

## Chapter 15C

# Applications under the Payment Services Regulations



## 15C.1 Application

15C.1.1 **R** This chapter applies to *payment service providers*.



## **15C.2 Request for exemption from the obligation to set up a contingency mechanism (Article 33(6) of the SCA RTS)**

- 15C.2.1** **G** *Account servicing payment service providers* that opt to provide a dedicated interface under article 31 of the *SCA RTS* may request that the *FCA* grant an exemption from the obligation in article 33(4) to set up a contingency mechanism. The exemption will be granted if the dedicated interface meets the conditions set out in article 33(6).
- 15C.2.1A** **D** *Account servicing payment service providers* wishing to rely on the exemption in article 33(6) of the *SCA RTS* must submit to the *FCA* the form specified in ■ SUP 15C Annex 1D by electronic means made available by the *FCA*.
- 15C.2.2** **G** *Account servicing payment service providers* are encouraged to discuss an exemption request with their usual supervisory contact as early as possible, and before submitting the form in ■ SUP 15C Annex 1D.
- 15C.2.3** **G** The *EBA* issued Guidelines on 4 December 2018 on the conditions to be met to benefit from an exemption from contingency measures under article 33(6) of the *SCA RTS*. The Guidelines clarify the requirements *account servicing payment service providers* need to meet to obtain an exemption and the information competent authorities should consider to ensure the consistent application of these requirements across jurisdictions. The *FCA* provides further guidance on making an exemption request in chapter 17 of the *FCA*'s Approach Document.
- [**Note:** see <https://eba.europa.eu/documents/10180/2250578/Final+Report+on+Guidelines+on+the+exemption+to+the+fall+back.pdf/4e3b9449-ecf9-4756-8006-cbbe74db6d03> and <https://www.fca.org.uk/publication/finalised-guidance/fca-approach-payment-services-electronic-money-2017.pdf>]
- 15C.2.4** **D** When completing the form specified in ■ SUP 15C Annex 1D, *account servicing payment service providers* must provide to the *FCA* such information as is necessary to enable the *FCA* to determine whether the requirements in Guidelines 2 to 8 of the *EBA*'s Guidelines on the conditions to be met to benefit from an exemption from contingency measures under article 33(6) of the *SCA RTS* are met.

15C.2.5

**G**

*Account servicing payment service providers should note that article 16(3) of Regulation (EU) 1093/2010 also requires them to make every effort to comply with the EBA's Guidelines on the conditions to be met to benefit from an exemption from contingency measures under article 33(6) of the SCA RTS.*

## Form: Request for exemption from the obligation to set up a contingency mechanism

**Form:** Request for exemption from the obligation to set up a contingency mechanism

Where a group of *account servicing payment service providers* (ASPSPs) operates the same dedicated interface across different banking brands, subsidiaries or products, we require a single request for that dedicated interface.

Where a group of ASPSPs or a single ASPSP operates a number of different dedicated interfaces, e.g. in respect of different banking brands, subsidiaries or products, we require separate requests in respect of each different dedicated interface for which an ASPSP is seeking an exemption.

D1	Financial Registration Number (FRN):
D2	Interface Name/Id (ASPSPs submitting a return should provide the name or ID used within the PSP to identify the interface being reported on)
D3	If this is a single request for a dedicated interface operated across different banking brands, subsidiaries or products, please provide the names of the different banking brands, subsidiaries or products
D4	If this is a request for one of a number of dedicated interfaces being operated across different banking brands, subsidiaries or products, please identify the group (e.g. banking group) and the brand, subsidiary or product which is the subject of this request
D5	Contact person name
D6	Contact role within organisation
D7	Contact phone number
D8	Contact email address

Guidance on completing the form can be found in the Payment Services and Electronic Money Approach Document, Chapter 17.

[Note: see <https://www.fca.org.uk/publication/finalised-guidance/fca-approach-payment-services-electronic-money-2017.pdf>.]

ASPSPs completing the form should also comply with the Guidelines on the conditions to be met to benefit from an exemption from contingency measures under article 33(6) of Regulation (EU) 2018/389 (RTS on SCA & CSC) (EBA Guidelines).

[Note: see <https://eba.europa.eu/documents/10180/2250578/Final+Report+on+Guidelines+on+the+exemption+to+the+fall+back.pdf/4e3b9449-ecf9-4756-8006-cbbe74db6d03>.]

**Form A: exemption criteria**

**Service level, availability and performance (EBA Guideline 2)**

- Q1 Has the ASPSP defined service level targets for out of hours support, monitoring, contingency plans and maintenance for its dedicated interface that are at least as stringent as those for the interface(s) used by its own payment service users (EBA Guideline 2.1)?
- Q2 Has the ASPSP put in place measures to calculate and record performance and availability indicators, in line with EBA Guidelines 2.2 and 2.3?

