notify those competent authorities to the EBA and the Commission.	<u>-1. Member States shall designate the competent authorities responsible for carrying out the functions and duties provided for in this Regulation. Member States shall notify those competent authorities to the EBA and the Commission.</u> TM 18.11: PSD2. CRD/CRR: see Art. 4 CRD. EC to revert. TM 19.11: proposal to keep.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
		Article 91(-1a)						
G		940b				2.Where Member States designate more than one competent authority pursuant to paragraph 1, they shall determine their respective tasks and designate one competent authority as the single point of contact for cross-border administrative cooperation between competent authorities as well as with the EBA. Member States may designate a different single point of contact for each of those types of administrative cooperation.		<u>-2. Where Member States designate more than one competent authority pursuant to paragraph 1, they shall determine their respective tasks and designate one competent authority as the single point of contact for cross-border administrative cooperation between competent authorities as well as with the EBA. Member States may designate a different single point of contact for each of those types of administrative cooperation.</u> Text Origin: Council Mandate
		Article 91(1), 3.						
G		941		1.Competent authorities shall exercise their powers to investigate potential infringements of this Regulation, and impose administrative sanctions and administrative measures laid down in their national legal frameworks in accordance with this Regulation, in any of the following ways:		13. Competent authorities shall exercise their powers to investigate potential infringements of this Regulation, and impose administrative ~~sanctions~~ and penalties, periodic penalty payments and other administrative measures laid down in their national legal frameworks in accordance with this Regulation, in any of the following ways:		~~13.~~ Competent authorities shall exercise their powers to investigate potential infringements of this Regulation, and impose administrative ~~sanctions~~ and penalties, periodic penalty payments and other administrative measures laid down in their national legal frameworks in accordance with this Regulation, in any of the following ways: Text Origin: Council Mandate
		Article 91(1), 3., point (a)						
G		942		(a) directly;		(a) directly;		(a) directly;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 91(1), 3., point (b)				
943	(b) in collaboration with other authorities;	(b) in collaboration with other authorities;	(b) in collaboration with other authorities;	(b) in collaboration with other authorities; Text Origin: Commission Proposal
Article 91(1), 3., point (c)				
944	(c) by delegating powers to other authorities or bodies, while retaining the responsibility for overseeing the delegated authority or body;	(c) by delegating powers to other authorities or bodies, while retaining the responsibility for overseeing the delegated authority or body;	(c) by delegating powers to other authorities or bodies, while retaining the responsibility for overseeing the delegated authority or body;	(c) by delegating powers to other authorities or bodies, while retaining the responsibility for overseeing the delegated authority or body; Text Origin: Commission Proposal
Article 91(1), 3., point (d)				
945	(d) by applying to the competent judicial authorities.	(d) by applying to the competent judicial authorities.	(d) by applying to the competent judicial authorities.	(d) by applying to the competent judicial authorities. Text Origin: Commission Proposal
Article 91(1), second subparagraph				
946	Where competent authorities delegate the exercise of their powers to other authorities or bodies in accordance with point (c) the delegation of power shall specify the delegated tasks, the conditions under which they are to be carried out, and the conditions under which the delegation of power may be revoked. The authorities or bodies to which the powers are delegated shall be	Where competent authorities delegate the exercise of their powers to other authorities or bodies in accordance with point (c) the delegation of power shall specify the delegated tasks, the conditions under which they are to be carried out, and the conditions under which the delegation of power may be revoked. The authorities or bodies to which the powers are delegated shall be	Where competent authorities delegate the exercise of their powers to other authorities or bodies in accordance with point (c) the delegation of power shall specify the delegated tasks, the conditions under which they are to be carried out, and the conditions under which the delegation of power may be revoked. The authorities or bodies to which the powers are delegated shall be	Where competent authorities delegate the exercise of their powers to other authorities or bodies in accordance with point (c) the delegation of power shall specify the delegated tasks, the conditions under which they are to be carried out, and the conditions under which the delegation of power may be revoked. The authorities or bodies to which the powers are delegated shall be

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	organised in such a manner as to ensure that conflicts of interest are avoided. Competent authorities shall oversee the activity of the authorities or bodies to which the powers are delegated.	organised in such a manner as to ensure that conflicts of interest are avoided. Competent authorities shall oversee the activity of the authorities or bodies to which the powers are delegated.	organised in such a manner as to ensure that conflicts of interest are avoided. Competent authorities shall oversee the activity of the authorities or bodies to which the powers are delegated.	organised in such a manner as to ensure that conflicts of interest are avoided. Competent authorities shall oversee the activity of the authorities or bodies to which the powers are delegated. Text Origin: Commission Proposal
Article 91(2), first subparagraph				
947	2.Member States shall designate competent authorities to ensure and monitor effective compliance with this Regulation. Those competent authorities shall take all appropriate measures to ensure such compliance.	2.Member States shall designate competent authorities to ensure and monitor effective compliance with this Regulation. Those competent authorities shall take all appropriate measures to ensure such compliance.	~~24. Member States shall designate~~ The competent authorities designated under paragraph 1 of this Article shall take all appropriate measures to ensure and monitor effective compliance with this Regulation. ~~Those competent authorities shall take all appropriate measures to ensure such compliance.~~	~~24. Member States shall designate~~ <u>The competent authorities designated under paragraph 1 of this Article shall take all appropriate measures</u> to ensure and monitor effective compliance with this Regulation. ~~Those competent authorities shall take all appropriate measures to ensure such compliance.~~ Text Origin: Council Mandate
Article 91(2), second subparagraph				
948	The competent authorities shall be either:	The competent authorities shall be either:	The competent authorities shall be either:	The competent authorities shall be either: Text Origin: Commission Proposal
Article 91(2), second subparagraph, point (a)				
949	(a) public authorities;	(a) public authorities;	(a) public authorities;	(a) public authorities; Text Origin: Commission Proposal
Article 91(2), second subparagraph, point (b)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
950	(b) bodies recognised by national law or by public authorities expressly empowered for that purpose by national law, including national central banks.	(b) bodies recognised by national law or by public authorities expressly empowered for that purpose by national law, including national central banks.	(b) bodies recognised by national law or by public authorities expressly empowered for that purpose by national law, including national central banks.	(b) bodies recognised by national law or by public authorities expressly empowered for that purpose by national law, including national central banks. Text Origin: Commission Proposal
Article 91(2), third subparagraph				
951	The competent authorities shall be independent from economic bodies and avoid conflicts of interest. Without prejudice to paragraph 2, point (b), payment institutions, credit institutions, or post office giro institutions shall not be designated as competent authorities.	The competent authorities shall be independent from economic bodies and avoid conflicts of interest. Without prejudice to paragraph 2, point (b), payment institutions, credit institutions, or post office giro institutions shall not be designated as competent authorities.	The competent authorities shall be independent from economic bodies and avoid conflicts of interest. Without prejudice to paragraph 24, point (b), payment institutions, credit institutions, or post office giro institutions shall not be designated as competent authorities.	The competent authorities shall be independent from economic bodies and avoid conflicts of interest. Without prejudice to paragraph 24, point (b), payment institutions, credit institutions, or post office giro institutions shall not be designated as competent authorities. Text Origin: Council Mandate
Article 91(3), first subparagraph				
952	3.The competent authorities referred to in paragraph 2 shall possess all investigatory powers and adequate resources necessary for the performance of their tasks.	3.The competent authorities referred to in paragraph 2 shall possess all investigatory powers and adequate resources necessary for the performance of their tasks.	35. The competent authorities referred to in paragraph 24 shall ~~possess all~~ have all supervisory and investigatory powers and adequate resources necessary for the ~~performance~~ exercise of their ~~tasks~~ functions .	3.The competent authorities referred to in paragraph 24 shall ~~possess all~~ have all supervisory and investigatory powers and adequate resources necessary for the ~~performance~~ exercise of their ~~tasks~~ functions . TM 19.11: EC to revert on the need of a reference to PSD3. Council: addition of supervisory needed because of additional powers. Text Origin: Council Mandate
Article 91(3), second subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 953	Those powers shall include:	Those powers shall include:	Those powers shall include at least :	Those powers shall include <u>at least</u> : Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)				
G 954	(a) in the course of procedures to investigate potential breaches of this Regulation, the power to require from, inter alia, the following natural or legal persons, all information necessary to carry out that investigation:	(a) in the course of procedures to investigate potential breaches of this Regulation, the power to require from, inter alia, the following natural or legal persons, all information necessary to carry out that investigation:	(a) in the course of procedures to investigate potential breaches of this Regulation, the power to require from, ~~inter alia~~ insofar as permitted by national law, any person to provide information and documents which the competent authorities consider necessary for the performance of their duties, including the following natural or legal persons, ~~all information necessary to carry out that investigation:~~	(a) in the course of procedures to investigate potential breaches of this Regulation, the power to require from, inter alia, the following natural or legal persons, all information necessary ~~to carry out that investigation~~ <u>for the performance of the duties of the competent authorities</u> : TM 19.11: insofar as permitted by national law moved below 961a. Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(i)				
G 955	(i) payment services providers;	(i) payment services providers;	(i) payment services providers;	(i) payment services providers; Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(ii)				
G 956	(ii) technical service providers and payment system operators;	(ii) technical service providers and payment system operators;	(ii) technical service providers ~~and payment system operators~~ ;	(ii) technical service providers, <u>payment scheme operators</u> and payment system operators <u>that are not covered by Regulation (EU) 2025/1355, without prejudice to the oversight of the operations of those payment systems by the Eurosystem or central banks of Member States whose currency is not the euro</u> ;

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 19.11: payment system operators subject to oversight. EC to revert. TM 9.12: linked to 482. TM 16.12 Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(iii)								
957		(iii)ATM deployers which do not service payment accounts;		(iii)ATM deployers which do not service payment accounts;		(iii)ATM deployers which do not service payment accounts;		(iii)ATM deployers which do not service payment accounts; Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(iv)								
958		(iv) electronic communications services providers;		(iv) electronic communications services providers;		(iv) providers of electronic communications services as defined in Article 2(4), point (b), of Directive (EU) 2018/1972 providers;		(iv) <u>providers of</u> electronic communications services <u>providers as defined in Article 2(4), point (b), of Directive (EU) 2018/1972;</u> TM 19.11: depends on outcome of trilogue of November. TM 9.12: to revert after discussion with DG Connect Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(v)								
959		(v) natural persons belonging to the		(v) natural persons belonging to the		(v) natural persons belonging to the		(v) natural persons belonging to the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	entities referred to in points (i), (ii) and (iii);	entities referred to in points (i), (ii) and (iii);	entities referred to in points (i), (ii) and (iii);	entities referred to in points (i), (ii) and (iii); Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(vi)				
960	(vi) third parties to whom the entities referred to in points (i), (ii) and (iii) have outsourced operational functions or activities;	(vi) third parties to whom the entities referred to in points (i), (ii) and (iii) have outsourced operational functions or activities;	(vi) third parties to whom the entities referred to in points (i), (ii) and (iii) have outsourced operational functions or activities;	(vi) third parties to whom the entities referred to in points (i), (ii) and (iii) have outsourced operational functions or activities; Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (a)(vii)				
961	(vii) agents and distributors of the entities referred to in points (i), (ii) and (iii) and their branches established in the Member State concerned;	(vii) agents and distributors of the entities referred to in points (i), (ii) and (iii) and their branches established in the Member State concerned;	(vii) ~~agents and distributors~~ of the entities referred to in points (i), (ii) and (iii) and their branches established in the Member State concerned;	(vii) agents and ~~distributors~~ <u>branches</u> of the entities referred to in points (i), (ii) and (iii) ~~and their branches~~ <u>that are</u> established in the Member State concerned; Text Origin: Council Mandate
Article 91(3), second subparagraph, point (a)(viiia)				
961a			(viii) any other person involved in the initiation, conclusion or processing of payment services, regardless of negligence and regardless of knowledge of involvement;	<u>(viii) insofar as permitted by national law, any other person, in particular those involved in the initiation, processing or execution of payment services;</u> Text Origin: Council Mandate
Article 91(3), second subparagraph, point (b)				
962	(b) the power to conduct all necessary investigations of any person referred to in points (a) (i) to	(b) the power to conduct all necessary investigations of any person referred to in points (a) (i) to	(b) the power to conduct all necessary investigations of any person referred to in points (a) (i) to	(b) the power to conduct all necessary investigations of any person referred to in points (a) (i) to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	(vii) established or located in the Member State of the competent authority or providing services therein, where necessary to carry out the tasks of the competent authorities, including the power to:	(vii) established or located in the Member State of the competent authority or providing services therein, where necessary to carry out the tasks of the competent authorities, including the power to:	(~~vii~~ viii) established or located in the Member State of the competent authority or providing services therein, where necessary to carry out the tasks of the competent authorities, including at least the power to:	(~~vii~~ viii) established or located in the Member State of the competent authority or providing services therein, where necessary to carry out the tasks of the competent authorities, including the power to: Text Origin: Council Mandate
	Article 91(3), second subparagraph, point (b)(i)			
G	963 (i) require the submission of documents;	(i) require the submission of documents;	(i) require the submission of documents;	(i) require the submission of documents; Text Origin: Commission Proposal
	Article 91(3), second subparagraph, point (b)(ii)			
G	964 (ii) examine the books and records of the persons referred to in points (a) (i) to (vii) and take copies or extracts from such books and records;	(ii) examine the books and records of the persons referred to in points (a) (i) to (vii) and take copies or extracts from such books and records;	(ii) examine the books and records of the persons referred to in points (a) (i) to (vii) and take copies or extracts from such books and records;	(ii) examine the books and records of the persons referred to in points (a) (i) to (vii) and take copies or extracts from such books and records; Text Origin: Commission Proposal
	Article 91(3), second subparagraph, point (b)(iii)			
G	965 (iii) obtain written or oral explanations from any person referred to in points (a) (i) to (vii) or their representatives or staff, where applicable;	(iii) obtain written or oral explanations from any person referred to in points (a) (i) to (vii) or their representatives or staff, where applicable;	(iii) obtain written or oral explanations from any person referred to in points (a) (i) to (vii) or their representatives or staff, where applicable;	(iii) obtain written or oral explanations from any person referred to in points (a) (i) to (vii) or their representatives or staff, where applicable; Text Origin: Commission Proposal
	Article 91(3), second subparagraph, point (b)(iv)			
G	966 (iv) interview any other natural	(iv) interview any other natural	(iv) interview any other natural	(iv) interview any other natural

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation;	person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation;	person ~~who consents to be interviewed~~ for the purpose of collecting information relating to the subject matter of an investigation;	person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation; TM 19.11: comes from CRD6, ESG ratings and MiCA, AMLD. Text Origin: Commission Proposal
Article 91(3), second subparagraph, point (c)				
967	(c) the power to conduct all necessary inspections at the business premises of the legal persons or of the natural persons referred to in points (a)(i) to (vii), subject to the prior notification of the competent authorities concerned.	(c) the power to conduct all necessary inspections at the business premises of the legal persons or of the natural persons referred to in points (a)(i) to (vii), subject to the prior notification of the competent authorities concerned.	(c) the power to conduct all necessary inspections at the ~~business~~ premises of the legal persons and at sites other than the private residence ~~or~~ of the natural persons referred to in ~~points (a)(i) to (vii)~~ point (a) , subject to the prior notification of the competent authorities concerned.	(c) the power to conduct all necessary inspections at the ~~business~~ premises of the legal persons ~~or~~ and at sites other than the private residence of the natural persons referred to in ~~points (a)(i) to (vii)~~ point (a) , subject to the prior notification of the competent authorities concerned. TM 19.11: in most instances (except for MAR), visiting homes should not be permitted. Sites is used in MiCA. Text Origin: Council Mandate
Article 91(3), second subparagraph, point (ca)				
967a			(d) to enter the premises of natural and legal persons, in line with national law, in order to seize items, documents and data in any form where a reasonable suspicion exists that documents or data relating to the subject matter of	<u>(d) to enter the premises of natural and legal persons, in accordance with national law, in order to seize items, documents and data in any form where a reasonable suspicion exists that items, documents or data relating to the subject matter of the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						the inspection or investigation may be necessary and relevant to prove a case of breach of provisions of this Regulation;		<u>inspection or investigation might be necessary and relevant to prove a case of breach of provisions of this Regulation;</u> TM 19.11: this list comes partly from MiCA (94(3)). Council: EMT are regulated under PSR. EC: references to national law are key. Text Origin: Council Mandate
		Article 91(3), second subparagraph, point (cb)						
G		967b				(e) to require, insofar as permitted by national law, existing data traffic records held by a telecommunications operator, where there is a reasonable suspicion of a breach and where such records may be relevant to the investigation of a breach of this Regulation;		<u>(e) to require, insofar as permitted by national law, existing data traffic records held by a telecommunications operator, where there is a reasonable suspicion of a breach and where such records may be necessary for the investigation of a breach of this Regulation;</u> TM 9.12: to be discuss with DG Connect TM 16.10: comes from MiCAR (change "relevant" by "necessary" also because this provision covers all the Regulation and not specific articles like MiCAR). Text Origin: Council Mandate
		Article 91(3), second subparagraph, point (cc)						
G		967c				(f) to request the freezing or sequestration of assets, or both;		<u>(f) to request the freezing or sequestration of assets, or both;</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 9.12: Text Origin: Council Mandate
		Article 91(3), second subparagraph, point (cd)						
G		967d				(g) to refer matters for criminal investigation;		<u>(g) to refer matters for criminal investigation;</u> TM 9.12: Text Origin: Council Mandate
		Article 91(3), second subparagraph, point (ce)						
G		967e				(h) in the absence of other available means to bring about the cessation or the prevention of any breach of this Regulation and in order to avoid the risk of serious harm to the interests of consumers, competent authorities shall, insofar as permitted by national law, be entitled to take any of the following measures, including by requesting a third party or other public authority to implement them:		<u>(h) in the absence of other available means to bring about the cessation or the prevention of any breach of this Regulation and in order to avoid the risk of serious harm to the interests of consumers, insofar as permitted by national law and in accordance where applicable with Article 9 of Regulation (EU) 2022/2065, to take any of the following measures, including by requesting a third party or other public authority to implement them:</u> TM 9.12: to be discussed with DG Connect To be moved at the bottom of the list since this power should be considered as last resort. TM 16.12

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
Article 91(3), second subparagraph, point (cf)								
G		967f				(i) to remove content or to restrict access to an online interface or to order that a warning is explicitly displayed to customers when they access an online interface;		<u>(i) to issue an order to remove content or to restrict access to an online interface or to display a warning that is explicitly displayed to customers when they access an online interface;</u> TM 9.12: to be discussed with DG Connect TM 16.12 Text Origin: Council Mandate
Article 91(3), second subparagraph, point (cg)								
G		967g				(ii) to order a hosting service provider to remove, disable or restrict access to an online interface;		<u>(ii) to order a hosting service provider to remove or disable access to an online interface;</u> TM 9.12: to be discussed with DG Connect TM 16.12 Text Origin: Council Mandate
Article 91(3), second subparagraph, point (ch)								
G		967h				(iii)where appropriate, to order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to register it.		<u>(iii)to order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to register it.</u> TM 9.12: to be discussed with DG

