



SPAA MSG 002-23

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Approved

Minutes of the nineteenth meeting of the SEPA Payment Account Access Multi-Stakeholder Group (SPAA MSG)

Venue: Teleconference (via Microsoft Teams)

Distribution: SPAA MSG

Meeting Date: 20 January 2023 (10.00-16:00 CET)

1 Welcome by the SPAA MSG Co-Chairs

The co-chairs A. González Mac Dowell and G. Boudewijn welcomed the members to the nineteenth meeting of the SEPA Payment Account Access Multi-Stakeholder Group (SPAA MSG).

The list of attendees can be found in Annex I.

The group agreed that M. Kalina (Rabobank) could attend the meeting as a guest to replace M. Kostro until the lunch break.

2 Approval of the agenda (SPAA MSG 001-23)

The agenda was approved as distributed.

3 Approval of the minutes of the 15th, 16th, 18th meetings of the SPAA MSG (SPAA MSG 027-22, SPAA MSG 032-22, SPAA MSG 036-22)

The minutes of the meetings held on 4 October 2022, 24 October 2022 and 5 December 2022 were approved subject to the inclusion of several editorial updates as suggested by H. Fürstenau. The approved minutes will be published shortly on the EPC website.

4 Status update on latest developments

Co-chair A. González Mac Dowell briefly reported on the 'Open Insurance' workshop he had attended, which was organised by the European Insurance and Occupational Pensions Authority (EIOPA) on 19 January 2023.

The SPAA MSG was also briefed concerning the organisation of i) a second dedicated meeting on the topic of refunds (outcome to be reported at the next SPAA MSG meeting) and ii) an upcoming status update meeting on 15 February 2023 for the Module 3 and the SPAA scheme Interest Group participants.

5 Update on the activities of the work blocks of the SPAA MSG

- SPAA Business Conditions (BC) WB: The independent economic consultant had distributed on 17 January 2023 its SPAA sensitivity analysis survey to the asset brokers that had expressed an interest in participating (in accordance with the 'black box' approach). Co-chair A. González



Mac Dowell stated that he was informed that the deadline of 27 January 2023 would be very tight for asset brokers. Co-chair Gijs Boudewijn nevertheless urged the asset brokers (that had been invited) to do their best to meet the deadline in view of the fact that the business conditions are to be submitted for approval to the Board on 21 February 2023 and prior to that they need to be reviewed by the SPAA BC WB at its 10 February 2023 meeting and validated by the SPAA MSG on 17 February 2023.

Members were reminded that the principle of having a default API access fee (including for basic services) had already been covered in the report of the ERPB Working Group on a SEPA API Access Scheme. It was commented that the reason to allow the provision of basic services also via SPAA APIs is to avoid having to switch all the time between different endpoints. J. Wilson raised a concern regarding the fact that an asset broker would be charged per API call instead of per transaction and he also asked whether a fee would be charged in case of an unsuccessful call. The co-chairs suggested to present these questions to the independent economic consultant and to discuss the feedback received at the 10 February 2023 meeting of the SPAA BC WB.

- SPAA API WB: The co-chair A. González Mac Dowell informed that the work block had finished the alignment exercise related to the rulebook attributes and that it had also finalised its review of the draft API Security Framework and Operational Scheme Manager (OSM) requirements documents. He added that the work block had concluded that the OSM document would indeed be relevant for the SPAA scheme given that there is a need for a directory service for SCA approaches, delegations and exemptions. In view of the LSG input (see section 6) potentially further updates might have to be discussed by the SPAA API WB for inclusion in the rulebook.
- Joint SPAA/SRTP API Security Framework WB: The joint work block is expected to finalise the API Security Framework and the OSM requirements documents at its 26 January 2023 meeting. Following validation by the SPAA MSG and the RTP TF, these documents will also be submitted for approval to the 7 March 2023 meeting of the Board.
- SPAA Risk Management (RM) WB: Following an email-voting, M. Kostro (ING) was appointed as chair of the SPAA RM WB. The kick-off meeting is expected to take place in February 2023. It was moreover clarified that the Risk Management Annex (RMA) is expected to be submitted for approval to the Board in Q4 2023. D. Hillen (representing the Berlin Group) was approved as new member of the SPAA RM WB.