**Publication of statistics (EBA Guideline 3)**

- Q3 Please set out the plan for the quarterly publication of daily statistics on the availability and performance of the dedicated interface and payment service user interface.

**Stress testing (EBA Guideline 4)**

- Q4 Please provide a summary of the results of stress tests undertaken.

**Obstacles (EBA Guideline 5)**

- Q5 Please describe the method(s) of carrying out the authentication procedure(s) of the payment service user that are supported by the dedicated interface

<b>Redirection</b>	Summary of the authentication procedure
Confirm that supporting evidence has been provided	Explanation of why the methods of carrying out the authentication procedure does not create obstacles
<b>Decoupled</b>	Summary of the authentication procedure
Confirm that supporting evidence has been provided	Explanation of why the methods of carrying out the authentication procedure does not create obstacles
<b>Embedded</b>	Summary of the authentication procedure
Confirm that supporting evidence has been provided	Explanation of why the methods of carrying out the authentication procedure does not create obstacles
<b>Other authentication method</b>	Summary of the authentication procedure
Confirm that supporting evidence has been provided	Explanation of why the methods of carrying out the authentication procedure does not create obstacles

**Design and testing to the satisfaction of PSPs (EBA Guideline 6) – also complete Form B**

- Q6 Please provide information on whether, and, if so, how the ASPSP has engaged with AISPs, PISPs and CBPIIs in the design and testing of the dedicated interface.
- Q7 Please provide the date (DD/MM/YYYY) from which the ASPSP has made available, at no charge, upon request, the documentation of the technical specification of the dedicated interface specifying a set of routines, protocols, and tools needed by AISPs, PISPs and CBPIIs to interoperate with the systems of the ASPSP.
- Q8 Please provide the date (DD/MM/YYYY) on which the ASPSP published a summary of the technical specification of the dedicated interface on its website and a web link.
- Q9 Please provide the date (DD/MM/YYYY) on which the testing facility became available for use by AISP, PISPs, CBPIIs (and those that have applied for the relevant authorisation).
- Q10 Please provide the number of different PISPs, CBPIIs, AISPs that have used the testing facility.
- AISPs  
CBPIIs  
PISPs
- Q11 Please provide a summary of the results of the testing as required.
- Wide usage of the interface (EBA Guideline 7)**
- Q12 Please provide a description of the usage of the dedicated interface in a three month (or longer) period prior to submission of the exemption request.
- Q13 Describe the measures undertaken to ensure wide use of the dedicated interface by AISPs, PISPs, CBPIIs.
- Resolution of problems (EBA Guideline 8)**
- Q14 Please describe the systems or procedures in place for tracking, resolving and closing problems, particularly those reported by AISPs, PISPs, and CBPIIs.
- Q15 Please explain any problems, particularly those reported by AISPs, PISPs and CBPIIs, that have not been resolved in accordance with the service level targets defined under EBA Guideline 2.1.

Form B: (EBA Guideline 6) design of the dedicated interface

Article	Requirement	Column A Description of the functional and technical specifications that the ASPSP has implemented to meet this requirement.  [Where relevant, also reference to the specific market initiative API specification used to meet this requirement and the results of conformance testing attesting compliance with the market initiative standard]	Column B Summary of how the implementation of these specifications fulfils the requirements of PSD2, SCA-RTS and FCA Guidelines  [Where relevant, any deviation from the specific market initiative API specification which has been designed to meet this requirement]	Column C If not in place at the time of submission of the exemption request, when will the functionality be implemented to meet the requirement (must be before 14 September 2019).  Has a plan for meeting the relevant requirements been submitted to the FCA alongside this form?
PSD2 Article 67 SCA-RTS Article 30 RTS	Enabling AISPs to access the necessary data from payment accounts accessible online			
PSD2 Article 65 & 66 SCA-RTS Article 30	Enabling provision or availability to the PISP, immediately after receipt of the payment order, of all the information on the initiation of the payment transaction and all information accessible to the ASPSP regarding the execution of the payment transaction			
SCA-RTS Article 30(3)	Conforming to (widely used) standard(s) of communication issued by international or European standardisation organisations			
PSD2 Article 64(2) SCA-RTS Article 30(1)(c)	Allowing the payment service user to authorise and consent to a payment transaction via a PISP			
PSD2 Article 66(3)(b) and 67(2)(b)	Enabling PISPs and AISPs to ensure that when they transmit the personalised security credentials issued by the ASPSP, they do so through safe			