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Connect TM 16.12: MiCAR precedent Art. 94 Text Origin: Council Mandate
Article 91(3), second subparagraph, point (ci)								
G	967i					The implementation of this paragraph and the exercise of powers set out therein shall be proportionate and comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of Fundamental Rights of the European Union. The investigation and enforcement measures adopted pursuant to this Regulation shall be appropriate to the nature and the overall actual or potential harm of the infringement.		<i>deleted</i> TM 9.12: not necessary to mention this for this specific power. See line 971
Article 91(3), second subparagraph, point (cj)								
G	967j					(i) to prohibit an offer to the public where they find that this Regulation has been infringed or where there are reasonable grounds for suspecting that it will be infringed;		<u>(i) to prohibit an offer of payment services where competent authorities find that this Regulation has been infringed or where there are reasonable grounds for suspecting that it will be infringed;</u> TM 9.12: reference to payment services is added Text Origin: Council Mandate
Article 91(3), second subparagraph, point (ck)								

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	967k				(j) to suspend or prohibit marketing communications where there are reasonable grounds for suspecting that this Regulation has been infringed;	<u>(j) to suspend or prohibit marketing communications where there are reasonable grounds for suspecting that this Regulation has been infringed;</u>		Text Origin: Council Mandate
	Article 91(3), second subparagraph, point (cl)							
G	967l				(k) to prohibit the provision of payment services where they find that this Regulation has been infringed;	<u>(k) to prohibit the provision of payment services where they find that this Regulation has been infringed;</u>		Text Origin: Council Mandate
	Article 91(3), second subparagraph, point (cm)							
G	967m				(l) where there is a reason to assume that a person is providing payment services without the required authorisation or the required registration, to order the immediate cessation of the activity without prior warning or imposition of a deadline;	<u>(l) where there is a reason to assume that a person is providing payment services without the required authorisation or the required registration, to order the immediate cessation of the activity without prior warning or imposition of a deadline;</u>		Text Origin: Council Mandate
	Article 91(3), second subparagraph, point (cn)							
G	967n				(m)if payment services are provided without the required authorisation or the required registration, the competent authority shall order the immediate cessation of business operations and the immediate settlement of these activity vis-à-	deleted TM 9.12: this duplicates the line above and goes beyond the scope of PSR.		Text Origin: Council Mandate

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						vis the company, its shareholders and the members of its executive bodies;		
		Article 91(3), second subparagraph, point (co)						
G		967o				(n) the competent authority may		deleted TM 9.12: this goes beyond the scope of PSR.
		Article 91(3), second subparagraph, point (cp)						
G		967p				(i) issue instructions for the settlement and		deleted TM 9.12: this goes beyond the scope of PSR.
		Article 91(3), second subparagraph, point (cq)						
G		967q				(ii) appoint a suitable person as liquidator;		deleted TM 9.12: this goes beyond the scope of PSR.
		Article 91(3), second subparagraph, point (cr)						
G		967r				(o) to publish its measures; personal data may only be published insofar as this is necessary to avert danger;		deleted TM 9.12: this is already covered in Art. 101.
		Article 91(3), second subparagraph, point (cs)						
G		967s				(p) if and as long as facts justify the assumption or it is established that a person is providing		<u>(cs)issue public notices;</u> TM 9.12: 97(2)(b), also see MiFID II (Art.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						unauthorised payment services, also if a company does not provide unauthorised payment services but gives the impression of doing so to the public, the competent authority may inform the public of the suspicion or this finding, stating the name or company name of the company.		99(2)) - same wording. Could be added in the corresponding recital.
		Article 91(3), second subparagraph, point (ct)						
G		967t				(q) to take all necessary measures to ensure that the public is correctly informed, inter alia, by correcting false or misleading disclosed information, including by requiring a payment service provider, or any other person who has published or disseminated false or misleading information to publish a corrective statement;		deleted TM 9.12: covered by the line above. Could be added in the corresponding recital.
		Article 91(3), second subparagraph, point (cu)						
G		967u				(r) to make public the fact that a payment service provider fails to fulfil its obligations;		deleted TM 9.12: covered by the line above (public notices). Could be added in the corresponding recital.
		Article 91(3), second subparagraph, point (cv)						
G		967v				(s) if the information published by the competent authority proves to be false or the underlying circumstances incorrect, the competent authority shall inform		<u>For the purposes of point (p), if the information published by the competent authority proves to be false or the underlying circumstances incorrect, the</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						the public of this in the same way as it previously published the information in question.		<u>competent authority shall inform the public of this in the same way as it previously published the information in question.</u> Text Origin: Council Mandate
	Article 91(3a)							
G	967w					6.The EBA shall publish on its website a list of the competent authorities designated in accordance with paragraphs 1 and 2.		<u>3a. The EBA shall publish on its website a list of the competent authorities designated in accordance with paragraphs 1 and 2.</u> Text Origin: Council Mandate
	Article 91(4)							
G	968	4.Where the law of a Member State lays down criminal sanctions applicable to infringements of this Regulation in accordance with Article 96, paragraph (2), that Member State shall have in place the necessary laws, regulations and administrative provisions to enable competent authorities:		4.Where the law of a Member State lays down criminal sanctions applicable to infringements of this Regulation in accordance with Article 96, paragraph (2), that Member State shall have in place the necessary laws, regulations and administrative provisions to enable competent authorities:		47. Where the law of a Member State lays down criminal sanctions applicable to infringements of this Regulation in accordance with Article 96, ~~paragraph~~ paragraphs (1) and (2) , that Member State shall have in place the necessary laws, regulations and administrative provisions to enable competent authorities:		4.Where the law of a Member State lays down criminal sanctions applicable to infringements of this Regulation in accordance with Article 96, ~~paragraph~~ paragraphs (1) and (2) , that Member State shall have in place the necessary laws, regulations and administrative provisions to enable competent authorities: TM 19.11: dual system in certain system requires to add a reference to paragraph 1 to avoid ne bis in idem. Text Origin: Commission Proposal
	Article 91(4), point (a)							
G	969	(a) to liaise with competent judicial		(a) to liaise with competent judicial		(a) to liaise with competent judicial		(a) to liaise with competent judicial

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	authorities in order to receive specific information regarding criminal investigations of alleged infringements of this Regulation, criminal proceedings commenced in respect of such alleged infringements, and the outcome of such proceedings including the final judgement;	authorities in order to receive specific information regarding criminal investigations of alleged infringements of this Regulation, criminal proceedings commenced in respect of such alleged infringements, and the outcome of such proceedings including the final judgement;	authorities in order to receive specific information regarding criminal investigations of proceedings commenced against the same natural or legal person that may be held responsible for the same alleged infringements of this Regulation, ~~criminal proceedings commenced in respect of such alleged infringements~~ , and the outcome of such proceedings including the final judgement where that information is necessary to fulfill the tasks of the competent authority;	authorities in order to receive specific information regarding criminal investigations of alleged infringements of this Regulation, criminal proceedings commenced in respect of such alleged infringements, and the outcome of such proceedings including the final judgement; TM 19.11: Art. 94 MiCA, Green bonds, MAR. TM 9.12 Text Origin: Commission Proposal
Article 91(4), point (b)				
970	(b) to provide such information to other competent authorities and the EBA to fulfil their obligation of cooperating with each other and with the EBA for the purposes of this Regulation.	(b) to provide such information to other competent authorities and the EBA to fulfil their obligation of cooperating with each other and with the EBA for the purposes of this Regulation.	(b) to provide such information to other competent authorities and the EBA to fulfil their obligation of cooperating with each other and with the EBA for the purposes of this Regulation.	(b) to provide such information to other competent authorities and the EBA to fulfil their obligation of cooperating with each other and with the EBA for the purposes of this Regulation. Text Origin: Commission Proposal
Article 91(5)				
971	5.The implementation and the exercise of powers set out in this Article shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of	5.The implementation and the exercise of powers set out in this Article shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of	~~58.~~ The implementation and the exercise of powers set out in this Article shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of	5.The implementation and the exercise of powers set out in this Article shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of

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	Fundamental Rights of the European Union. The investigation and enforcement measures adopted in application of this Regulation shall be appropriate to the nature and the overall actual or potential harm of the infringement.	Fundamental Rights of the European Union. The investigation and enforcement measures adopted in application of this Regulation shall be appropriate to the nature and the overall actual or potential harm of the infringement.	Fundamental Rights of the European Union. The investigation and enforcement measures adopted in application of this Regulation shall be appropriate to the nature and the overall actual or potential harm of the infringement.	Fundamental Rights of the European Union. The investigation and enforcement measures adopted in application of this Regulation shall be appropriate to the nature and the overall actual or potential harm of the infringement. Text Origin: EP Mandate
Article 91(6)				
972	6.By [OP please insert the date= the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, on complaints procedures, including the channels for submission of complaints, the information requested from complainants, and the disclosure of the aggregate analysis of complaints referred to in Article 90(1).	6.By [OP please insert the date= the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, on complaints procedures, including the channels for submission of complaints, the information requested from complainants, and the disclosure of the aggregate analysis of complaints referred to in Article 90(1).	69. By [OP please insert the date= the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, on complaints procedures, including the channels for submission of complaints, the information requested from complainants, and the disclosure of the aggregate analysis of complaints referred to in Article 90(1).	6.By [~~OP please insert the date=~~ 21 months from the date of entry into force of this Regulation], the EBA shall issue guidelines in accordance with Article 16 of Regulation (EU) No 1093/2010, on complaints procedures, including the channels for submission of complaints, the information requested from complainants, and the disclosure of the aggregate analysis of complaints referred to in Article 90(1). Text Origin: Commission Proposal
Article 92				
973	Article 92 Professional secrecy	Article 92 Professional secrecy	Article 92 Professional secrecy	Article 92 Professional secrecy Text Origin: Commission Proposal
Article 92(1)				
974	1.Without prejudice to cases covered by national criminal law, all persons	1.Without prejudice to cases covered by national criminal law, all persons	1.Without prejudice to cases covered by national criminal law, all persons	1.Without prejudice to cases covered by national criminal law, all persons

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	who work or who have worked for competent authorities, and any experts acting on behalf of the competent authorities, shall be bound by the obligation of professional secrecy regarding the information related to investigations conducted by the competent authorities.	who work or who have worked for competent authorities, and any experts acting on behalf of the competent authorities, shall be bound by the obligation of professional secrecy regarding the information related to investigations conducted by the competent authorities.	who work or who have worked for competent authorities, and any experts acting on behalf of the competent authorities, shall be bound by the obligation of professional secrecy regarding the information related to investigations conducted by the competent authorities.	who work or who have worked for competent authorities, and any experts acting on behalf of the competent authorities, shall be bound by the obligation of professional secrecy regarding the information related to investigations conducted by the competent authorities. Text Origin: Commission Proposal
Article 92(2)				
975	2.The information exchanged in accordance with Article 93 shall be subject to the obligation of professional secrecy by both the sharing and recipient authority.	2.The information exchanged in accordance with Article 93 shall be subject to the obligation of professional secrecy by both the sharing and recipient authority.	2.The information exchanged in accordance with Article 93 shall be subject to the obligation of professional secrecy by both the sharing and recipient authority.	2.The information exchanged in accordance with Article 93 shall be subject to the obligation of professional secrecy by both the sharing and recipient authority. Text Origin: Commission Proposal
Article 92(2a)				
975a			3.Member States may apply this Article taking into account, mutatis mutandis, Articles 53 to 61 of Directive 2013/36/EU.	<u>3.Articles 53 to 61 of Directive 2013/36/EU shall apply mutatis mutandis.</u> TM 19.11: EC to revert, see Art. 26(3) PSD3. TM 9.12: EC: CRD: shall; more relevant for PSD3 and not for the PSR. EC to revert. TM 12.12

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				Text Origin: Council Mandate
Article 92(2b)				
975b				<u>2b. This Article shall not preclude the exchange of information between competent authorities and tax authorities in the same Member State, in accordance with national law. Where the information originates in another Member State, it shall only be exchanged as referred to in the first sentence of this paragraph with the express agreement of the competent authorities which have disclosed it.</u> TM 9.12: moved up from 980a. To check if necessary to keep this line because of the line immediately above.
Article 93				
976	Article 93 Jurisdiction and cooperation of competent authorities	Article 93 Jurisdiction and cooperation of competent authorities	Article 93 Jurisdiction and cooperation of competent authorities	Article 93 Jurisdiction and cooperation of competent authorities Text Origin: Commission Proposal
Article 93(1)				
977	1. In the event of infringement or suspected infringement of Titles II and III, the competent authorities shall be those of the home Member State of the payment service provider, except for agents and branches conducting business under	1. In the event of infringement or suspected infringement of Titles II and III, the competent authorities shall be those of the home Member State of the payment service provider, except for agents and branches conducting business under	1. In the event of infringement or suspected infringement of Titles II and III, the competent authorities shall be those of the home Member State of the payment service provider, except for agents and branches conducting business under	1. In the event of infringement or suspected infringement of Titles II and III, the competent authorities shall be those of the home Member State of the payment service provider, except for agents and branches conducting business under

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	the right of establishment, where the competent authorities shall be those of the host Member State.	the right of establishment, where the competent authorities shall be those of the host Member State.	the right of establishment, where the competent authorities shall be those of the host Member State.	the right of establishment, where the competent authorities shall be those of the host Member State. Text Origin: Commission Proposal
Article 93(2)				
978	2.In the event of infringements or suspected infringements of Titles II and III by technical service providers, payment system operators ATM deployers which do not service payment accounts, electronic communications services providers or by their agents or branches, the competent authorities shall be those of the Member State where the service concerned is provided.	2.In the event of infringements or suspected infringements of Titles II and III by technical service providers, payment system operators ATM deployers which do not service payment accounts, electronic communications services providers or by their agents or branches, the competent authorities shall be those of the Member State where the service concerned is provided.	2.In the event of infringements or suspected infringements of Titles II and III by technical service providers, payment system operators ATM deployers which do not service payment accounts, electronic communications services providers or by their agents or branches, the competent authorities shall be those of the Member State where the service concerned is provided.	2.In the event of infringements or suspected infringements of Titles II and III by technical service providers, payment <u>scheme operators, payment</u> system operators, <u>processing entities</u> , ATM deployers which do not service payment accounts, electronic communications services providers or by their agents or branches, the competent authorities shall be those of the Member State where the service concerned is provided. TM 16.12 4/3: additional of processing entities. Text Origin: Commission Proposal
Article 93(3)				
979	3.In the exercise of their investigatory and sanctioning powers, including in cross border cases, competent authorities shall cooperate with each other and with other authorities from any sector concerned as applicable to each case	3.In the exercise of their investigatory and sanctioning powers, including in cross border cases, competent authorities shall cooperate with each other and with other authorities from any sector concerned as applicable to each case	3.In the exercise of their investigatory and sanctioning powers, including in cross border cases, competent authorities shall cooperate with each other and with other authorities from any sector concerned as applicable to each case	3.In the exercise of their investigatory and sanctioning powers, including in cross border cases, competent authorities shall cooperate with each other ~~and with other authorities from any sector concerned as applicable to each~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and in accordance with Union and national law by exchanging information with each other and ensuring the mutual assistance to other competent authorities concerned as necessary for the effective enforcement of administrative sanctions and administrative measures.	and in accordance with Union and national law by exchanging information with each other and ensuring the mutual assistance to other competent authorities concerned as necessary for the effective enforcement of administrative sanctions and administrative measures.	~~and~~ in accordance with Union and national law by exchanging information with each other and ensuring the mutual assistance to other competent authorities concerned as necessary for the effective enforcement of administrative sanctions and administrative measures.	~~ease and~~ in accordance with Union and national law by exchanging information with each other and ensuring the mutual assistance to other competent authorities concerned as necessary for the effective enforcement of administrative sanctions and administrative measures. TM 12.12 to align with 975a Text Origin: Commission Proposal
Article 93(4)				
980	4.The authorities from other sectors concerned, referred to in paragraph 3, shall cooperate with competent authorities for the effective enforcement of administrative sanctions and administrative measures.	4.The authorities from other sectors concerned, referred to in paragraph 3, shall cooperate with competent authorities for the effective enforcement of administrative sanctions and administrative measures.	4.The authorities from other sectors concerned, referred to in paragraph 3, shall cooperate with competent authorities for the effective enforcement of administrative sanctions and administrative measures.	4.The authorities from other sectors concerned, referred to in paragraph 3, shall cooperate with competent authorities for the effective enforcement of administrative sanctions and administrative measures. Text Origin: Commission Proposal
Article 93(4a)				
980a			5.Article 92 (1) shall not preclude the exchange of information between competent authorities and other authorities (including tax authorities) in the same Member State as well. Where the information originates in another Member State, it shall only be disclosed in accordance with the	<i>deleted</i> TM 19.11: moved under Art. 92 and rephrased based on precedent (see line975b)

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			first sentence of this paragraph with the explicit agreement of the competent authorities which have disclosed the information in accordance with national law.	
Section 2				
981	Section 2 Dispute resolution procedures and penalties	Section 2 Dispute resolution procedures and penalties	Section 2 Dispute resolution procedures and penalties	Section 2 Dispute resolution procedures and penalties Text Origin: Commission Proposal
Article 94				
982	Article 94 Dispute resolution	Article 94 Dispute resolution	Article 94 Dispute resolution	Article 94 Dispute resolution Text Origin: Commission Proposal
Article 94(1), first subparagraph				
983	1.Payment service providers shall put in place and apply adequate and effective complaint resolution procedures for the settlement of complaints of payment service users concerning the rights and obligations under Titles II and III. The competent authorities shall monitor the performance of those procedures.	1.Payment service providers shall put in place and apply adequate and effective complaint resolution procedures for the settlement of complaints of payment service users concerning the rights and obligations under Titles II and III. The competent authorities shall monitor the performance of those procedures.	1.Payment service providers shall put in place and apply adequate and effective complaint resolution procedures for the settlement of complaints of payment service users concerning the rights and obligations under Titles II and III. The competent authorities shall monitor the performance of those procedures.	1.Payment service providers shall put in place and apply adequate and effective complaint resolution procedures for the settlement of complaints of payment service users concerning the rights and obligations under Titles II and III. The competent authorities shall monitor the performance of those procedures. Text Origin: Commission Proposal
Article 94(1), second subparagraph				
984	Those procedures shall be applied in every Member State where the payment service provider offers the	Those procedures shall be applied in every Member State where the payment service provider offers the	Those procedures shall be applied in every Member State where the payment service provider offers the	Those procedures shall be applied in every Member State where the payment service provider offers the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	payment services and shall be available in an official language of the relevant Member State or in another language if agreed between the payment service provider and the payment service user.	payment services and shall be available in an official language of the relevant Member State or in another language if agreed between the payment service provider and the payment service user.	payment services and shall be available in an official language of the relevant Member State or in another language if agreed between the payment service provider and the payment service user.	payment services and shall be available in an official language of the relevant Member State or in another language if agreed between the payment service provider and the payment service user. Text Origin: Commission Proposal
Article 94(2), first subparagraph				
985	2.Payment service providers shall make every possible effort to reply, on paper or, if agreed between the payment service provider and the payment service user, on another durable medium, to the payment service users' complaints. Such a reply shall address all points raised, within an adequate timeframe and at the latest within 15 business days of receipt of the complaint. In exceptional situations, if the answer cannot be given within 15 business days for reasons beyond the control of the payment service provider, it shall send a holding reply, clearly indicating the reasons for a delay in answering to the complaint and specifying the deadline by which the payment service user will receive the final reply. In any event, the deadline for receiving the final reply shall not exceed 35 business days.	2.Payment service providers shall ~~make every possible effort to~~ reply, on paper or, if agreed between the payment service provider and the payment service user, on another durable medium, to the payment service users' complaints. Such a reply shall address all points raised, within an adequate timeframe and at the latest within 15 business days of receipt of the complaint. In exceptional situations, if the answer cannot be given within 15 business days for reasons beyond the control of the payment service provider, it shall send a holding reply, clearly indicating the reasons for a delay in answering to the complaint and specifying the deadline by which the payment service user will receive the final reply. In any event, the deadline for receiving the final reply shall not exceed 35 business days.	2.Payment service providers shall make every possible effort to reply, on paper or, if agreed between the payment service provider and the payment service user, on another durable medium, to the payment service users' complaints. Such a reply shall address all points raised, within an adequate timeframe and at the latest within 15 business days of receipt of the complaint. In exceptional situations, if the answer cannot be given within 15 business days for reasons beyond the control of the payment service provider, it shall send a holding reply, clearly indicating the reasons for a delay in answering to the complaint and specifying the deadline by which the payment service user will receive the final reply. In any event, the deadline for receiving the final reply shall not exceed 35 business days.	2.Payment service providers shall ~~make every possible effort to~~ reply, on paper or, if agreed between the payment service provider and the payment service user, on another durable medium, to the payment service users' complaints. Such a reply shall address all points raised, within an adequate timeframe and at the latest within 15 business days of receipt of the complaint. In exceptional situations, if the answer cannot be given within 15 business days for reasons beyond the control of the payment service provider, it shall send a holding reply, clearly indicating the reasons for a delay in answering to the complaint and specifying the deadline by which the payment service user will receive the final reply. In any event, the deadline for receiving the final reply shall not exceed 35 business days. Text Origin: EP Mandate

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Article 94(2), second subparagraph				
986	Member States may introduce or maintain rules on dispute resolution procedures that are more advantageous to the payment service user than that referred to in the first subparagraph. Where Member States do so, those rules shall apply.	Member States may introduce or maintain rules on dispute resolution procedures that are more advantageous to the payment service user than that referred to in the first subparagraph. Where Member States do so, those rules shall apply.	Member States may introduce or maintain rules on dispute resolution procedures that are more advantageous to the payment service user than that referred to in the first subparagraph. Where Member States do so, those rules shall apply.	Member States may introduce or maintain rules on dispute resolution procedures that are more advantageous to the payment service user than that referred to in the first subparagraph. Where Member States do so, those rules shall apply. Text Origin: Commission Proposal
Article 94(3)				
987	3.The payment service provider shall inform the payment service user about at least one ADR entity which is competent to deal with disputes concerning the rights and obligations under Titles II and III.	3.The payment service provider shall inform the payment service user about at least one ADR entity which is competent to deal with disputes concerning the rights and obligations under Titles II and III.	3.The payment service provider shall inform the payment service user about at least one ADR entity which is competent to deal with disputes concerning the rights and obligations under Titles II and III.	3.The payment service provider shall inform the payment service user about at least one ADR entity which is competent to deal with disputes concerning the rights and obligations under Titles II and III. Text Origin: Commission Proposal
Article 94(4)				
988	4.The information referred to in paragraph 3 shall be mentioned in a clear, comprehensive and easily accessible way on the website of the payment service provider and on the respective mobile application, where they exist, at the branch, and in the general terms and conditions of the contract between the payment service provider and the payment service user. The payment service provider shall specify how further information on the ADR entity	4.The information referred to in paragraph 3 shall be mentioned in a clear, comprehensive and easily accessible way on the website of the payment service provider and on the respective mobile application, where they exist, at the branch, and in the general terms and conditions of the contract between the payment service provider and the payment service user. The payment service provider shall specify how further information on the ADR entity	4.The information referred to in paragraph 3 shall be mentioned in a clear, comprehensive and easily accessible way on the website of the payment service provider and on the respective mobile application, where they exist, at the branch, and in the general terms and conditions of the contract between the payment service provider and the payment service user. The payment service provider shall specify how further information on the ADR entity	4.The information referred to in paragraph 3 shall be mentioned in a clear, comprehensive and easily accessible way on the website of the payment service provider and on the respective mobile application, where they exist, at the branch, and in the general terms and conditions of the contract between the payment service provider and the payment service user. The payment service provider shall specify how further information on the ADR entity

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	concerned and on the conditions for using it can be accessed.	concerned and on the conditions for using it can be accessed.	concerned and on the conditions for using it can be accessed.	concerned and on the conditions for using it can be accessed. Text Origin: Commission Proposal
Article 95				
989	Article 95 ADR procedures	Article 95 ADR procedures	Article 95 ADR procedures	Article 95 ADR procedures Text Origin: Commission Proposal
Article 95(1)				
990	1.Member States shall establish adequate, independent, impartial, transparent and effective ADR procedures for the settlement of disputes between payment service users and payment service providers concerning the rights and obligations under Titles II and III according to the relevant Union and national law in accordance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and the Council¹, using existing competent bodies where appropriate. ADR procedures shall be applicable to payment service providers. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)	1.Member States shall establish adequate, independent, impartial, transparent and effective ADR procedures for the settlement of disputes between payment service users and payment service providers concerning the rights and obligations under Titles II and III according to the relevant Union and national law in accordance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and the Council¹, using existing competent bodies where appropriate. ADR procedures shall be applicable to payment service providers. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)	1.Member States shall establish adequate, independent, impartial, transparent and effective ADR procedures for the settlement of disputes between payment service users and payment service providers concerning the rights and obligations under Titles II and III according to the relevant Union and national law in accordance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and the Council¹, using existing competent bodies where appropriate. ADR procedures shall be applicable to payment service providers. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)	1.Member States shall establish adequate, independent, impartial, transparent and effective ADR procedures for the settlement of disputes between payment service users and payment service providers concerning the rights and obligations under Titles II and III according to the relevant Union and national law in accordance with the quality requirements laid down in Directive 2013/11/EU of the European Parliament and the Council¹, using existing competent bodies where appropriate. ADR procedures shall be applicable to payment service providers. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	(OJ L 165, 18.6.2013, p. 63).	(OJ L 165, 18.6.2013, p. 63).	(OJ L 165, 18.6.2013, p. 63).	(OJ L 165, 18.6.2013, p. 63). Text Origin: Commission Proposal
Article 95(1a)				
990a			The first subparagraph is without prejudice to the right of the payment service user concerned to initiate proceedings to contest the disputed payment transaction by the payment service providers before a court in accordance with the applicable law.	<u>The first subparagraph and paragraph 1a are without prejudice to the right of the payment service user concerned to initiate proceedings to contest the disputed payment transaction by the payment service providers before a court in accordance with the applicable law.</u> TM 9.12: Text Origin: Council Mandate
Article 95(1b)				
990b		<u>1a. The participation of payment service providers in ADR procedures for consumers shall be mandatory unless the Member State demonstrates to the Commission that other mechanisms are equally effective.</u>		<u>1b. The participation of payment service providers in ADR procedures for consumers shall be mandatory, unless the Member State demonstrates to the Commission that other mechanisms are equally effective.</u> TM 19.11: Council against because free access to court and in line of the ARD directive. EC supports (and BEUC), also in energy sector. EC to revert.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 9.12: implementation of trilogue agreement. Clarification in recital would be welcome that the consumer cannot be forced to take part in ADR. Art. 26(2) of directive. Council to revert. TM 12.12 Text Origin: EP Mandate
Article 95(2)				
991	2.The bodies referred to in paragraph 1 of this Article shall cooperate effectively for the resolution of cross-border disputes concerning the rights and obligations under Titles II and III.	2.The bodies referred to in paragraph 1 of this Article shall cooperate effectively for the resolution of cross-border disputes concerning the rights and obligations under Titles II and III.	2.The bodies referred to in paragraph 1 of this Article shall cooperate effectively for the resolution of cross-border disputes concerning the rights and obligations under Titles II and III.	2.The bodies referred to in paragraph 1 of this Article shall cooperate effectively for the resolution of cross-border disputes concerning the rights and obligations under Titles II and III. Text Origin: Commission Proposal
Article 95(3)				
992	3.Member States shall designate a competent authority to accredit, monitor and publish the quality level of the ADR entity or entities on their territory to resolve disputes concerning rights and obligations under Titles II and III, in line with Article 18 of Directive 2013/11/EU.	3.Member States shall designate a competent authority to accredit, monitor and publish the quality level of the ADR entity or entities on their territory to resolve disputes concerning rights and obligations under Titles II and III, in line with Article 18 of Directive 2013/11/EU.	3.Member States shall designate a competent authority to accredit, monitor and publish the quality level of the in line with Article 18 of Directive 2013/11/EU which shall carry out the functions set out in Articles 19 and 20 of that Directive as regards ADR entity or entities on their territory to resolve disputes concerning rights and obligations under Titles II and III, in line with Article 18 of Directive 2013/11/EU.	3.Member States shall designate a competent authority ~~to accredit,~~ ~~monitor and publish the quality level of the~~ <u>in line with Article 18 of Directive 2013/11/EU which shall carry out the functions set out in Articles 19 and 20 of that Directive as regards</u> ADR entity or entities on their territory to resolve disputes concerning rights and obligations under Titles II and III, ~~in line with Article 18 of Directive 2013/11/EU~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				of this Regulation. TM 9.23 Text Origin: Council Mandate
Article 95(4)				
993	4.Competent authorities, referred to in paragraph 3 shall notify ADR entity or entities in their territories to resolve disputes concerning rights and obligations under Titles II and III to the Commission, in line with Article 20 of Directive 2013/11/EU.	4.Competent authorities, referred to in paragraph 3 shall notify ADR entity or entities in their territories to resolve disputes concerning rights and obligations under Titles II and III to the Commission, in line with Article 20 of Directive 2013/11/EU.	4.Competent authorities, referred to in paragraph 3 shall notify ADR entity or entities in their territories to resolve disputes concerning rights and obligations under Titles II and III to the Commission, in line with Article 20 of Directive 2013/11/EU.	4.Competent authorities, referred to in paragraph 3 shall notify ADR entity or entities in their territories to resolve disputes concerning rights and obligations under Titles II and III to the Commission, in line with Article 20 of Directive 2013/11/EU. Text Origin: Commission Proposal
Article 95(5)				
994	5.The Commission shall make publicly available a list of the ADR entities notified to it in accordance with paragraph 4 and update that list whenever changes are communicated.	5.The Commission shall make publicly available a list of the ADR entities notified to it in accordance with paragraph 4 and update that list whenever changes are communicated.	5. Member States and the Commission shall make publicly available a list of the ADR entities notified to it in accordance with paragraph 4 and update that list whenever changes are communicated.	5.The Commission shall make publicly available a list of the ADR entities notified to it in accordance with paragraph 4 and update that list whenever changes are communicated. Member States shall make publicly available a hyperlink to the website of the Commission containing the information referred to in the first subparagraph. TM 9.12 Text Origin: Council Mandate
Article 96				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
995	Article 96 Administrative sanctions and administrative measures	Article 96 Administrative sanctions and administrative measures	Article 96 Administrative sanctions and administrative measures	Article 96 Administrative sanctions and administrative measures Text Origin: Commission Proposal	
Article 96(1)					
996	1. Without prejudice to the supervisory powers of competent authorities designated under Directive (EU) XXX (PSD3), in accordance with Title II, Chapter 1, section 3 of that Directive, and the right of Member States to lay down criminal sanctions, Member States shall lay down rules on administrative sanctions and administrative measures applicable to infringements of this Regulation and shall ensure that they are implemented. The administrative sanctions and administrative measures shall be effective, proportionate and dissuasive.	1. Without prejudice to the supervisory powers of competent authorities designated under Directive (EU) XXX (PSD3), in accordance with Title II, Chapter 1, section 3 of that Directive, and the right of Member States to lay down criminal sanctions, Member States shall lay down rules on administrative sanctions and administrative measures applicable to infringements of this Regulation and shall ensure that they are implemented. The administrative sanctions and administrative measures shall be effective, proportionate and dissuasive.	1. Without prejudice to the supervisory powers of competent authorities designated under Directive (EU) XXX (PSD3), in accordance with Title II, Chapter 1, section 3 of that Directive, and the right of Member States to lay down criminal sanctions, Member States shall lay down rules on administrative sanctions and administrative measures applicable to infringements of this Regulation and shall ensure that they are implemented. The administrative sanctions and administrative measures shall be effective, proportionate and dissuasive.	1. Without prejudice to the supervisory powers of competent authorities designated under Directive (EU) XXX (PSD3), in accordance with Title II, Chapter 1, section 3 of that Directive, and the right of Member States to lay down criminal sanctions, Member States shall lay down rules on administrative sanctions and administrative measures applicable to infringements of this Regulation and shall ensure that they are implemented. The administrative sanctions and administrative measures shall be effective, proportionate and dissuasive. TM 9.12: to address EP AM in line 1008 Text Origin: Commission Proposal	
Article 96(2)					
997	2. Member States may decide not to lay down rules on administrative sanctions and administrative measures applicable to breaches of this Regulation which are subject to	2. Member States may decide not to lay down rules on administrative sanctions and administrative measures applicable to breaches of this Regulation which are subject to	2. Member States may decide not to lay down rules on administrative sanctions and administrative measures applicable to breaches of this Regulation which are subject to	2. Member States may decide not to lay down rules on administrative sanctions and administrative measures applicable to breaches of this Regulation which are subject to	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	sanctions under national criminal law. In such a case, Member States shall notify the Commission of the relevant criminal law provisions and any subsequent amendments thereto in accordance with Article 103.	sanctions under national criminal law. In such a case, Member States shall notify the Commission of the relevant criminal law provisions and any subsequent amendments thereto in accordance with Article 103.	sanctions under national criminal law. In such a case, Member States shall notify the Commission of the relevant criminal law provisions and any subsequent amendments thereto in accordance with Article 103.	sanctions under national criminal law. In such a case, Member States shall notify the Commission of the relevant criminal law provisions and any subsequent amendments thereto in accordance with Article 103. Text Origin: Commission Proposal
Article 96(3)				
998	3.Where the national rules referred to in paragraph 1 apply to payment service providers and other legal persons, in case of infringements and subject to the conditions laid down in national law, administrative sanctions and administrative measures shall be applicable to the members of the management body of such payment services providers and legal persons and to other natural persons found to be responsible for a breach of this Regulation.	3.Where the national rules referred to in paragraph 1 apply to payment service providers and other legal persons, in case of infringements and subject to the conditions laid down in national law, administrative sanctions and administrative measures shall be applicable to the members of the management body of such payment services providers and legal persons and to other natural persons found to be responsible for a breach of this Regulation.	3.Where the national rules referred to in paragraph 1 apply to payment service providers and other legal persons, in case of infringements and subject to the conditions laid down in national law, administrative sanctions and administrative measures shall be applicable to the members of the management body of such payment services providers and legal persons and to other natural persons found to be responsible for a breach of this Regulation.	3.Where the national rules referred to in paragraph 1 apply to payment service providers and other legal persons, in case of infringements and subject to the conditions laid down in national law, administrative sanctions and administrative measures shall be applicable to the members of the management body of such payment services providers and legal persons and to other natural persons found to be responsible for a breach of this Regulation. Text Origin: Commission Proposal
Article 96(4), first subparagraph				
999	4.Member States may lay down rules, in accordance with their national law, enabling their competent authorities to close an investigation concerning an alleged infringement of this Regulation, following a settlement agreement or	4.Member States may lay down rules, in accordance with their national law, enabling their competent authorities to close an investigation concerning an alleged infringement of this Regulation, following a settlement agreement or	4.Member States may lay down rules, in accordance with their national law, enabling their competent authorities to close an investigation concerning an alleged infringement of this Regulation, following a settlement agreement or	4.Member States may lay down rules, in accordance with their national law, enabling their competent authorities to close an investigation concerning an alleged infringement of this Regulation, following a settlement agreement or

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	an expedited enforcement procedure.	an expedited enforcement procedure.	an expedited enforcement procedure.	an expedited enforcement procedure. Text Origin: Commission Proposal
Article 96(4), second subparagraph				
1000	The empowerment of competent authorities to settle or open expedite enforcement procedures does not affect the obligations upon Member States under paragraph 1.	The empowerment of competent authorities to settle or open expedite enforcement procedures does not affect the obligations upon Member States under paragraph 1.	The empowerment of competent authorities to settle or open expedite enforcement procedures does not affect the obligations upon Member States under paragraph 1.	The empowerment of competent authorities to settle or open expedite enforcement procedures does not affect the obligations upon Member States under paragraph 1. Text Origin: Commission Proposal
Article 96(4), second subparagraph a				
1000a				<u><i>Paragraphs 1, 3 and 4 of this Article shall apply to the administrative sanctions and other administrative measures laid down in Article 97.</i></u> TM 9.12: to address EP AM in line 1008
Article 97				
1001	Article 97 Administrative sanctions and other administrative measures for specific infringements	Article 97 Administrative sanctions and other administrative measures for specific infringements	Article 97 Administrative sanctions and other administrative measures for specific infringements	Article 97 Administrative sanctions and other administrative measures for specific infringements Text Origin: Commission Proposal
Article 97(1)				
1002	1. Without prejudice to Article 96(2), national laws, regulations and administrative provisions shall lay down the administrative sanctions	1. Without prejudice to Article 96(2), national laws, regulations and administrative provisions shall lay down the administrative sanctions	1. Without prejudice to Article 96(2), national laws, regulations and administrative provisions shall lay down the administrative sanctions	1. Without prejudice to Article 96(2), national laws, regulations and administrative provisions shall lay down the administrative sanctions

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	and other administrative measures referred to in paragraph 2 of this Article in respect of the breaching or circumvention of the following provisions:	and other administrative measures referred to in paragraph 2 of this Article in respect of the breaching or circumvention of the following provisions:	and other administrative measures referred to in paragraph 2 of this Article in respect of the breaching of or non-compliance with ~~circumvention~~ of the following provisions:	and other administrative measures referred to in paragraph 2 of this Article in respect of the breaching ~~or circumvention~~ of the following provisions: TM 9.12 Text Origin: Commission Proposal
Article 97(1), point (a)				
G 1003	(a) the rules on access to accounts maintained with a credit institution laid down in Article 32;	(a) the rules on access to accounts maintained with a credit institution laid down in Article 32;	(a) the rules on access to accounts maintained with a credit institution laid down in Article 32;	(a) the rules on access to accounts maintained with a credit institution laid down in Article 32; Text Origin: Commission Proposal
Article 97(1), point (b)				
G 1004	(b) the secure data access rules by either account servicing payment service provider or by account information service providers and payment initiation service providers laid down in of Title III, Chapter 3, without prejudice to Article 45;	(b) the secure data access rules by either account servicing payment service provider or by account information service providers and payment initiation service providers laid down in of Title III, Chapter 3, without prejudice to Article 45;	(b) ~~the secure data access rules by either account servicing payment service provider or by account information service providers and payment initiation service providers laid down in of Title III, Chapter 3,~~ the rules on account information services and payment initiation services laid down in Title III, Chapter 3, particularly in relation to Article 38 ;	(b) the ~~secure data access~~ rules ~~by either account servicing payment service provider or by account information service providers~~ ~~and payment initiation service providers~~ ~~laid down in of Title III, Chapter 3,~~ ~~without prejudice to Article 45;~~ by either account servicing payment service provider or by on account information service providers services and payment initiation service providers services laid down in ~~of Title III, Chapter 3,~~ ~~without prejudice to Article 45;~~ TM 9.12: Council mandate broadens the scope. Text Origin: Council Mandate
Article 97(1), point (c)				
G 1005	(c) the obligation to organise or perform fraud prevention	(c) the obligation to organise or perform fraud prevention	(c) the obligation to organise or perform fraud prevention	(c) the obligation to organise or perform fraud prevention