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Article	Requirement	Column A Description of the functional and technical specifications that the ASPSP has implemented to meet this requirement.  [Where relevant, also reference to the specific market initiative API specification used to meet this requirement and the results of conformance testing attesting compliance with the market initiative standard]	Column B Summary of how the implementation of these specifications fulfils the requirements of PSD2, SCA-RTS and FCA Guidelines  [Where relevant, any deviation from the specific market initiative API specification which has been designed to meet this requirement]	Column C If not in place at the time of submission of the exemption request, when will the functionality be implemented to meet the requirement (must be before 14 September 2019).  Has a plan for meeting the relevant requirements been submitted to the FCA alongside this form?
	and efficient channels.			
PSD2 Article 65(2)(c), 66(2)(d) and 67(2)(c) SCA-RTS Article 30(1)(a) and 34	Enabling the identification of the AISP/PISP/CBPII and support eIDAS for certificates			
SCA-RTS Article 10(2)(b)	Allowing for no more than 90 days re-authentication for AISPs			
SCA-RTS Article 36(5)	Enabling the ASPSPs and AISPs to count the number of access requests during a given period			
SCA-RTS Article 30(4)	Allowing for a change control process			
PSD2 Article 64(2) and 80(2) and 80(4)	Allowing for the possibility for an initiated transaction to be cancelled in accordance with PSD2, including recurring transactions			
SCA-RTS Article 36(2)	Allowing for error messages explaining the reason for the unexpected event or error			

Article	Requirement	Column A Description of the functional and technical specifications that the ASPSP has implemented to meet this requirement.  [Where relevant, also reference to the specific market initiative API specification used to meet this requirement and the results of conformance testing attesting compliance with the market initiative standard]	Column B Summary of how the implementation of these specifications fulfils the requirements of PSD2, SCA-RTS and FCA Guidelines  [Where relevant, any deviation from the specific market initiative API specification which has been designed to meet this requirement]	Column C If not in place at the time of submission of the exemption request, when will the functionality be implemented to meet the requirement (must be before 14 September 2019).  Has a plan for meeting the relevant requirements been submitted to the FCA alongside this form?
PSD2 Article 19(6)	Supporting access via technology service providers on behalf of authorised actors			
PSD2 Article 97(5) and SCA-RTS Article 30(2)	Allowing AISPs and PISPs to rely on all authentication procedures issued by the ASPSP to its customers			
PSD2 Article 67(2)(d) and 30(1)(b) and SCA-RTS Article 36(1)(a)	Enabling the AISP to access the same information as accessible to the payment servicer user in relation to their designated payment accounts and associated payment transactions			
SCA-RTS Article 36(1)(c)	Enabling the ASPSP to send, upon request, an immediate confirmation yes/no to the PSP (PISP and CBPII) on whether there are funds available			
PSD2 Article 97(2) and SCA-RTS Article 5	Enabling the dynamic linking to a specific amount and payee, including batch payments			
SCA-RTS Articles 30(2), 32(3), 18(2)(c)(v)	Enabling the ASPSP to apply the same exemptions from SCA for transactions initiated by			

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Article	Requirement	Column A Description of the functional and technical specifications that the ASPSP has implemented to meet this requirement.  [Where relevant, also reference to the specific market initiative API specification used to meet this requirement and the results of conformance testing attesting compliance with the market initiative standard]	Column B Summary of how the implementation of these specifications fulfils the requirements of PSD2, SCA-RTS and FCA Guidelines  [Where relevant, any deviation from the specific market initiative API specification which has been designed to meet this requirement]	Column C If not in place at the time of submission of the exemption request, when will the functionality be implemented to meet the requirement (must be before 14 September 2019).  Has a plan for meeting the relevant requirements been submitted to the FCA alongside this form?
and (vi) and 18(3)	PISPs as when the PSU interacts directly with the ASPSP			
SCA-RTS Article 4	Enabling strong customer authentication composed of two different elements			
SCA-RTS Articles 28 & 35	Enabling a secure data exchange between the ASPSP and the PISP, AISP and CBPII mitigating the risk for any misdirection of communication to other parties			
PSD2 Article 97(3) SCA-RTS Articles 30(2)(c) and 35	Ensuring security at transport and application level			
PSD2 Article 97(3) SCA-RTS Articles 22, 35 and 3	Supporting the needs to mitigate the risk for fraud, have reliable and auditable exchanges and enable providers to monitor payment transactions			
SCA-RTS Article 29	Allowing for traceability			
SCA-RTS Article 32	Allowing for the ASPSP's dedicated interface to provide at least the same availability and per-			

Article	Requirement	Column A Description of the functional and technical specifications that the ASPSP has implemented to meet this requirement. [Where relevant, also reference to the specific market initiative API specification used to meet this requirement and the results of conformance testing attesting compliance with the market initiative standard]	Column B Summary of how the implementation of these specifications fulfils the requirements of PSD2, SCA-RTS and FCA Guidelines [Where relevant, any deviation from the specific market initiative API specification which has been designed to meet this requirement]	Column C If not in place at the time of submission of the exemption request, when will the functionality be implemented to meet the requirement (must be before 14 September 2019). Has a plan for meeting the relevant requirements been submitted to the FCA alongside this form?
	formance as the user interface			