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	mechanisms including strong customer authentication as set out in Articles 85, 86 and 87;	mechanisms including strong customer authentication as set out in Articles 85, 86 and 87;	mechanisms including strong customer authentication as set out in Articles 83 , 85, 86 and 87;	mechanisms, including strong customer authentication as set out in Articles 85, 86 and 87; TM 9.12: clarification in recital that this covers TMM (Art. 83). Text Origin: Commission Proposal
Article 97(1), point (d)				
G 1006	(d) the duty to comply with the requirements for transparency on fees by ATM operators or other cash distributors, in accordance with Article 20(c) point (ii);	(d) the duty to comply with the requirements for transparency on fees by ATM operators or other cash distributors, in accordance with Article 20(c) point (ii);	(d) the duty to comply with the requirements for transparency on fees by ATM operators or other cash distributors, in accordance with Article 20(c) point (ii);	(d) the duty to comply with the requirements for transparency on fees by ATM operators or other cash distributors, in accordance with Article 20(c) point (ii); Text Origin: Commission Proposal
Article 97(1), point (e)				
G 1007	(e) failure of payment service providers to respect the period for compensation of payment service users as set out in Article 56(2), Article 57(2) and Article 59(2).	(e) failure of payment service providers to respect the period for compensation of payment service users as set out in Article 56(2), Article 57(2) and Article 59(2).	(e) failure of payment service providers to respect the period for compensation of payment service users as set out in Article 56(2), Article 57(2) ~~and~~ , Article 59(2) and Article 63(2).	(e) failure of payment service providers to respect the period for compensation of payment service users as set out in Article 56(2), Article 57(2) ~~and~~ , Article 59(2) <u>and Article 63(2).</u> TM 9.12 Text Origin: Council Mandate
Article 97(2)				
G 1008	2.In the cases referred to in paragraph 1, the applicable administrative sanctions and administrative measures shall	2.In the cases referred to in paragraph 1, the applicable administrative sanctions and administrative measures shall <u>be</u>	2.In the cases referred to in paragraph 1, the applicable administrative sanctions and administrative measures shall	2.In the cases referred to in paragraph 1, the applicable administrative sanctions and administrative measures shall

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	include the following:	<u>effective, proportionate and dissuasive and shall</u> include the following:	include the following:	include the following: TM 9.12: see change to line 1000a above. Text Origin: Commission Proposal
Article 97(2), point (a)				
1009	(a) administrative fines;	(a) administrative fines;	(a) administrative fines;	(a) administrative fines; Text Origin: Commission Proposal
Article 97(2), point (a)(i)				
1010	(i) in the case of a legal person, a maximum administrative fine of at least 10% of its total annual turnover as defined under paragraph 3;	(i) in the case of a legal person, a maximum administrative fine of at least ~~10%~~ <u>7,5 %</u> of its total annual turnover as defined under paragraph 3;	(i) in the case of a legal person, a maximum administrative fine of at least 10% of its total annual turnover as defined under paragraph 3;	(i) in the case of a legal person, a maximum administrative fine of at least 10% of its total annual turnover as defined under paragraph 3; TM 9.12: to revert. TM 12.12 Text Origin: Commission Proposal
Article 97(2), point (a)(ii)				
1011	(ii) in the case of a natural person, a maximum administrative fine of at least EUR 5 000 000, or in the Member States whose currency is not the euro, the corresponding value in the national currency on the date of entry into force of this Regulation;	(ii) in the case of a natural person, a maximum administrative fine of at least EUR ~~5 000 000~~ <u>2 750 000</u> , or in the Member States whose currency is not the euro, the corresponding value in the national currency on the date of entry into force of this Regulation;	(ii) in the case of a natural person, a maximum administrative fine of at least EUR 5 000 000, or in the Member States whose currency is not the euro, the corresponding value in the national currency on the date of entry into force of this Regulation;	(ii) in the case of a natural person, a maximum administrative fine of at least EUR ~~5 000 000~~ <u>3 000 000</u> , or in the Member States whose currency is not the euro, the corresponding value in the national currency on the date of entry into force of this Regulation;

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 9.12: to revert. TM 12.12 Text Origin: EP Mandate
Article 97(2), point (a)(iii)				
1012	(iii) a maximum administrative fine of at least twice the amount of the profits gained from the breach, where that profit can be determined.	(iii) a maximum administrative fine of at least twice the amount of the profits gained from the breach, where that profit can be determined.	(iii) a maximum administrative fine of at least twice the amount of the profits gained from the breach or losses avoided because of the infringement , where that ~~profit~~ those profits or losses can be determined, even if such fine exceeds the maximum amounts set out in this paragraph, point (i), as regards legal persons, or in point (ii) as regards natural persons.	(iii) a maximum administrative fine of at least twice the amount of the profits gained from <u>or losses avoided because of</u> the breach, where ~~that profit~~ <u>those profits or losses</u> can be determined, <u>even if such fine exceeds the maximum amounts set out in this paragraph, point (i), as regards legal persons, or in point (ii) as regards natural persons.</u> TM 9.12 Text Origin: Council Mandate
Article 97(2), point (b)				
1013	(b) a public statement indicating the legal or natural person responsible for the breach and the nature of the breach;	(b) a public statement indicating the legal or natural person responsible for the breach and the nature of the breach;	(b) a public statement under the prerequisites of Article 101 indicating the legal or natural person responsible for the breach and the nature of the breach;	(b) a public statement indicating the legal or natural person responsible for the breach and the nature of the breach; TM 9.12 Text Origin: Commission Proposal
Article 97(2), point (c)				
1014	(c) an order requiring the legal or natural person responsible for the	(c) an order requiring the legal or natural person responsible for the	(c) an order requiring the legal or natural person responsible for the	(c) an order requiring the legal or natural person responsible for the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	breach to cease the unlawful conduct and to desist from repeating it;	breach to cease the unlawful conduct and to desist from repeating it;	breach to cease the unlawful conduct and to desist from repeating it;	breach to cease the unlawful conduct and to desist from repeating it; Text Origin: Commission Proposal
Article 97(2), point (d)				
1015	(d) a temporary ban preventing a member of the management body of the legal person, or any other natural person who is held responsible for the breach, from exercising managing functions.	(d) a temporary ban preventing a member of the management body of the legal person, or any other natural person who is held responsible for the breach, from exercising managing functions.	(d) a temporary ban preventing a member of the management body of the legal person, or any other natural person who is held responsible for the breach, from exercising managing functions.	(d) a temporary ban preventing a member of the management body of the legal person, or any other natural person who is held responsible for the breach, from exercising managing functions. Text Origin: Commission Proposal
Article 97(3), first subparagraph				
1016	3.The total annual turnover referred to in paragraph 2, point (a)(i) of this Article and in Article 98(1) of this Regulation shall be equal to the net turnover as defined in Article 2, point (5), of Directive 2013/34/EU according to the annual financial statements available for the latest balance sheet date, for which the members of the administrative, management and supervisory bodies of the legal person have responsibility.	3.The total annual turnover referred to in paragraph 2, point (a)(i) of this Article and in Article 98(1) of this Regulation shall be equal to the net turnover as defined in Article 2, point (5), of Directive 2013/34/EU according to the annual financial statements available for the latest balance sheet date, for which the members of the administrative, management and supervisory bodies of the legal person have responsibility.	3.The total annual turnover referred to in paragraph 2, point (a)(i) of this Article and in Article 98(1) of this Regulation shall be equal to the net turnover as defined in Article 2, point (5), of Directive 2013/34/EU according to the annual financial statements available for the latest balance sheet date, for which the members of the administrative, management and supervisory bodies of the legal person have responsibility.	3.The total annual turnover referred to in paragraph 2, point (a)(i) of this Article and in Article 98(1) of this Regulation shall be equal to the net turnover as defined in Article 2, point (5), of Directive 2013/34/EU according to the annual financial statements available for the latest balance sheet date, for which the members of the administrative, management and supervisory bodies of the legal person have responsibility. Text Origin: Commission Proposal
Article 97(3), second subparagraph				
1017	Where the legal person is a parent	Where the legal person is a parent	Where the legal person is a parent	Where the legal person is a parent

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Article 22 of Directive 2013/34/EU, the relevant total annual turnover shall be the net turnover or the revenue to be determined in accordance with the relevant accounting standards, according to the consolidated financial statements of the ultimate parent undertaking available for the latest balance sheet date, for which the members of the administrative, management and supervisory body of the ultimate undertaking have responsibility.	undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Article 22 of Directive 2013/34/EU, the relevant total annual turnover shall be the net turnover or the revenue to be determined in accordance with the relevant accounting standards, according to the consolidated financial statements of the ultimate parent undertaking available for the latest balance sheet date, for which the members of the administrative, management and supervisory body of the ultimate undertaking have responsibility.	undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Article 22 of Directive 2013/34/EU, the relevant total annual turnover shall be the net turnover or the revenue to be determined in accordance with the relevant accounting standards, according to the consolidated financial statements of the ultimate parent undertaking available for the latest balance sheet date, for which the members of the administrative, management and supervisory body of the ultimate undertaking have responsibility.	undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Article 22 of Directive 2013/34/EU, the relevant total annual turnover shall be the net turnover or the revenue to be determined in accordance with the relevant accounting standards, according to the consolidated financial statements of the ultimate parent undertaking available for the latest balance sheet date, for which the members of the administrative, management and supervisory body of the ultimate undertaking have responsibility. Text Origin: Commission Proposal
Article 97(4)				
1018	4.Member States may empower competent authorities, in accordance with national law, to impose other types of sanctions and other type of sanctioning powers in addition to those referred to in paragraph 2 of this Article and Article 98 on periodic penalty payments.	4.Member States may empower competent authorities, in accordance with national law, to impose other types of sanctions and other type of sanctioning powers in addition to those referred to in paragraph 2 of this Article and Article 98 on periodic penalty payments.	4.Member States may empower competent authorities, in accordance with national law, to impose other types of administrative measures and sanctions and other type of sanctioning powers in addition to those referred to in paragraph 2 of this Article and Article 98 on periodic penalty payments.	4.Member States may empower competent authorities, in accordance with national law, to impose other types of <u>administrative measures</u> and sanctions and other type of sanctioning powers in addition to those referred to in paragraph 2 of this Article ~~and Article 98 on periodic penalty payments.~~ TM 9.12: PPPs are covered under administrative measures. Text Origin: Council Mandate
Article 98				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
1019	Article 98 Periodic penalty payments	Article 98 Periodic penalty payments	Article 98 Periodic penalty payments	Article 98 Periodic penalty payments Text Origin: Commission Proposal
Article 98(1), first subparagraph				
1020	1.Competent authorities shall be entitled to impose periodic penalty payments on legal or natural persons for failure to comply with any decision, order, interim measure, request, obligation or other measure adopted in accordance with this Regulation.	1.Competent authorities shall be entitled to impose periodic penalty payments on legal or natural persons for failure to comply with any decision, order, interim measure, request, obligation or other measure adopted in accordance with this Regulation.	1.Competent authorities shall be entitled to impose periodic penalty payments on legal or natural persons for ~~failure to comply with any decision, order, interim measure, request, obligation or other measure adopted~~ ongoing breaches of this Regulation or breaches of any decisions issued by a competent authority in accordance with this Regulation.	1.Competent authorities shall be entitled to impose periodic penalty payments on legal or natural persons for ~~failure to comply with any decision, order, interim measure, request, obligation or other measure adopted~~ <u>ongoing breaches of this Regulation or breaches of any decisions issued by a competent authority</u> in accordance with this Regulation. TM 9.12 see CRD 6 definition of PPP. Text Origin: Council Mandate
Article 98(1), second subparagraph				
1021	Periodic penalty payment referred to in the first subparagraph shall be effective and proportionate and shall consist of a daily amount to be paid until compliance is restored. They shall be imposed for a period not exceeding 6 months from the date indicated in the decision imposing the periodic penalty payments.	Periodic penalty payment referred to in the first subparagraph shall be effective and proportionate and shall consist of a daily amount to be paid until compliance is restored. They shall be imposed for a period not exceeding 6 months from the date indicated in the decision imposing the periodic penalty payments.	Periodic penalty payment referred to in the first subparagraph shall be effective ~~and~~ , proportionate and dissuasive and shall consist of a daily amount to be paid until compliance is restored. They shall be imposed for a period not exceeding 6 months from the date indicated in the decision imposing the periodic penalty payments.	Periodic penalty payment referred to in the first subparagraph shall be effective and proportionate and shall consist of a daily amount to be paid until compliance is restored. They shall be imposed for a period not exceeding 6 months from the date indicated in the decision imposing the periodic penalty payments. Text Origin: Commission Proposal
Article 98(1), third subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	1022	Competent authorities shall be entitled to impose maximum periodic penalty payments of at least:	Competent authorities shall be entitled to impose maximum periodic penalty payments of at least:	Competent authorities shall be entitled to impose maximum periodic penalty payments of at least: Text Origin: Commission Proposal	G
Article 98(1), third subparagraph, point (a)					
G	1023	(a) 3% of the average daily turnover in the case of a legal person;	(a) 3% of the average daily turnover in the case of a legal person;	(a) 3% of the average daily turnover in the case of a legal person; Text Origin: Commission Proposal	G
Article 98(1), third subparagraph, point (b)					
G	1024	(b) EUR 30.000 in the case of a natural person.	(b) EUR 30.000 in the case of a natural person.	(b) EUR 30.000 in the case of a natural person. Text Origin: Commission Proposal	G
Article 98(1), fourth subparagraph					
G	1025	The average daily turnover shall be the total annual turnover referred to in Article 97(3), divided by 365.	The average daily turnover shall be the total annual turnover referred to in Article 97(3), divided by 365. If the periodic penalty payment is imposed to credit institutions, the average daily turnover shall be the total annual turnover referred to in Articles 66(3) and 67(3) of Directive 2013/36/EU, divided by 365.	The average daily turnover shall be the total annual turnover referred to in Article 97(3), divided by 365. <u><i>Where a periodic penalty payment is imposed on a credit institution, the average daily turnover shall be the total annual turnover referred to in Articles 66(3) and 67(3) of Directive 2013/36/EU, divided by 365.</i></u> TM to align with CRD. Text Origin: Council Mandate	G
Article 98(2)					

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
1026	2.Member States may provide for higher amounts of pecuniary penalty payments than those laid down in paragraph 1.	2.Member States may provide for higher amounts of pecuniary penalty payments than those laid down in paragraph 1.	2.Member States may provide for higher amounts of pecuniary penalty payments than those laid down in paragraph 1.	2.Member States may provide for higher amounts of pecuniary penalty payments than those laid down in paragraph 1. Text Origin: Commission Proposal
Article 99				
1027	Article 99 Elements to be considered when determining administrative sanctions and other administrative measures	Article 99 Elements to be considered when determining administrative sanctions and other administrative measures	Article 99 Elements to be considered when determining administrative sanctions and other administrative measures	Article 99 Elements to be considered when determining administrative sanctions and other administrative measures Text Origin: Commission Proposal
Article 99(1)				
1028	1.Competent authorities, when determining the type and level of administrative sanctions or other administrative measures, shall take into account all relevant elements and circumstances to apply proportionate sanctions, including:	1.Competent authorities, when determining the type and level of administrative sanctions or other administrative measures, shall take into account all relevant elements and circumstances to apply proportionate sanctions, including:	1. Member States shall lay down rules, in accordance with national law, to ensure that competent authorities, when determining the type and level of administrative sanctions or other administrative measures, shall take into account all relevant elements and circumstances in order to ensure that such sanctions or measures are effective and to apply proportionate. Those circumstances shall include, where appropriate-sanctions, including:	1.Competent authorities, when determining the type and level of administrative sanctions or other administrative measures, shall take into account all relevant elements and circumstances to apply proportionate sanctions, including: TM 9.12 Text Origin: Commission Proposal
Article 99(1), point (a)				
1029	(a) the seriousness and the duration of the infringement;	(a) the seriousness and the duration of the infringement;	(a) the seriousness and the duration of the infringement;	(a) the seriousness and the duration of the infringement; Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
				Proposal	
Article 99(1), point (b)					
G	1030	(b) the degree of responsibility of the natural or legal person responsible for the infringement;	(b) the degree of responsibility of the natural or legal person responsible for the infringement;	(b) the degree of responsibility of the natural or legal person responsible for the infringement; Text Origin: Commission Proposal	G
Article 99(1), point (c)					
G	1031	(c) the financial strength of the natural or legal person responsible for the breach, as indicated, among others, by the total annual turnover of the legal person, or the annual income of the natural person responsible for the infringement;	(c) the financial strength of the natural or legal person responsible for the breach, as indicated, among others, by the total annual turnover of the legal person, or the annual income of the natural person responsible for the infringement;	(c) the financial strength of the natural or legal person responsible for the breach, as indicated, among others, by the total annual turnover of the legal person, or the annual income of the natural person responsible for the infringement; Text Origin: Commission Proposal	G
Article 99(1), point (d)					
G	1032	(d) the magnitude of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined;	(d) the magnitude of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined;	(d) the magnitude of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined; Text Origin: Commission Proposal	G
Article 99(1), point (e)					
G	1033	(e) the losses for third parties resulted from the infringement, insofar as they can be determined;	(e) the losses for third parties resulted from the infringement, insofar as they can be determined;	(e) the losses for third parties resulted from the infringement, insofar as they can be determined; Text Origin: Commission	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 99(1), point (f)				
1034	(f) the disadvantage resulting to the legal or natural person responsible for the breach from the duplication of criminal and administrative proceedings and sanctions for the same conduct;	(f) the disadvantage resulting to the legal or natural person responsible for the breach from the duplication of criminal and administrative proceedings and sanctions for the same conduct;	(f) ~~the disadvantage resulting to the legal or~~ criminal penalties previously imposed for the same breach on the natural or legal person responsible for the that breach from the duplication of criminal and administrative proceedings and sanctions for the same conduct;	(f) ~~the disadvantage resulting to the legal or~~ criminal penalties previously imposed for the same breach on the natural or legal person responsible for the that breach from the duplication of criminal and administrative proceedings and sanctions for the same conduct; TM 9.12: new wording from CRD6.
Article 99(1), point (g)				
1035	(g) the impact of the infringement in the interests of consumers and other payment services users;	(g) the impact of the infringement in the interests of consumers and other payment services users;	(g) the impact of the infringement in the interests of consumers and other payment services users;	(g) the impact of the infringement in the interests of consumers and other payment services users; Text Origin: Commission Proposal
Article 99(1), point (h)				
1036	(h) any actual or potential systemic negative consequences of the infringement;	(h) any actual or potential systemic negative consequences of the infringement;	(h) any actual or potential systemic negative consequences of the infringement;	(h) any actual or potential systemic negative consequences of the infringement; Text Origin: Commission Proposal
Article 99(1), point (i)				
1037	(i) the complicity or participation of more than one natural or legal person in the infringement;	(i) the complicity or participation of more than one natural or legal person in the infringement;	(i) the complicity or participation of more than one natural or legal person in the infringement;	(i) the complicity or participation of more than one natural or legal person in the infringement; Text Origin: Commission Proposal
Article 99(1), point (j)				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	1038	(j) previous infringements committed by the natural or legal person responsible for the breach;	(j) previous infringements committed by the natural or legal person responsible for the breach;	(j) penalties or measures for previous comparable infringements committed by the natural or legal person responsible for the breach where appropriate ;	(j) previous ~~infringements committed~~ breaches by the natural or legal person responsible for the breach;	TM 9.12: wording from CRD6.		
Article 99(1), point (k)								
G	1039	(k) the level of cooperation of the natural or legal person responsible for the infringement with the competent authority;	(k) the level of cooperation of the natural or legal person responsible for the infringement with the competent authority;	(k) the level of cooperation of the natural or legal person responsible for the infringement with the competent authority;	(k) the level of cooperation of the natural or legal person responsible for the infringement with the competent authority;	Text Origin: Commission Proposal		
Article 99(1), point (l)								
G	1040	(l) any remedial action or measure undertaken by the legal or natural person responsible for the infringement to prevent its repetition.	(l) any remedial action or measure undertaken by the legal or natural person responsible for the infringement to prevent its repetition.	(l) any remedial action or measure undertaken by the legal or natural person responsible for the infringement to prevent its repetition.	(l) any remedial action or measure undertaken by the legal or natural person responsible for the infringement to prevent its repetition.	Text Origin: Commission Proposal		
Article 99(2)								
G	1041	2.Competent authorities that use settlement agreements or expedited enforcement procedures in accordance with Article 96(4) shall adapt the relevant administrative sanctions and administrative measures laid down in Articles 96, 97, and 98 to the case concerned to ensure the proportionality thereof.	2.Competent authorities that use settlement agreements or expedited enforcement procedures in accordance with Article 96(4) shall adapt the relevant administrative sanctions and administrative measures laid down in Articles 96, 97, and 98 to the case concerned to ensure the proportionality thereof.	2.Competent authorities that use settlement agreements or expedited enforcement procedures in accordance with Article 96(4) shall adapt the relevant administrative sanctions ~~and~~ , administrative measures and periodic penalty payments laid down in Articles 96, 97, and 98 to the case concerned to ensure the proportionality thereof.	2.Competent authorities that use settlement agreements or expedited enforcement procedures in accordance with Article 96(4) shall adapt the relevant administrative sanctions ~~and~~ , administrative measures and periodic penalty payments laid down in Articles 96, 97, and 98 to the case concerned to ensure the proportionality thereof.	2.Competent authorities that use settlement agreements or expedited enforcement procedures in accordance with Article 96(4) shall adapt the relevant administrative sanctions and administrative measures laid down in Articles 96 ~~7~~ , ~~97~~ , and 97 and periodic penalty payments laid down in Article 98 to the case concerned to ensure the		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				proportionality thereof. TM 9.12 Text Origin: Council Mandate
Article 100				
1042	Article 100 Right of appeal	Article 100 Right of appeal	Article 100 Right of appeal	Article 100 Right of appeal Text Origin: Commission Proposal
Article 100(1)				
1043	1.The decisions taken by the competent authorities pursuant to this Regulation shall be contestable before the courts.	1.The decisions taken by the competent authorities pursuant to this Regulation shall be contestable before the courts.	1.The decisions taken by the competent authorities pursuant to this Regulation shall be ~~contestable before the courts~~ subject to appeal.	1.The decisions <u>to impose administrative measure or administrative sanction</u> taken by the competent authorities pursuant to this Regulation shall be ~~contestable before the courts~~ <u>subject to appeal.</u> TM 9.12 Text Origin: Council Mandate
Article 100(2)				
1044	2.Paragraph 1 shall apply also in respect of failure to act.	2.Paragraph 1 shall apply also in respect of failure to act.	2.Paragraph 1 shall apply also in respect of failure to act within a fixed period set in this Regulation or [PSD3].	2.Paragraph 1 shall apply also in respect of failure to act <u>where this Regulation sets a fixed period for the competent authority to act.</u> TM 9.12: EC to revert. 12.12 Text Origin: Council Mandate
Article 101				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	1045 Article 101 Publication of administrative sanctions and administrative measures	Article 101 Publication of administrative sanctions and administrative measures	Article 101 Publication of administrative sanctions and administrative measures	Article 101 Publication of administrative sanctions and administrative measures Text Origin: Commission Proposal	G
Article 101(1), first subparagraph					
G	1046 1.Competent authorities shall publish on their website all decisions imposing an administrative sanction or administrative measure on legal and natural persons, for breaches of this Regulation, and where applicable, all settlement agreements. The publication shall include a short description of the breach, the administrative sanction or other administrative measure imposed, or, where applicable, a statement about the settlement agreement. The identity of the natural person subject to the decision imposing an administrative sanction or administrative measure shall not be published.	1.Competent authorities shall publish on their website all decisions imposing an administrative sanction or administrative measure on legal and natural persons, for breaches of this Regulation, and where applicable, all settlement agreements. The publication shall include a short description of the breach, the administrative sanction or other administrative measure imposed, or, where applicable, a statement about the settlement agreement. The identity of the natural person subject to the decision imposing an administrative sanction or administrative measure shall not be published.	1.Competent authorities shall publish on their website all decisions imposing an administrative sanction or administrative measure on legal and natural persons, for breaches of this Regulation, and where applicable, all settlement agreements. The publication shall include a short description of the breach, the administrative sanction or other administrative measure imposed, or, where applicable, a statement about the settlement agreement. The identity of the natural person subject to the decision imposing an administrative sanction or administrative measure, or subject to the statement about the settlement agreement to which they are a party , shall not be published.	1.Competent authorities shall publish on their website all decisions imposing an administrative sanction or administrative measure on legal and natural persons, for breaches of this Regulation, and where applicable, all settlement agreements. The publication shall include a short description of the breach, the administrative sanction or other administrative measure imposed, or, where applicable, a statement about the settlement agreement. The identity of the natural person subject to the decision imposing an administrative sanction or administrative measure <u>or to the settlement agreement to which that natural person is a party</u> , shall not be published. TM 12.12 Text Origin: Council Mandate	G
Article 101(1), second subparagraph					
G	1047 Competent authorities shall publish the decision and the statement	Competent authorities shall publish the decision and the statement	Competent authorities shall publish the decision and the statement	Competent authorities shall publish the decision and the statement	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	referred to in the first subparagraph immediately after the legal or natural person subject to the decision has been notified of that decision or the settlement agreement has been signed.	referred to in the first subparagraph immediately after the legal or natural person subject to the decision has been notified of that decision or the settlement agreement has been signed.	referred to in the first subparagraph without undue delay immediately after the legal or natural person subject to the decision has been notified of that decision or the settlement agreement has been signed.	referred to in the first subparagraph without undue delay immediately after the legal or natural person subject to the decision has been notified of that decision or the settlement agreement has been signed. TM 12.12 Text Origin: Council Mandate
Article 101(2)				
1048	2.By derogation from paragraph 1, where the publication of the identity or other personal data of natural persons is deemed necessary by the national competent authority to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, including in the case of public statements referred to in Article 97(2)(b) or temporary bans referred to in Article 97(2)(d), the national competent authority may publish also the identity of the persons or personal data provided that it justifies such a decision and that the publication is limited to the personal data that is strictly necessary to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation.	2.By derogation from paragraph 1, where the publication of the identity or other personal data of natural persons is deemed necessary by the national competent authority to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, including in the case of public statements referred to in Article 97(2)(b) or temporary bans referred to in Article 97(2)(d), the national competent authority may publish also the identity of the persons or personal data provided that it justifies such a decision and that the publication is limited to the personal data that is strictly necessary to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation.	2.By derogation from paragraph 1, where the publication of the identity or other personal data of natural persons is deemed necessary by the national competent authority to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, including in the case of public statements referred to in Article 97(2)(b) or temporary bans referred to in Article 97(2)(d), the national competent authority may publish also the identity of the persons or personal data provided that it justifies such a decision and that the publication is limited to the personal data that is strictly necessary to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation.	2.By derogation from paragraph 1, where the publication of the identity or other personal data of natural persons is deemed necessary by the national competent authority to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, including in the case of public statements referred to in Article 97(2)(b) or temporary bans referred to in Article 97(2)(d), the national competent authority may publish also the identity of the persons or personal data provided that it justifies such a decision and that the publication is limited to the personal data that is strictly necessary to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation. Text Origin: Commission Proposal

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
Article 101(3)								
G	1049	3.Where the decision imposing an administrative sanction or other administrative measure is subject to appeal before the relevant judicial or other authority, competent authorities shall also publish on their official website without delay, information on the appeal and any subsequent information on the outcome of such an appeal, insofar as it concerns legal persons. Where the appealed decision concerns a natural person and the derogation under paragraph 2 is not applied, competent authorities shall publish information on the appeal only in an anonymised version.		3.Where the decision imposing an administrative sanction or other administrative measure is subject to appeal before the relevant judicial or other authority, competent authorities shall also publish on their official website without delay, information on the appeal and any subsequent information on the outcome of such an appeal, insofar as it concerns legal persons. Where the appealed decision concerns a natural person and the derogation under paragraph 2 is not applied, competent authorities shall publish information on the appeal only in an anonymised version.		3.Where the decision imposing an administrative sanction or other administrative measure is subject to appeal before the relevant judicial or other authority, competent authorities shall also publish on their official website without delay, information on the appeal and any subsequent information on the outcome of such an appeal, insofar as it concerns legal persons. Where the appealed decision concerns a natural person and the derogation under paragraph 2 is not applied, competent authorities shall publish information on the appeal only in an anonymised version.		3.Where the decision imposing an administrative sanction or other administrative measure is subject to appeal before the relevant judicial or other authority, competent authorities shall also publish on their official website without delay, information on the appeal and any subsequent information on the outcome of such an appeal, insofar as it concerns legal persons. Where the appealed decision concerns a natural person and the derogation under paragraph 2 is not applied, competent authorities shall publish information on the appeal only in an anonymised version. Text Origin: Commission Proposal
Article 101(4)								
G	1050	4.Competent authorities shall ensure that any publication made in accordance with this Article remains on their official website for a period of up to 5 years. Personal data contained in the publication shall be kept on the official website of the competent authority only if an annual review shows the continued need to publish that data to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, and		4.Competent authorities shall ensure that any publication made in accordance with this Article remains on their official website for a period of up to 5 years. Personal data contained in the publication shall be kept on the official website of the competent authority only if an annual review shows the continued need to publish that data to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, and		4.Competent authorities shall ensure that any publication made in accordance with this Article remains on their official website for a period of ~~up to~~ at least 5 years. Personal data contained in the publication shall be kept on the official website of the competent authority only ~~if an annual review shows the continued need to publish that data to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, and~~		4.Competent authorities shall ensure that any publication made in accordance with this Article remains on their official website for a period of ~~up to~~ at least 5 years. Personal data contained in the publication shall be kept on the official website of the competent authority only ~~if an annual review shows the continued need to publish that data to protect the stability of the financial markets or to ensure the effective enforcement of this Regulation, and~~

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	in any event for no longer than 5 years.	in any event for no longer than 5 years.	~~in any event for no longer than 5 years~~ for the period which is necessary in accordance with the applicable data protection rules.	~~in any event for no longer than 5 years~~ for the period which is necessary in accordance with the applicable data protection rules. TM 12.12 Text Origin: Council Mandate
Article 102				
1051	Article 102 Monitoring of proceedings, sanctions and measures	Article 102 Monitoring of proceedings, sanctions and measures	Article 102 Monitoring of proceedings, sanctions and measures	Article 102 Monitoring of proceedings, sanctions and measures Text Origin: Commission Proposal
Article 102(1)				
1052	1.Competent authorities shall report to the EBA, in an anonymised way and aggregated format on a regular basis:	1.Competent authorities shall report to the EBA, in an anonymised way and aggregated format on a regular basis:	1.Competent authorities shall report to the EBA, in an anonymised way and aggregated format on a regular basis, if they are available at a central level in the Member State concerned:	1.Competent authorities shall report to the EBA, in an anonymised way and aggregated format on a regular basis: TM 12.12: Council mandate (3rd column) corrected. Text Origin: Commission Proposal
Article 102(1), point (a)				
1053	(a) initiated, suspended or closed formal administrative proceedings leading to imposing administrative sanctions or administrative measures;	(a) initiated, suspended or closed formal administrative proceedings leading to imposing administrative sanctions or administrative measures;	(a) initiated, suspended or closed formal administrative proceedings leading to imposing administrative sanctions or administrative measures for breaches of this Regulation;	(a) initiated, suspended or closed formal administrative proceedings leading to imposing administrative sanctions or administrative measures <u>for breaches of this Regulation;</u> TM 12.12

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 102(1), point (b)				
G	1054 (b) periodic penalty payments imposed in accordance with Article 98 for ongoing breaches of this Regulation;	(b) periodic penalty payments imposed in accordance with Article 98 for ongoing breaches of this Regulation;	(b) periodic penalty payments imposed in accordance with Article 98 for ongoing breaches of this Regulation;	(b) periodic penalty payments imposed in accordance with Article 98 for ongoing breaches of this Regulation; Text Origin: Commission Proposal
Article 102(1), point (c)				
G	1055 (c) where applicable, settlement agreements and expedited enforcement procedures, and the outcome thereof, regardless of their publication; in accordance with Article 96(4);	(c) where applicable, settlement agreements and expedited enforcement procedures, and the outcome thereof, regardless of their publication; in accordance with Article 96(4);	(c) where applicable, settlement agreements and expedited enforcement procedures, and the outcome thereof, regardless of their publication; in accordance with Article 96(4);	(c) where applicable, settlement agreements and expedited enforcement procedures, and the outcome thereof, regardless of their publication; in accordance with Article 96(4); Text Origin: Commission Proposal
Article 102(1), point (d)				
G	1056 (d) criminal proceedings resulting in a conviction and related sanctions reported by judicial authorities in accordance with Article 91(4), point (a);	(d) criminal proceedings resulting in a conviction and related sanctions reported by judicial authorities in accordance with Article 91(4), point (a);	(d) criminal proceedings resulting in a conviction and related sanctions reported by judicial authorities in accordance with Article 91(4), point (a), where Member States have, in accordance with Article 96(2), laid down criminal penalties for the infringements of the provisions referred to therein, all relevant criminal investigations undertaken and criminal penalties imposed;	(d) criminal proceedings resulting in a conviction and related sanctions reported by judicial authorities in accordance with Article 91(4), point (a); TM 12.12 Text Origin: Commission Proposal
Article 102(1), point (e)				
G	1057 (e) any appeal against decisions to	(e) any appeal against decisions to	(e) any appeal against decisions to	(e) any appeal against decisions to

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	impose criminal or administrative sanctions or administrative measures and the outcome of such an appeal.	impose criminal or administrative sanctions or administrative measures and the outcome of such an appeal.	impose criminal or administrative sanctions or administrative measures for breaches of this Regulation and the outcome of such an appeal.	impose criminal or administrative sanctions or administrative measures <u>for breaches of this Regulation</u> and the outcome of such an appeal. TM 12.12 Text Origin: Council Mandate
Article 102(2)				
1058	2. When the competent authority discloses an administrative sanction or an administrative measure to the public, it shall simultaneously report them to the EBA.	2. When the competent authority discloses an administrative sanction or an administrative measure to the public, it shall simultaneously report them to the EBA.	2. When the competent authority discloses an administrative sanction or an administrative measure to the public, it shall simultaneously report them to the EBA.	2. When the competent authority discloses an administrative sanction or an administrative measure to the public, it shall simultaneously report them to the EBA. Text Origin: Commission Proposal
Article 102(3)				
1059	3. Within 2 years after the date of application of this Regulation, and subsequently every 2 years, the EBA shall submit a report to the Commission on the application of sanctions by competent authorities to ensure compliance with this Regulation.	3. Within 2 years after the date of application of this Regulation, and subsequently every 2 years, the EBA shall submit a report to the Commission on the application of sanctions by competent authorities to ensure compliance with this Regulation.	3. Within 2 years after the date of application of this Regulation, and subsequently every 2 years, the EBA shall submit a report to the Commission on the application of sanctions by competent authorities to ensure compliance with this Regulation.	3. Within 2 years after the date of application of this Regulation, and subsequently every 2 years, the EBA shall submit a report to the Commission on the application of sanctions by competent authorities to ensure compliance with this Regulation. Text Origin: Commission Proposal
Article 102(3a)				
1059a			3a. The processing of personal data by the EBA for the purposes of this Regulation shall be carried out in accordance with Regulation	<i>deleted</i> TM 12.12 this Regulation applies in any

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			(EU) 2018/1725.	case.
Article 103				
1060	Article 103 Notification of implementing measures	Article 103 Notification of implementing measures	Article 103 Notification of implementing measures	Article 103 Notification of implementing measures Text Origin: Commission Proposal
Article 103, first paragraph				
1061	Member States shall notify the laws, regulations and administrative provisions adopted in accordance with this Chapter, including any relevant criminal law provisions, to the Commission by [OP please insert the date = the date of entry into force of this Regulation]. Member States shall notify the Commission without undue delay of any subsequent amendments thereto.	Member States shall notify the laws, regulations and administrative provisions adopted in accordance with this Chapter, including any relevant criminal law provisions, to the Commission by [OP please insert the date = the date of entry into force of this Regulation]. Member States shall notify the Commission without undue delay of any subsequent amendments thereto.	Member States shall notify the laws, regulations and administrative provisions adopted in accordance with this Chapter, including any relevant criminal law provisions, to the Commission by [OP please insert the date = the date of entry into force of this Regulation]. Member States shall notify the Commission without undue delay of any subsequent amendments thereto.	Member States shall notify the laws, regulations and administrative provisions adopted in accordance with this Chapter, including any relevant criminal law provisions, to the Commission by [~~OP please insert the date~~ = <u>21 months from</u> the date of entry into force of this Regulation]. Member States shall notify the Commission without undue delay of any subsequent amendments thereto. Text Origin: Commission Proposal
Article 103, first paragraph a				
1061a				deleted
CHAPTER 9				
1062	CHAPTER 9 Product intervention powers by the EBA	CHAPTER 9 Product intervention powers by the EBA	CHAPTER 9 Product intervention powers by the EBA	CHAPTER 9 Product intervention powers by the EBA

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Commission Proposal
Article 104				
1063	Article 104 EBA temporary intervention powers	Article 104 EBA temporary intervention powers	Article 104 EBA temporary intervention powers	Article 104 EBA temporary intervention powers Text Origin: Commission Proposal
Article 104(1)				
1064	1.In accordance with Article 9(5) of Regulation (EU) No 1093/2010, the EBA may, where the conditions in paragraphs 2 and 3 of this Article are fulfilled, temporarily prohibit or restrict in the Union, a certain type or a specific feature of a payment service or instrument or an electronic money service or instrument. A prohibition or restriction may apply in circumstances, or be subject to exceptions, specified by the EBA.	1.In accordance with Article 9(5) of Regulation (EU) No 1093/2010, the EBA may, where the conditions in paragraphs 2 and 3 of this Article are fulfilled, temporarily prohibit or restrict in the Union, a certain type or a specific feature of a payment service or instrument or an electronic money service or instrument. A prohibition or restriction may apply in circumstances, or be subject to exceptions, specified by the EBA.	1.In accordance with Article 9(5) of Regulation (EU) No 1093/2010, the EBA may, where the conditions in paragraphs 2 and 3 of this Article are fulfilled, temporarily prohibit or restrict in the Union, a certain type or a specific feature of a payment service or instrument or an electronic money service or instrument. A prohibition or restriction may apply in circumstances, or be subject to exceptions, specified by the EBA.	1.In accordance with Article 9(5) of Regulation (EU) No 1093/2010, the EBA may, where the conditions in paragraphs 2 and 3 of this Article are fulfilled, temporarily prohibit or restrict in the Union, a certain type or a specific feature of a payment service or instrument ~~or an electronic money service or instrument~~ . A prohibition or restriction may apply in circumstances, or be subject to exceptions, specified by the EBA. TM 16.12 Text Origin: Commission Proposal
Article 104(2), first subparagraph				
1065	2.The EBA shall take a decision under paragraph 1 only if all of the following conditions are fulfilled:	2.The EBA shall take a decision under paragraph 1 only if all of the following conditions are fulfilled:	2.The EBA shall take a decision under paragraph 1 only if all of the following conditions are fulfilled:	2.The EBA shall take a decision under paragraph 1 only if all of the following conditions are fulfilled: Text Origin: Commission Proposal
Article 104(2), first subparagraph, point (a)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
6	1066	(a) the proposed action addresses a significant number of payment services users or electronic money services users or a threat to the orderly functioning of the payment or electronic money markets, and the integrity of those markets or to the stability of the whole or part of these markets in the Union;	(a) the proposed action addresses a significant number of payment services users or electronic money services users or a threat to the orderly functioning of the payment or electronic money markets, and the integrity of those markets or to the stability of the whole or part of these markets in the Union;	(a) the proposed action addresses a significant number of payment ~~services users or electronic money~~ services users or a threat to the orderly functioning of the payment or electronic money markets, and the integrity of those markets or to the stability of the whole or part of these markets in the Union; Text Origin: Commission Proposal	6
Article 104(2), first subparagraph, point (b)					
6	1067	(b) regulatory requirements under Union law that are applicable to the relevant payments service or electronic money service do not address the threat;	(b) regulatory requirements under Union law that are applicable to the relevant payments service or electronic money service do not address the threat;	(b) regulatory requirements under Union law that are applicable to the relevant payments service or electronic money service do not address the threat; Text Origin: Commission Proposal	6
Article 104(2), first subparagraph, point (c)					
6	1068	(c) a competent authority or competent authorities have not taken action to address the threat or the actions that have been taken do not adequately address the threat.	(c) a competent authority or competent authorities have not taken action to address the threat or the actions that have been taken do not adequately address the threat.	(c) a competent authority or competent authorities have not taken action to address the threat or the actions that have been taken do not adequately address the threat. Text Origin: Commission Proposal	6
Article 104(2), second subparagraph					
6	1069	Where the conditions set out in the first subparagraph are fulfilled, the EBA may impose the prohibition or	Where the conditions set out in the first subparagraph are fulfilled, the EBA may impose the prohibition or	Where the conditions set out in the first subparagraph are fulfilled, the EBA may impose the prohibition or	6

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	restriction referred to in paragraph 1 on a precautionary basis before a payment service or electronic money service has been offered or distributed to payment services users.	restriction referred to in paragraph 1 on a precautionary basis before a payment service or electronic money service has been offered or distributed to payment services users.	restriction referred to in paragraph 1 on a precautionary basis before a payment service or electronic money service has been offered or distributed to payment services users.	restriction referred to in paragraph 1 on a precautionary basis before a payment service or electronic money service has been offered or distributed to payment services users. Text Origin: Commission Proposal
Article 104(3)				
1070	3. When taking action under this Article, the EBA shall ensure all of the following:	3. When taking action under this Article, the EBA shall ensure all of the following:	3. When taking action under this Article, the EBA shall ensure all of the following:	3. When taking action under this Article, the EBA shall ensure all of the following: Text Origin: Commission Proposal
Article 104(3), point (a)				
1071	(a) the action does not have a detrimental effect on the efficiency of the payments market or electronic money services market or on payment services or electronic money service providers that is disproportionate to the benefits of the action;	(a) the action does not have a detrimental effect on the efficiency of the payments market or electronic money services market or on payment services or electronic money service providers that is disproportionate to the benefits of the action;	(a) the action does not have a detrimental effect on the efficiency of the payments market or electronic money services market or on payment services or electronic money service providers that is disproportionate to the benefits of the action;	(a) the action does not have a detrimental effect on the efficiency of the payments market or electronic money ~~services~~ market or on payment ~~services or electronic money~~ service providers that is disproportionate to the benefits of the action; TM 16.12 Text Origin: Commission Proposal
Article 104(3), point (b)				
1072	(b) the action does not create a risk of regulatory arbitrage, and	(b) the action does not create a risk of regulatory arbitrage, and	(b) the action does not create a risk of regulatory arbitrage, and	(b) the action does not create a risk of regulatory arbitrage, and Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Proposal
Article 104(3), point (c)				
1073	(c) the action has been taken after consulting the relevant national competent authority.	(c) the action has been taken after consulting the relevant national competent authority.	(c) the action has been taken after consulting the relevant national competent authority.	(c) the action has been taken after consulting the relevant national competent authority. Text Origin: Commission Proposal
Article 104(4)				
1074	4.Before deciding to take any action under this Article, the EBA shall notify competent authorities of the action it proposes.	4.Before deciding to take any action under this Article, the EBA shall notify competent authorities of the action it proposes.	4.Before deciding to take any action under this Article, the EBA shall notify competent authorities of the action it proposes.	4.Before deciding to take any action under this Article, the EBA shall notify competent authorities of the action it proposes. Text Origin: Commission Proposal
Article 104(5)				
1075	5.The EBA shall publish on its website notice of any decision to take any action under this Article. The notice shall specify details of the prohibition or restriction and specify a time after the publication of the notice from which the measures will take effect, while also ensuring that notices on such decisions on natural persons are published only in anonymised version. A prohibition or restriction shall only apply to action taken after the measures take effect.	5.The EBA shall publish on its website notice of any decision to take any action under this Article. The notice shall specify details of the prohibition or restriction and specify a time after the publication of the notice from which the measures will take effect, while also ensuring that notices on such decisions on natural persons are published only in anonymised version. A prohibition or restriction shall only apply to action taken after the measures take effect.	5.The EBA shall publish on its website notice of any decision to take any action under this Article. The notice shall specify details of the prohibition or restriction and specify a time after the publication of the notice from which the measures will take effect, while also ensuring that notices on such decisions on natural persons are published only in anonymised version. A prohibition or restriction shall only apply to action taken after the measures take effect.	5.The EBA shall publish on its website notice of any decision to take any action under this Article. The notice shall specify details of the prohibition or restriction and specify a time after the publication of the notice from which the measures will take effect, while also ensuring that notices on such decisions on natural persons are published only in anonymised version. A prohibition or restriction shall only apply to action taken after the measures take effect. Text Origin: Commission Proposal
Article 104(6)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
1076	6.The EBA shall review a prohibition or restriction imposed under paragraph 1 at appropriate intervals and at least every 3 months. If the prohibition or restriction is not renewed after that 3 month period it shall expire.	6.The EBA shall review a prohibition or restriction imposed under paragraph 1 at appropriate intervals and at least every 3 months. If the prohibition or restriction is not renewed after that 3 month period it shall expire.	6.The EBA shall review a prohibition or restriction imposed under paragraph 1 at appropriate intervals and at least every 3 months. If the prohibition or restriction is not renewed after that 3 month period it shall expire.	6.The EBA shall review a prohibition or restriction imposed under paragraph 1 at appropriate intervals and at least every 3 months. If the prohibition or restriction is not renewed after that 3 month period it shall expire. Text Origin: Commission Proposal
Article 104(7)				
1077	7.Action adopted by the EBA under this Article shall prevail over any previous action taken by a competent authority.	7.Action adopted by the EBA under this Article shall prevail over any previous action taken by a competent authority.	7.Action adopted by the EBA under this Article shall prevail over any previous action taken by a competent authority.	7.Action adopted by the EBA under this Article shall prevail over any previous action taken by a competent authority. Text Origin: Commission Proposal
Article 104(8), first subparagraph				
1078	8.The Commission shall adopt delegated acts in accordance with Article 106 to specify criteria and factors to be taken into account by the EBA in determining when there is a significant number of payment services users or electronic money services users or a threat to the orderly functioning of the payment or electronic money services markets, and the integrity of these markets or to the stability of the whole or part of these markets in the Union referred to in paragraph 2, point (a).	8.The Commission shall adopt delegated acts in accordance with Article 106 to specify criteria and factors to be taken into account by the EBA in determining when there is a significant number of payment services users or electronic money services users or a threat to the orderly functioning of the payment or electronic money services markets, and the integrity of these markets or to the stability of the whole or part of these markets in the Union referred to in paragraph 2, point (a).	8.The Commission shall adopt delegated acts in accordance with Article 106 to specify criteria and factors to be taken into account by the EBA in determining when there is a significant number of payment services users or electronic money services users or a threat to the orderly functioning of the payment or electronic money services markets, and the integrity of these markets or to the stability of the whole or part of these markets in the Union referred to in paragraph 2, point (a).	8.The Commission shall adopt delegated acts in accordance with Article 106 to specify criteria and factors to be taken into account by the EBA in determining when there is a significant number of payment services users or ~~electronic money services users or~~ a threat to the orderly functioning of the payment or electronic money ~~services~~ markets, and the integrity of these markets or to the stability of the whole or part of these markets in the Union referred to in paragraph 2, point (a).

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 16.12 Text Origin: Commission Proposal
Article 104(8), second subparagraph				
1079	Those criteria and factors shall include:	Those criteria and factors shall include:	Those criteria and factors shall include:	Those criteria and factors shall include: Text Origin: Commission Proposal
Article 104(8), second subparagraph, point (a)				
1080	(a) the degree of complexity of a payment service or instrument or electronic money service or instrument and the relation to the type of users, including consumers, to whom they are offered;	(a) the degree of complexity of a payment service or instrument or electronic money service or instrument and the relation to the type of users, including consumers, to whom they are offered;	(a) the degree of complexity of a payment service or instrument or electronic money service or instrument and the relation to the type of users, including consumers, to whom they are offered;	(a) the degree of complexity of a payment service or instrument or electronic money service or instrument and the relation to the type of users, including consumers, to whom they are offered; Text Origin: Commission Proposal
Article 104(8), second subparagraph, point (b)				
1081	(b) the degree of riskiness, for consumers, of a payment service or instrument or electronic money service or instrument;	(b) the degree of riskiness, for consumers, of a payment service or instrument or electronic money service or instrument;	(b) the degree of riskiness, for consumers, of a payment service or instrument or electronic money service or instrument;	(b) the degree of riskiness, for consumers, of a payment service or instrument or electronic money service or instrument; Text Origin: Commission Proposal
Article 104(8), second subparagraph, point (c)				
1082	(c) the possible use by fraudsters of the payment service or instrument or electronic money service or instrument;	(c) the possible use by fraudsters of the payment service or instrument or electronic money service or instrument;	(c) the possible use by fraudsters of the payment service or instrument or electronic money service or instrument;	(c) the possible use by fraudsters of the payment service or instrument or electronic money service or instrument; Text Origin: Commission

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
				Proposal	
Article 104(8), second subparagraph, point (d)					
G	1083 (d) the size or the level of uptake of the payment service or instrument or electronic money service or instrument;	(d) the size or the level of uptake of the payment service or instrument or electronic money service or instrument;	(d) the size or the level of uptake of the payment service or instrument or electronic money service or instrument;	(d) the size or the level of uptake of the payment service or instrument or electronic money service or instrument; Text Origin: Commission Proposal	G
Article 104(8), second subparagraph, point (e)					
G	1084 (e) the degree of innovation of a payment service or instrument or electronic money service or instrument.	(e) the degree of innovation of a payment service or instrument or electronic money service or instrument.	(e) the degree of innovation of a payment service or instrument or electronic money service or instrument.	(e) the degree of innovation of a payment service or instrument or electronic money service or instrument. Text Origin: Commission Proposal	G
TITLE IV					
G	1085 TITLE IV DELEGATED ACTS	TITLE IV DELEGATED ACTS	TITLE IV DELEGATED ACTS	TITLE IV DELEGATED ACTS Text Origin: Commission Proposal	G
Article 105					
G	1086 Article 105 Delegated acts	Article 105 Delegated acts	Article 105 Delegated acts	~~Article 105~~ deleted TM 16.12 Text Origin: Commission Proposal	G
Article 105, first paragraph					

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 1087	The Commission is empowered to adopt delegated acts in accordance with Article 106 to amend this Regulation by updating the amounts referred to in Article 58(1).	The Commission is empowered to adopt delegated acts in accordance with Article 106 to amend this Regulation by updating the amounts referred to in Article ~~58(1)~~ 60(1).	The Commission is empowered to adopt delegated acts in accordance with Article 106 to amend this Regulation by updating the amounts referred to in Article ~~58(1)~~ 60 (1).	<i>deleted</i> TM 12.12: the DA under 31a should be added and possibly 67a. TM 16.12: moved to line 734a Text Origin: EP Mandate
Article 105, first paragraph a				
G 1087a			2.The Commission is empowered to adopt delegated acts in accordance with Article 106 to supplement this Regulation by making technical adjustments and corrections of non-essential elements in the provisions of Title II and III of this Regulation as regards payment transactions with electronic money tokens, to take into account developments after the adoption of this Regulation and the specificities of the use of distributed ledger technology or similar technology for such transactions.	<i>deleted</i> TM 12.11: EP flagged the broad nature of the empowerment. TM 12.12: to be discussed with Art. 67a (line 780a) TM 15.12: moved to line 780a.
Article 106				
G 1088	Article 106 Exercise of the delegation	Article 106 Exercise of the delegation	Article 106 Exercise of the delegation	Article 106 Exercise of the delegation Text Origin: Commission Proposal
Article 106(1)				
G 1089	1.The power to adopt delegated acts	1.The power to adopt delegated acts	1.The power to adopt delegated acts	1.The power to adopt delegated acts

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	is conferred on the Commission subject to the conditions laid down in this Article.	is conferred on the Commission subject to the conditions laid down in this Article.	is conferred on the Commission subject to the conditions laid down in this Article.	is conferred on the Commission subject to the conditions laid down in this Article. Text Origin: Commission Proposal
Article 106(2)				
1090	2.The power to adopt delegated acts referred to in Article 105 shall be conferred on the Commission for an undetermined period of time from the date of entry into force of this Regulation.	2.The power to adopt delegated acts referred to in Article 105 shall be conferred on the Commission for an undetermined period of time from the date of entry into force of this Regulation.	2.The power to adopt delegated acts referred to in Article 105 shall be conferred on the Commission for an undetermined period of time from the date of entry into force of this Regulation.	2.The power to adopt delegated acts referred to in ~~Article 105~~ <u>Articles 31a, 60, 67a and 104(8)</u> shall be conferred on the Commission for an undetermined period of time from the date of entry into force of this Regulation. TM 12.12: the DA under 31a should be added and possibly 67a. Text Origin: Commission Proposal
Article 106(3)				
1091	3.The delegation of power referred to in Article 105 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3.The delegation of power referred to in Article 105 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3.The delegation of power referred to in Article 105 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3.The delegation of power referred to in ~~Article 105~~ <u>Articles 31a, 60, 67a and 104(8)</u> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 16.12 Text Origin: Commission Proposal
Article 106(4)				
1092	4.Before adopting a delegated act, the Commission shall consult experts designated by Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4.Before adopting a delegated act, the Commission shall consult experts designated by Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4.Before adopting a delegated act, the Commission shall consult experts designated by Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4.Before adopting a delegated act, the Commission shall consult experts designated by Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. Text Origin: Commission Proposal
Article 106(5)				
1093	5.As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5.As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5.As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5.As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. Text Origin: Commission Proposal
Article 106(6)				
1094	6.A delegated act adopted pursuant to Article 105 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 3 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European	6.A delegated act adopted pursuant to Article 105 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 3 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European	6.A delegated act adopted pursuant to Article 105 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 3 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European	6.A delegated act adopted pursuant to ~~Article 105~~ Articles 31a, 60, 67a and 104(8) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 3 months of notification of that act to the European Parliament and the Council or if, before the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 3 months at the initiative of the European Parliament or of the Council.	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 3 months at the initiative of the European Parliament or of the Council.	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 3 months at the initiative of the European Parliament or of the Council.	expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 3 months at the initiative of the European Parliament or of the Council. TM 16.12 Text Origin: Commission Proposal
TITLE V				
1095	TITLE V FINAL PROVISIONS	TITLE V FINAL PROVISIONS	TITLE V FINAL PROVISIONS	TITLE V FINAL PROVISIONS Text Origin: Commission Proposal
Article 107				
1096	Article 107 More favourable refund rights and stricter fraud prevention measures	Article 107 More favourable refund rights and stricter fraud prevention measures	Article 107 More favourable refund rights and stricter fraud prevention measures	Article 107 More favourable refund rights and stricter fraud prevention measures Text Origin: Commission Proposal
Article 107(1)				
1097	1.Member States or payment service providers may grant payment service users more favourable refund rights in relation to authorised credit transfers as referred to in Articles 57 and 59 and provide for stricter fraud prevention measures that go beyond those set out in Article 83(1) and Article 84.	1.Member States or payment service providers may grant payment service users more favourable refund rights in relation to authorised credit transfers as referred to in Articles 57 and 59 and provide for stricter fraud prevention measures that go beyond those set out in Article 83(1) and Article 84.	1.Member States or payment service providers may grant payment service users more favourable refund rights in relation to authorised credit transfers as referred to in Articles 57 and 59 and provide for stricter fraud prevention measures that go beyond those set out in Article 83(1), Article 83a and Article 84.	1.Member States or payment service providers may grant payment service users more favourable refund rights in relation to authorised credit transfers as referred to in Articles 57 and 59 and provide for stricter fraud prevention measures that go beyond those set out in Article 83(1) and Article 84.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 12.12: Art. 83a removed because arrangements are now mandatory. Text Origin: Council Mandate
Article 107(2)				
1098	2.Member States shall, by [OP please insert the date= the date of entry into force of this Regulation], notify to the Commission the provisions adopted pursuant to paragraph 1. They shall, without delay, notify any subsequent amendment to the Commission.	2.Member States shall, by [OP please insert the date= the date of entry into force of this Regulation], notify to the Commission the provisions adopted pursuant to paragraph 1. They shall, without delay, notify any subsequent amendment to the Commission.	2.Member States shall, by [OP please insert the date= the date of entry into force of this Regulation], notify to the Commission the provisions adopted pursuant to paragraph 1. They shall, without delay, notify any subsequent amendment to the Commission.	2.Member States shall, by [OP please insert the date= the date of entry into force of this Regulation], notify to the Commission the provisions adopted pursuant to paragraph 1. They shall, without delay, notify any subsequent amendment to the Commission. Text Origin: Commission Proposal
Article 108				
1099	Article 108 Review clause	Article 108 Review clause	Article 108 Review clause	Article 108 Review clause Text Origin: Commission Proposal
Article 108(1), first subparagraph				
1100	1.The Commission shall, by 5 years after the date of application of this Regulation, submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the application and impact of this Regulation, and in particular on:	1.The Commission shall, by 5 years after the date of application of this Regulation, submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the application and impact of this Regulation, and in particular on:	1.The Commission shall, by ~~5~~ [OP please insert the date = 7 years after the date of application entry into force of this Regulation] , submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the application and impact of this Regulation, and in particular on:	1.The Commission shall, by ~~5~~ [OP please insert the date = 7 years after the date of application entry into force of this Regulation] , submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the application and impact of this Regulation, and in particular on:

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				Text Origin: Council Mandate
Article 108(1), first subparagraph, point (a)				
1101	(a) the appropriateness and the impact on competition and the uptake of open banking of the rules on access to payment accounts data on the business of account information services and payment initiation services, and in particular of the rules on dedicated interfaces and their respective derogations as per Articles 38 and 39;	(a) the appropriateness and the impact on competition and the uptake of open banking of the rules on access to payment accounts data on the business of account information services and payment initiation services, and in particular of the rules on dedicated interfaces and their respective derogations as per Articles 38 and 39;	(a) the appropriateness and the impact on competition and the uptake of open banking of the rules on access to payment accounts data on the business of account information services and payment initiation services, and in particular of the rules on dedicated interfaces and their respective derogations as per Articles 38 and 39;	(a) the appropriateness and the impact on competition and the uptake of open banking of the rules on access to payment accounts data on the business of account information services and payment initiation services, and in particular of the rules on dedicated interfaces and their respective derogations as per Articles 38 and 39; Text Origin: Commission Proposal
Article 108(1), first subparagraph, point (b)				
1102	(b) the impact of the rules on the absence of obligatory contractual arrangements and compensation for access by account information service and payment initiation service providers to interfaces referred to in Article 34;	(b) the impact of the rules on the absence of obligatory contractual arrangements and compensation for access by account information service providers to interfaces referred to in Article 34;	(b) the impact of the rules on the absence of obligatory contractual arrangements and compensation for access by account information service providers to interfaces referred to in Article 34;	(b) the impact of the rules on the absence of obligatory contractual arrangements and compensation for access by account information service providers to interfaces referred to in Article 34; Text Origin: Commission Proposal
Article 108(1), first subparagraph, point (c)				
1103	(c) the appropriateness and the impact of the rules on charges including the rules on surcharging as per Article 28;	(c) the appropriateness and the impact of the rules on charges including the rules on surcharging as per Article 28;	(c) the appropriateness and the impact of the rules on charges including the rules on surcharging as per Article 28;	<i>deleted</i> TM 27.11: see line 1105a. Text Origin: Commission Proposal
Article 108(1), first subparagraph, point (d)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
G 1104	(d) the appropriateness and impact of the rules on prevention and redress of fraud on both unauthorised and authorised transactions.	(d) the appropriateness and impact of the rules on prevention and redress of fraud on both unauthorised and authorised transactions.	(d) the appropriateness and impact of the rules on prevention and redress of fraud on both unauthorised and authorised transactions.	(d) the appropriateness and impact of the rules on prevention and redress of fraud on both unauthorised and authorised transactions, <u>taking into account types and trends of fraudulent behaviours</u> . Text Origin: Commission Proposal
Article 108(1), first subparagraph, point (da)				
G 1104a				<u>(da) the appropriateness and impact of the rules on the extent of situations where a consumer has a refund right for authorised transactions in accordance with Article 59.</u> TM 15.12: implementation of trilogue agreement.
Article 108(1), first subparagraph, point (db)				
G 1104b		<u>(da) the number and amount of administrative penalties and administrative measures imposed pursuant to or in relation to this Regulation, categorised by Member State;</u>		deleted
Article 108(1), first subparagraph, point (dc)				
G 1104c		<u>(db) the quality of cooperation between national competent authorities and EBA;</u>		deleted
Article 108(1), first subparagraph, point (dd)				

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	1104d			<u>(dc) types and trends of fraudulent behaviour, and estimations and proportions of financial damage that behaviour represents on the market, quantified by Member States.</u>				deleted TM 15.12: see line 1104
Article 108(1), second subparagraph								
G	1105	Where appropriate, the Commission shall submit a legislative proposal together with its report.		Where appropriate, the Commission shall submit a legislative proposal together with its report.		Where appropriate, the Commission shall submit a legislative proposal together with its report.		Where appropriate, the Commission shall submit a legislative proposal together with its report. Text Origin: Commission Proposal
Article 108(1), second subparagraph a								
G	1105a							<u>1a. The Commission shall, by ... [5 years after entry into force of this Regulation], submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report reviewing:</u> <u>- the impact of the surcharging provisions, including the effects on consumers, merchants, and competition, and shall assess the need for further harmonisation; and</u> <u>- the impact of refund mechanisms managed by operators of payment schemes or payment service providers that are applicable to payee initiated transactions, with</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>the exclusion of direct debits, as well as the effects of those refund mechanisms on consumers, merchants and competition;</u> <u>- the impact of the provisions contained in Article 59a in relation to obligations imposed on electronic communications services providers in particular, whether those obligations improve the effectiveness of the cooperation between electronic communications services providers and payment service providers under Article 59a. On the basis of that assessment, the Commission shall determine whether it is necessary to introduce any further measures regulating the involvement of electronic communications services providers and payment service providers in the security of payment transactions at EU level;</u> <u>- the impact of the provisions contained in Article 59a in relation to obligations imposed on providers of hosting services, very large online platforms and very large online search engines, in particular whether those obligations improve the effectiveness of the cooperation between providers of hosting services and payment service providers under Article 59a, 59b</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>and the right of redress for PSPs under Article 78. On the basis of that assessment, the Commission shall determine whether it is necessary to introduce any further measures regulating the involvement of providers of hosting services, very large online platforms and very large online search engines, and payment service providers in the security of payment transactions at EU level.</u> <u>Where appropriate, the Commission shall submit a legislative proposal together with its report.</u> TM 15.12 4/3 additional of VLOPs and VLOSEs
Article 108(1), second subparagraph b								
1105b						1a. The Commission shall, by [OP please insert the date = 3 years after entry into force of this Regulation], submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the impact of the provisions contained in Regulation (EU) 2024/1624 and Directive (EU) 2024/1640 in relation to virtual IBANs. This report will in particular assess whether, in light of the risks and		<u>1b. The Commission shall, by ... [3 years after entry into force of this Regulation], submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report assessing:</u> <u>- the scope of this Regulation, with regard in particular to payment systems, payment schemes and technical service providers;</u> <u>- whether, in light of the risks and</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			challenges posed by virtual IBANs, but also in light of their benefits, it would be necessary to introduce further measures regulating virtual IBANs at EU level. Where appropriate, the Commission shall submit a legislative proposal together with its report.	<u>challenges, including anti money laundering law enforcement perspectives, posed by virtual IBANs, including from an anti-money laundering law enforcement perspective, and of their benefits, it would be necessary to introduce further measures regulating virtual IBANs at EU level;</u> <u>- the appropriateness and the impact of the rules set out in Titles II and III of this Regulation with regard to payment transactions with electronic money tokens;</u> <u>- whether, given developments, it would be desirable, to extend the requirements in this Regulation on the verification of the payee and open banking to payment transactions with electronic money tokens.</u> <u>Where appropriate, the Commission shall submit a legislative proposal together with its report.</u> TM 21.10: to be discussed as part of the broader discussion of the review clauses to be prepared by the EC. TM 27.11: Commission insists on replacing shall by may regarding proposing new legislative proposals.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								TM 16.12 Text Origin: Council Mandate
		Article 108(1), second subparagraph c						
G		1105c				1b. The Commission shall, [OP please insert the date = 3 years after entry into force of this Regulation], evaluate and report to the European Parliament and the Council on:		deleted
		Article 108(1), second subparagraph d						
G		1105d						deleted TM 01.12: implementation of trilogue.
		Article 108(1), second subparagraph e						
G		1105e				(a) the appropriateness and the impact of the rules set out in Titles II and III of this Regulation with regard to payment transactions with electronic money tokens;		deleted TM 15.12: see line 1105b
		Article 108(1), second subparagraph f						
G		1105f				(b) whether, given developments, it would be desirable, to extend the requirements in this Regulation on the verification of the payee and open banking to payment transactions with electronic money tokens.		deleted TM 15.12: see line 1105b
		Article 108(1), second subparagraph g						
G		1105g				The report shall be accompanied,		

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						where appropriate, by a legislative proposal.		<i>deleted</i>
Article 108(1), second subparagraph h								
1105h						1c. The Commission shall, by [OP please insert the date = 4 years after entry into force of this Regulation], submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee a report on the impact of the provisions contained in Article 59a in relation to obligations imposed on electronic communications services providers. This report will in particular assess whether those obligations improve the effectiveness of the cooperation between electronic communications services providers and payment service providers under Article 59a. On the basis of this assessment, the Commission should determine in its report whether it is necessary to introduce any further measures regulating the involvement of electronic communications services providers, payment service providers or providers of intermediary services in the security of payment transactions at EU level and, if appropriate, submit a legislative proposal		<i>deleted</i> TM 15.12: see line 1105b

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			together with the report.	
Article 108(2)				
1106	2.The Commission shall, by [OP please insert the date= 3 years after the date of entry into force of this Regulation] submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the scope of this Regulation, with regard in particular to payment systems, payment schemes and technical service providers. Where appropriate, the Commission shall submit a legislative proposal together with that report.	2.The Commission shall, by [OP please insert the date= 3 years after the date of entry into force of this Regulation] submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the scope of this Regulation, with regard in particular to payment systems, payment schemes and technical service providers. Where appropriate, the Commission shall submit a legislative proposal together with that report.	2.The Commission shall, by [OP please insert the date= 3 years after the date of entry into force of this Regulation] submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the scope of this Regulation, with regard in particular to payment systems, payment schemes and technical service providers. Where appropriate, the Commission shall submit a legislative proposal together with that report.	2.The Commission shall, by [OP please insert the date= ~~3 years~~ <u>18 months</u> after the date of entry into force of this Regulation] submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the ~~scope of this Regulation, with regard in particular to~~ <u>practices of payment systems</u> ~~card schemes, processing entities, payment-schemes and technical~~ service providers <u>providing acquiring services and in particular on:</u> <u>(a) the evolution of their fees in the EEA; including:</u> <u>i. fees charged by payment card schemes and processing entities to payment service providers providing acquiring by key transaction category, per Member State,</u> <u>ii. fees charged by payment service providers providing acquiring services to business payment service users;</u> <u>(b) the conditions related to the application of new rules and associated fees, such as notification period of these rules and fees by payment card schemes and</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>processing entities;</u> <u>(c) the communication by payment card schemes to payment service providers providing acquiring services and processing entities related to rules and fees and their implementation timeline;</u> <u>(d) the capacity of issuers and acquirers to negotiate rules and fees proposed by payment card schemes;</u> <u>(e) the competitive behaviour of the payment card schemes in the acquiring and issuing markets.</u> Where appropriate, the Commission shall submit a legislative proposal together with that report. <u>A non confidential version of the report shall be made available to the public, including but not limited to aggregate information on the evolution of fees.</u> TM 15.12 Text Origin: Commission Proposal
		Article 108(2a)						
G		1106a				3.The Commission shall, by [OP		G

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						please insert date = 18 months after the date of entry into force of this Regulation] and every two years thereafter submit to the European Parliament, the Council, the ECB and the European Economic and Social Committee, a report on the practices of payment card schemes, processing entities, payment service providers providing acquiring services and in particular on:		<i>deleted</i> TM 15.12: see line 1106
		Article 108(2b)						
G		1106b				(a) The evolution of their fees in the EEA; including:		<i>deleted</i>
		Article 108(2c)						
G		1106c				i. Fees charged by payment card schemes and processing entities to payment service providers providing acquiring by key transaction category, per Member State,		<i>deleted</i>
		Article 108(2d)						
G		1106d				ii. Fees charged by payment service providers providing acquiring services to business payment service users;		<i>deleted</i>
		Article 108(2e)						
G		1106e				(b) The conditions related to the application of new rules and		<i>deleted</i>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						associated fees, such as notification period of these rules and fees by payment card schemes and processing entities;		
		Article 108(2f)						
G		1106f				(c) The communication by payment card schemes to payment service providers providing acquiring services and processing entities related to rules and fees and their implementation timeline;		deleted
		Article 108(2g)						
G		1106g				(d) The capacity of issuers and acquirers to negotiate rules and fees proposed by payment card schemes;		deleted
		Article 108(2h)						
G		1106h				(e) The competitive behaviour of the payment card schemes in the acquiring and issuing markets.		deleted
		Article 108(2i)						
G		1106i				Where appropriate, the Commission shall submit a legislative proposal together with that report. A nonconfidential version of the report should be made available to the public, including but not limited to aggregate information on the evolution of fees.		deleted
		Article 108a						

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
G	1106j					Article 108a Transitional provisions		<u>Article 108a</u> <u>Transitional provisions</u> TM 15.12 Text Origin: Council Mandate
	Article 108a, first paragraph							
G	1106k					By derogation from Directive (EU) 2015/2366, until the date established under Article 112, second paragraph of this Regulation:		<u>By way of derogation from Directive (EU) 2015/2366, until [21 months after the entry into force of this Regulation]:</u>
	Article 108a, second paragraph							
G	1106l					i. the exclusions in Article 2(2), points (a1), (h1) and (l1) of this Regulation shall apply to payment transactions with electronic money tokens;		<u>(a) the following payment transactions shall be excluded from the application of Directive (EU) 2015/2366:</u> <u>- payment transactions made exclusively in electronic money tokens directly from the payer to the payee, without any intermediary intervention;</u> <u>- payments transactions carried out by a crypto-asset service provider intermediating between a buyer and a seller where electronic money tokens are exchanged for other electronic money tokens or for crypto-assets, as well as the exchange of electronic money tokens for funds, including electronic money tokens, or crypto-</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>assets carried out by a crypto-asset service provider acting in its own name as buyer or seller of those electronic money tokens;</u> <u>- payment transactions carried out between crypto-asset service providers or their branches for their own account.</u> Text Origin: Council Mandate
Article 108a, third paragraph								
G	1106m					ii. as regards payment transactions with electronic money tokens settled on the distributed ledger, where payment service providers are not able, due to circumstances that are not attributable to them, to comply with the obligations set out by Articles 45(1), points b) and c), 52 (2), point (e) and (3), point (a) and 56 of Directive (EU) 2015/2366, the payment service providers shall provide the information required therein by way of a reasoned estimation as soon as possible, and in any case prior to the payer authorizing the transaction;		<u>(b) as regards payment transactions with electronic money tokens settled on the distributed ledger, where payment service providers are not able, due to circumstances that are not attributable to them, to comply with the obligations set out by Article 45(1), points (b) and (c), Article 52(2), point (e) and (3), point (a) and Article 56 of Directive (EU) 2015/2366, the payment service providers shall provide the information required therein by way of a reasoned estimation as soon as possible, and in any case prior to the payer authorising the transaction;</u> Text Origin: Council Mandate
Article 108a, fourth paragraph								
G	1106n					iii. payment service providers are not required to apply Articles		<u>(c) payment service providers shall not be required to apply Article</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			66(4), and 67(3) of Directive (EU) 2015/2366 as regards payment transactions with electronic money tokens.	<u>66(4) and Article 67(3) of Directive (EU) 2015/2366 as regards payment transactions with electronic money tokens.</u> Text Origin: Council Mandate
Article 109				
1107	Article 109 Amendments to Regulation (EU) No 1093/2010	Article 109 Amendments to Regulation (EU) No 1093/2010	Article 109 Amendments to Regulation (EU) No 1093/2010	Article 109 Amendments to Regulation (EU) No 1093/2010 Text Origin: Commission Proposal
Article 109, first paragraph				
1108	Regulation (EU) No 1093/2010 is amended as follows:	Regulation (EU) No 1093/2010 is amended as follows:	Regulation (EU) No 1093/2010 is amended as follows:	Regulation (EU) No 1093/2010 is amended as follows: Text Origin: Commission Proposal
Article 109, first paragraph, point (1)				
1109	1. In Article 1(2), the first sentence is replaced by the following:	1. In Article 1(2), the first sentence is replaced by the following:	1. In Article 1(2), the first sentence is replaced by the following:	1. In Article 1(2), the first sentence is replaced by the following: Text Origin: Commission Proposal
Article 109, first paragraph, point (1), amending provision, first paragraph				
1110	“ The Authority shall act within the powers conferred by this Regulation and within the scope of Directive 2002/87/EC, Directive 2008/48/EC ⁽¹⁾ , Directive 2009/110/EC, Regulation (EU) No 575/2013 ⁽²⁾ , Directive 2013/36/EU ⁽³⁾ , Directive	“ The Authority shall act within the powers conferred by this Regulation and within the scope of Directive 2002/87/EC, Directive 2008/48/EC ⁽¹⁾ , Directive 2009/110/EC, Regulation (EU) No 575/2013 ⁽²⁾ , Directive 2013/36/EU ⁽³⁾ , Directive	“ The Authority shall act within the powers conferred by this Regulation and within the scope of Directive 2002/87/EC, Directive 2008/48/EC ⁽¹⁾ , Directive 2009/110/EC, Regulation (EU) No 575/2013 ⁽²⁾ , Directive 2013/36/EU ⁽³⁾ , Directive	“ The Authority shall act within the powers conferred by this Regulation and within the scope of Directive 2002/87/EC, Directive 2008/48/EC ⁽¹⁾ , Directive 2009/110/EC, Regulation (EU) No 575/2013 ⁽²⁾ , Directive 2013/36/EU ⁽³⁾ , Directive

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	2014/49/EU ⁽⁴⁾ , Directive 2014/92/EU ⁽⁵⁾ , Directive (EU) [...] (PSD3), Regulation (EU) [...] (PSR) of the European Parliament and of the Council and, to the extent that those acts apply to credit and financial institutions and the competent authorities that supervise them, within the relevant parts of Directive 2002/65/EC, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority.;	2014/49/EU ⁽⁴⁾ , Directive 2014/92/EU ⁽⁵⁾ , Directive (EU) [...] (PSD3), Regulation (EU) [...] (PSR) of the European Parliament and of the Council and, to the extent that those acts apply to credit and financial institutions and the competent authorities that supervise them, within the relevant parts of Directive 2002/65/EC, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority.;	2014/49/EU ⁽⁴⁾ , Directive 2014/92/EU ⁽⁵⁾ , Directive (EU) [...] (PSD3), Regulation (EU) [...] (PSR) of the European Parliament and of the Council and, to the extent that those acts apply to credit and financial institutions and the competent authorities that supervise them, within the relevant parts of Directive 2002/65/EC, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority.;	2014/49/EU ⁽⁴⁾ , Directive 2014/92/EU ⁽⁵⁾ , Directive (EU) [...] (PSD3), Regulation (EU) [...] (PSR) of the European Parliament and of the Council and, to the extent that those acts apply to credit and financial institutions and the competent authorities that supervise them, within the relevant parts of Directive 2002/65/EC, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority.;
	”	”	”	” Text Origin: Commission Proposal
Article 109, first paragraph, point (2)				
1111	2.Article 4(2) is amended as follows:	2.Article 4(2) is amended as follows:	2.Article 4(2) is amended as follows:	2.Article 4(2) is amended as follows: Text Origin: Commission Proposal
Article 109, first paragraph, point (2)(a)				
1112	(a) point (i) is replaced by the following:	(a) point (i) is replaced by the following:	(a) point (i) is replaced by the following:	(a) point (i) is replaced by the following: Text Origin: Commission Proposal
Article 109, first paragraph, point (2)(a), amending provision, first paragraph				
1113	‘ competent authorities or supervisory authorities within the scope of the	‘ competent authorities or supervisory authorities within the scope of the	‘ competent authorities or supervisory authorities within the scope of the	‘ competent authorities or supervisory authorities within the scope of the

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	sectoral acts referred to in Article 1(2), including the European Central Bank with regard to matters relating to the tasks conferred on it by Regulation (EU) No 1024/2013;	sectoral acts referred to in Article 1(2), including the European Central Bank with regard to matters relating to the tasks conferred on it by Regulation (EU) No 1024/2013;	sectoral acts referred to in Article 1(2), including the European Central Bank with regard to matters relating to the tasks conferred on it by Regulation (EU) No 1024/2013;	sectoral acts referred to in Article 1(2), including the European Central Bank with regard to matters relating to the tasks conferred on it by Regulation (EU) No 1024/2013; Text Origin: Commission Proposal
Article 109, first paragraph, point (2)(b)				
1114	(b) points (iii), (vi), (vii) and (viii) are deleted.	(b) points (iii), (vi), (vii) and (viii) are deleted.	(b) points (iii), (vi), (vii) and (viii) are deleted.	(b) points (iii), (vi), (vii) and (viii) are deleted. Text Origin: Commission Proposal
Article 110				
1115	Article 110 Amendment to Regulation (EU) No 2017/2394	Article 110 Amendment to Regulation (EU) No 2017/2394	Article 110 Amendment to Regulation (EU) No 2017/2394	Article 110 Amendment to Regulation (EU) No 2017/2394 Text Origin: Commission Proposal
Article 110, first paragraph				
1116	In the Annex to Regulation (EU) 2017/2394, the following point is added:	In the Annex to Regulation (EU) 2017/2394, the following point is added:	In the Annex to Regulation (EU) 2017/2394, the following point is added:	In the Annex to Regulation (EU) 2017/2394, the following point is added: Text Origin: Commission Proposal
Article 110, first paragraph, amending provision, numbered paragraph (29)				
1117	‘ 29. Regulation (EU) xxxx of the European Parliament and of the Council of xxxx on payment	‘ 29. Regulation (EU) xxxx of the European Parliament and of the Council of xxxx on payment	‘ 29. Regulation (EU) xxxx of the European Parliament and of the Council of xxxx on payment	‘ 29. Regulation (EU) xxxx of the European Parliament and of the Council of xxxx on payment

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	services in the internal market and amending Regulation (EU) No 1093/2010.	services in the internal market and amending Regulation (EU) No 1093/2010.	services in the internal market and amending Regulation (EU) No 1093/2010.	services in the internal market and amending Regulation (EU) No 1093/2010. Text Origin: Commission Proposal
	Article 110a			
G 1117a			Article 110a Amendment to Regulation (EU) No 2021/1230	<u>Article 110a</u> <u>Amendment to Regulation (EU) No 2021/1230</u> TM 31.10: alignment considered necessary to ensure consistency with the changes made in PSR. Text Origin: Council Mandate
	Article 110a, first paragraph			
G 1117b			Regulation (EU) No 2021/1230 is amended as follows:	<u>Regulation (EU) No 2021/1230 is amended as follows:</u> Text Origin: Council Mandate
	Article 110a, second paragraph			
G 1117c			1. In Article 4, the first paragraph is replaced by the following:	<u>1. In Article 4, the first paragraph is replaced by the following:</u> Text Origin: Council Mandate
	Article 110a, third paragraph			
G 1117d			‘1. With regard to the information requirements on currency conversion charges and the applicable exchange rate, as set out in Article 13(1), Article 20 (c),	<u>‘1. With regard to the information requirements on currency conversion charges and the applicable exchange rate, as set out in Articles 13(1), 20(c), and 5(2) of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						and Article 5(2) of Regulation (EU) of the European Parliament and of the Council¹, payment service providers and parties providing currency conversion services at an automated teller machine (ATM) or at the point of sale, as referred to in Article 5(2) of that Regulation, shall express the total currency conversion charges as a monetary amount in the currency of the payer's account and as a percentage mark-up over an aggregated mid-market exchange rate as referred to in Article 5(4) of that Regulation. That mark-up and any other applicable charges shall be disclosed to the payer prior to the initiation of the payment transaction.'; 1. OP: Please insert in the text the number of the Regulation contained in document 2023/0210 (COD) (Proposal for a regulation of the European Parliament and of the Council on payment services in the internal market and amending Regulation (EU) No 1093/2010 and Regulation (EU) No 2021/1230 - COM/2023/367 final) and insert the number, date, title and OJ reference of that Regulation in the footnote.		<u>Regulation (EU) [PSR] of the European Parliament and of the Council¹, payment service providers and parties providing currency conversion services at an automated teller machine (ATM) or at the point of sale, as referred to in Article 5(2) of that Regulation, shall express the total currency conversion charges as a monetary amount in the currency of the payer's account and as a percentage mark-up over an aggregated mid-market exchange rate as referred to in Article 5(4) of that Regulation. That mark-up and any other applicable charges shall be disclosed to the payer prior to the initiation of the payment transaction.';</u> <u>1. OP: Please insert in the text the number of the Regulation contained in document 2023/0210 (COD) (Proposal for a regulation of the European Parliament and of the Council on payment services in the internal market and amending Regulation (EU) No 1093/2010 and Regulation (EU) No 2021/1230 - COM/2023/367 final) and insert the number, date, title and OJ reference of that Regulation in the footnote.</u> Text Origin: Council Mandate
		Article 110a, fourth paragraph						
G		1117e				2.In Article 5, the first paragraph is replaced by the following:		<u>2.In Article 5, the first paragraph is replaced by the following:</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: Council Mandate
		Article 110a, fifth paragraph						
6	1117f					‘1. When a currency conversion service is offered by the payer’s payment service provider in relation to a credit transfer, as defined in point 28 of Article 3 of Regulation (EU) of the European Parliament and of the Council¹, that is initiated online directly, using the website or the mobile banking application of the payment service provider, the payment service provider, with regard to Article 13(1) and Article 20(c) of that Regulation, shall inform the payer prior to the initiation of the payment transaction, in a clear, neutral and comprehensible manner, of the estimated charges for currency conversion services and any other charges applicable to the credit transfer. The estimated charges for currency conversion in relation to credit transfers shall be expressed as a monetary amount in the currency of the payer’s account and as a percentage mark-up over an aggregated mid-market exchange rate as referred to in Article 5(4) of that Regulation.’ 1. OP: Please insert in the text the number		<u><i>‘1. When a currency conversion service is offered by the payer’s payment service provider in relation to a credit transfer, as defined in point 28 of Article 3 of Regulation (EU) [PSR] of the European Parliament and of the Council¹, that is initiated online directly, using the website or the mobile banking application of the payment service provider, the payment service provider, with regard to Articles 13(1) and 20(c) of that Regulation, shall inform the payer prior to the initiation of the payment transaction, in a clear, neutral and comprehensible manner, of the estimated charges for currency conversion services and any other charges applicable to the credit transfer. The estimated charges for currency conversion in relation to credit transfers shall be expressed as a monetary amount in the currency of the payer’s account and as a percentage mark-up over an aggregated mid-market exchange rate as referred to in Article 5(4) of that Regulation.’</i></u> <u><i>1. OP: Please insert in the text the number of the Regulation contained in document 2023/0210 (COD) (Proposal for a regulation of the European Parliament and</i></u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						of the Regulation contained in document 2023/0210 (COD) (Proposal for a regulation of the European Parliament and of the Council on payment services in the internal market and amending Regulation (EU) No 1093/2010 and Regulation (EU) No 2021/1230 - COM/2023/367 final) and insert the number, date, title and OJ reference of that Regulation in the footnote.		<u>of the Council on payment services in the internal market and amending Regulation (EU) No 1093/2010 and Regulation (EU) No 2021/1230 - COM/2023/367 final) and insert the number, date, title and OJ reference of that Regulation in the footnote.</u> Text Origin: Council Mandate
		Article 110b						
G		1117g				Article 110b Amendment to Regulation (EU) No 2023/1114		<u>Article 110b Amendment to Regulation (EU) No 2023/1114</u> Text Origin: Council Mandate
		Article 110b, first paragraph						
G		1117h				Article 60 is amended as follows:		<u>Article 60 is amended as follows:</u> Text Origin: Council Mandate
		Article 110b, second paragraph						
G		1117i				The following paragraph 4a is inserted:		<u>The following paragraph 4a is inserted:</u> Text Origin: Council Mandate
		Article 110b, third paragraph						
G		1117j				'4a. A payment institution may provide crypto-asset services with electronic money tokens where such services are considered equivalent to those payment services for which the payment institution has been authorised under Directive XXX [PSD3] if it notifies the competent authority of		<u>'(4a) A payment institution may provide crypto-asset services in relation to e-money tokens for the purposes of providing payment services, where such crypto-asset services are deemed equivalent to those payment services for which the payment institution has been authorised under [PSD3] if it</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			the home Member State of the information referred to in paragraph 7 of this Article at least 40 working days before providing those services for the first time.'	<u>notifies the competent authority of the home Member State of the information referred to in paragraph 7 of this Article at least 40 working days before providing those crypto-asset services for the first time.</u> <u>For the purpose of this paragraph: providing custody and administration of crypto-assets on behalf of clients is deemed equivalent to the payment service of enabling cash to be placed on or withdrawn from a payment account referred to in point (1), of Annex I to [PSD3]; the exchange of crypto-assets for funds and other crypto-assets is deemed equivalent to the payment service of execution of payment transactions referred to in point (2), of Annex I of [PSD3]; providing transfer services for crypto-assets on behalf of clients is deemed equivalent to the payment service of execution of payment transactions referred to in point (2), of Annex I of [PSD3]; the execution of orders for crypto-assets on behalf of clients is deemed equivalent to the payment service of execution of payment transactions referred to in point (2), of Annex I of [PSD3]; the reception and transmission of</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>orders for crypto-assets on behalf of clients is deemed equivalent to the payment initiation services referred to in point (6), of Annex I of [PSD3].'</u> TM 17.12: based on proposed redrafting from the EC.
		Article 110c						
G		1117k				Article 110c Amendment to Regulation (EU) No 2024/886		<u>Article 110c</u> <u>Amendment to Regulation (EU) No 260/2012</u> Text Origin: Council Mandate
		Article 110c, first paragraph						
G		1117l						<u>1. In Article 2, the following point is added:</u> <u>‘(15a) ‘virtual IBAN’ means an identifier containing the elements specified by the ISO as referred to in point (15) and causing payments to be redirected to a payment account identified by an IBAN different from that identifier.’.</u> TM 12.11: EC to revert with amendments to SEPA regulation TM 12.12: COM suggestion
		Article 110c, second paragraph						
G		1117m						<u>2. The following article is inserted:</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								‘Article 2a Payment account identifier For the purposes of this Regulation a virtual IBAN shall be considered to be a valid payment account identifier where the use of an IBAN is required.’ TM 12.12: COM suggestion. See also review addition of reference to AML risk in corresponding review clause.
		Article 110c, third paragraph						
G		1117n						deleted
		Article 110c, fourth paragraph						
G		1117o				Article 5a is amended as follows:		deleted
		Article 110c, fifth paragraph						
G		1117p				The following paragraph 6a is inserted:		deleted
		Article 110c, sixth paragraph						
G		1117q				‘6a. In order to prevent fraud and in accordance with Regulation (EU) xxxx of the European Parliament and of the Council of xxx on payment services in the internal market and amending Regulation (EU) No 1093/2010, the		deleted TM 4.11: link with Art. 65 PSR. The second part (restoring the payment account) is not as clear.

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
						payment service provider may decide not to execute the instant credit transfer, upon careful assessment of the risk of fraud and damage.’ In such case, the payer and, where applicable, the payment initiation service provider, shall be notified by the payment service provider of the payer within 10 seconds of the time of receipt of the payment order for an instant credit transfer by the payer's PSP and, in accordance with paragraph 5, the payment service provider of the payer shall immediately restore the payment account of the payer to the state in which it would have been had the transaction not been initiated.’		<i>Council to revert.</i> <i>TM 18.11: The second part (restoring the payment account) is not as clear. Covered by Art. 65.</i> <i>Text Origin: Council Mandate</i>
		Article 110c, seventh paragraph						
G		1117r						<u>3.Article 5c is amended as follows:</u>
		Article 110c, eighth paragraph						
G		1117s						<u>(a) paragraph 5 is replaced by the following:</u>
		Article 110c, ninth paragraph						
G		1117t						<u>‘PSPs shall ensure that the performance of the service ensuring verification and of the service described in paragraph 2 does not prevent payers from authorising the credit transfer concerned, without prejudice to the third subparagraph</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>of paragraph 6.'</u>
Article 110c, tenth paragraph								
G		1117u						<u>(b) paragraph 6 is replaced by the following:</u> TM 18.11
Article 110c, eleventh paragraph								
G		1117v						<u>'PSPs shall provide PSUs that are not consumers with the means to opt out from receiving the service ensuring verification when submitting payment orders via payment initiation channels that are based on automated dedicated processes or protocols and that are only made available to PSUs that are not consumers.'</u> <u>PSPs shall ensure that PSUs that are not consumers that opted out from receiving the service ensuring verification have the right to opt in at any time to receive that service.</u> <u>In the case of payment orders submitted via payment initiation channels referred to in the first subparagraph, including multiple payment orders that are submitted as a package, PSPs shall offer PSUs that are not consumers the possibility of agreeing in the framework contract that:</u> <u>a) the service ensuring</u>

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								<u>verification is provided after authorisation of those payment orders; and</u> <u>b) the payer's PSP executes those payment orders without any further input from the PSU only in one or more of the following cases:</u> <u>(i) the information received by the payer's PSP from the payee's PSP shows that that the name of the payee as provided by the payer matches the payment account identifier specified in point (1)(a) of the Annex;</u> <u>(ii) the information received by the payer's PSP from the payee's PSP shows that that the name of the payee as provided by the payer almost matches the payment account identifier specified in point (1)(a) of the Annex;</u> <u>(iii) the service ensuring verification cannot be provided because of technical reasons.</u> <u>The possibility for the PSU that is not a consumer to contractually agree that the payer's PSP executes payment orders as set out in the third subparagraph shall be without prejudice to the requirement in paragraph 1, point (a), for the payer's PSP to indicate to the payer, in cases where the name of the payee as provided by the payer almost matches the payment</u>

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				<u>account identifier specified in point (1)(a) of the Annex provided by the payer, the name of the payee associated with that payment account identifier.</u> <u>For the purposes of paragraph 8, where the payer's PSP proceeds to execute the payment orders in accordance with the framework contract as referred to in the third subparagraph, the payer's PSP shall not be deemed liable for not having complied with the requirement to offer the service ensuring payee verification. '</u> TM 4.12: minor revisions
Article 111				
6	Article 111 Correlation table	Article 111 Correlation table	Article 111 Correlation table	Article 111 Correlation table Text Origin: Commission Proposal
Article 111, first paragraph				
6	Any reference to Directive (EU) 2015/2366 and to Directive 2009/110/EC shall be construed as a reference to Directive (EU) (PSD3) or to this Regulation and shall be read in accordance with the correlation table in Annex III to this Regulation.	Any reference to Directive (EU) 2015/2366 and to Directive 2009/110/EC shall be construed as a reference to Directive (EU) (PSD3) or to this Regulation and shall be read in accordance with the correlation table in Annex III to this Regulation.	Any reference to Directive (EU) 2015/2366 and to Directive 2009/110/EC shall be construed as a reference to Directive (EU) (PSD3) or to this Regulation and shall be read in accordance with the correlation table in ~~the~~ Annex-III to this Regulation.	Any reference to Directive (EU) 2015/2366 and to Directive 2009/110/EC shall be construed as a reference to Directive (EU) (PSD3) or to this Regulation and shall be read in accordance with the correlation table in <u>the</u> Annex- ~~III~~ to this Regulation.

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
				TM 12.12 Text Origin: Council Mandate
Article 112				
1120	Article 112 Entry into force and application	Article 112 Entry into force and application	Article 112 Entry into force and application	Article 112 Entry into force and application Text Origin: Commission Proposal
Article 112, first paragraph				
1121	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 112, second paragraph				
1122	It shall apply from [OP please insert the date= 18 months after the date of entry into force of this Regulation].	It shall apply from [OP please insert the date= ~~18~~ ²¹ months after the date of entry into force of this Regulation].	It shall apply from [OP please insert the date= ~~18-24~~ months after the date of entry into force of this Regulation].	It shall apply from [OP please insert the date= ~~18~~ ²¹ months after the date of entry into force of this Regulation]. TM 12.12 Text Origin: EP Mandate
Article 112, third paragraph				
1123	However, Articles 50 and 57 shall apply from [OP please insert the date= 24 months after the date of entry into force of this Regulation].	However, Articles 50 and 57 shall apply from [OP please insert the date= ~~24~~ ²⁷ months after the date of entry into force of this Regulation].	However, Articles 50 and 57 shall apply from [OP please insert the date= ~~24-30~~ months after the date of entry into force of this Regulation].	However, Articles 50 and 57 shall apply from [OP please insert the date= ~~24~~ ²⁷ months after the date of entry into force of this Regulation]. TM 12.12

	CLEAN	Commission Proposal	VS.EC	EP Mandate	VS.EC	Council Mandate	VS.EC	Draft Agreement
								Text Origin: EP Mandate
	Article 112, third paragraph a							
G	1123a					Paragraph 1 of Article 108a shall apply from the date of entry into force of this Regulation.		<u>Articles 85a and 108a shall apply from the date of entry into force of this Regulation.</u> TM 15.12 TM 5.3: reference to Art. 85a added Text Origin: Council Mandate
	Article 112, fourth paragraph							
G	1124	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Commission Proposal
	Formula							
G	1125	Done at Brussels,		Done at <u>Brussels</u> ,		Done at Brussels,		Done at <u>Brussels</u> , Text Origin: EP Mandate
	Formula							
G	1126	For the European Parliament		For the European Parliament		For the European Parliament		For the European Parliament Text Origin: Commission Proposal
	Formula							
G	1127	The President		The President		The President		The President Text Origin: Commission Proposal
	Formula							

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
G	1128	For the Council	For the Council	For the Council Text Origin: Commission Proposal	G
Formula					
G	1129	The President	The President	The President Text Origin: Commission Proposal	G
Annex I					
G	1130	Annex I	Annex I	<i>deleted</i>	G
Annex I, first paragraph					
G	1131	PAYMENT SERVICES	PAYMENT SERVICES	<i>deleted</i>	G
Annex I, second paragraph					
G	1132	(as referred to in point 3 of Article 3)	(as referred to in point 3 of Article 3)	<i>deleted</i>	G
Annex I, third paragraph					
G	1133	(1) Services enabling cash to be placed on and/or withdrawn from a payment account.	(1) Services enabling cash to be placed on and/or withdrawn from a payment account.	<i>deleted</i>	G
Annex I, fourth paragraph					
G	1134	(2) Execution of payment transactions, including transfers of funds from and to a payment account, including where the funds are covered by a credit line with the	(2) Execution of payment transactions, including transfers of funds from and to a payment account, including where the funds are covered by a credit line with the	<i>deleted</i>	G

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	user's payment service provider or with another payment service provider.	user's payment service provider or with another payment service provider.		
	<i>Annex I, fifth paragraph</i>			
G 1135	(3) Issuing of payment instruments.	(3) Issuing of payment instruments.		<i>deleted</i>
	<i>Annex I, sixth paragraph</i>			
G 1136	(4) Acquiring of payment transactions.	(4) Acquiring of payment transactions.		<i>deleted</i>
	<i>Annex I, seventh paragraph</i>			
G 1137	(5) Money remittance.	(5) Money remittance.		<i>deleted</i>
	<i>Annex I, eighth paragraph</i>			
G 1138	(6) Payment initiation services.	(6) Payment initiation services.		<i>deleted</i>
	<i>Annex I, ninth paragraph</i>			
G 1139	(7) Account information services.	(7) Account information services.		<i>deleted</i>
	<i>Annex II</i>			
G 1140	<i>Annex II</i>	<i>Annex II</i>		<i>deleted</i>
	<i>Annex II, first paragraph</i>			
G 1141	ELECTRONIC MONEY	ELECTRONIC MONEY		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement	
	SERVICES	SERVICES		<i>deleted</i>	
	<i>Annex II, second paragraph</i>				
G	1142 (as referred to in point 52 of Article 3)	(as referred to in point 52 of Article 3)		<i>deleted</i>	G
	<i>Annex II, third paragraph</i>				
G	1143 Issuance of electronic money, maintenance of payment accounts storing electronic money units and transfer of electronic money units.	Issuance of electronic money, maintenance of payment accounts storing electronic money units and transfer of electronic money units.		<i>deleted</i>	G
	<i>Annex III</i>				
G	1144 <i>Annex III</i>	<i>Annex III</i>		Annex ~~III~~	G
	<i>Annex III, first paragraph</i>				
G	1145 CORRELATION TABLE	CORRELATION TABLE		CORRELATION TABLE Text Origin: Commission Proposal	G