6 Report on the outcome of the ad-hoc LSG meeting concerning pending SPAA scheme rulebook topics (LSG ppt)

Co-chair G. Boudewijn reported on the following conclusions resulting from the ad-hoc LSG meeting held on 9 January 2023:

- **Section 4.7 ‘Liability’**:
 - A distinction is to be made between transaction assets and data assets for determining the liability of the asset holder. In particular for data assets, the LSG concluded that the asset holder should only be liable “to provide the data as recorded but should not give any additional warranty as to the completeness of information”. It was commented that the asset holder should however need to ensure that the information is complete and accurate. Co-chair G. Boudewijn agreed that the word “completeness” could be misinterpreted and agreed to rediscuss this with the LSG.
 - Liability for gross negligence and consequential damage should also be further limited as is done in other SEPA payment scheme rulebooks.



- At a later stage, the LSG should discuss the liability of the scheme participants in light of a potential delegated SCA.
- **Section 4.12 ‘Applicable legal framework’:**
 - GDPR is indeed to be covered in the rulebook as a legal framework.
 - In relation to the hierarchy between the rulebook and local legal frameworks, a distinction is to be made between:
 - the imperative law, which will in any case supersede the rulebook.
 - legislation which is not imperative and where the rulebook will supersede the local legal framework.
- **DS-P01 ‘Payment certainty mechanism’:**
 - As an “unconditional warranty” would not be feasible nor permitted, it had already been agreed by the LSG in November 2022 that the word “unconditional” would need to be removed.
- **DS-P06 ‘Mechanism to request a payment with transactions not borne by the Payer’:**
 - Previously, DG FISMA representatives had informed¹ that there would be no prima facie incompatibility with PSD2, and the EPC’s external competition lawyer had also concluded that there were no issues from a competition law point of view.
 - According to the LSG, there also does not seem to be a prima facie incompatibility in relation to the Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market. As a next step, the LSG suggested for the EPC to try to approach DG COMP. The co-chairs however agreed that prior to contacting DG COMP, the outcome of the review of the business conditions (i.e., set of default fees as developed by the independent economic consultant) by the SPAA BC WB should be awaited.
 - S. Ryan commented that input provided by DG FISMA representatives is to be interpreted as personal views and not as an official DG FISMA position. He added that the topic of unfair commercial practices would be under the responsibility of DG JUST (rather than DG FISMA or DG COMP) and that the legislative proposal on instant payments is still under negotiation and as such should be considered as a moving target. Several members agreed that the outcome of this legislative proposal should indeed not be pre-empted.
 - The alternative of applying a default fee (i.e., regardless of whether an asset holder charges its customers for an SCT Inst) was not yet discussed by the LSG (due to the lack of a concrete proposal). The SPAA MSG agreed to postpone the discussion of an alternative approach – as well as a potential further LSG assessment - until after the approval of the SPAA scheme’s business conditions by the Board.
- **DS-29 List of payment accounts dataset:**
 - The LSG concluded that if a request is made under PSD2 it is an obligation to disclose all the names of the account owners (in case of a joint account). For any other request, the asset holder should only disclose the name(s) of the account owner(s) which are mentioned in the request (i.e., other names and/or attributes should not be disclosed).
 - Following a question, it was clarified that this is not related to having a mandate.
 - For merchants, it is key to know who has authorised the payment.
 - R. Ohlhausen informed that the EBA in its Q&A has clarified that the information which needs to be shared, will depend on what is provided via the online channel. It was

¹ See document SPAA MSG 019-22- “Approved minutes of the eleventh SPAA MSG meeting” which took place on 20 May 2022.



commented that the understanding is that the scenarios covered in the rulebook are covered by PSD2.

- **GDPR:**
 - The LSG concluded that a distinction should be made between the obligations of the EPC (and its rulebook) under the GDPR and the obligations that fall under the responsibility of the scheme participants. In some communities, general discussions are ongoing with local data protection authorities. A general concern has been raised regarding data minimisation and some communities might be confronted with problems implementing some features/mechanisms “as is” due to restrictions imposed by their local data protection authorities. However, as no specific input was provided by these communities, the LSG was unable to assess their concern.
- **DS-34 List of cards:**
 - The LSG concluded that the question on including a flag to indicate whether an asset broker is PCI-DSS compliant (i.e., to determine whether a card number can be provided unmasked by the asset holder) is rather related to technical and business risk decisions which are outside of the LSG scope. Moreover, the topic is about compliance with other schemes (not with the SPAA scheme as such)
 - Co-chair A. González Mac Dowell was of the view that DS-34 would be useful from a business perspective, for example for merchants when onboarding customers.
 - It was concluded that a ‘deep dive’ by the SPAA API WB would be required from a technical point of view. Based on this, the LSG could do further analysis if required.

The SPAA API WB is invited to i) assess the impact of these LSG conclusions, ii) make recommendations and iii) report back to the SPAA MSG at its next meeting.

7 Further development of the Minimum Viable Product (MVP)

M. van Mello presented an updated version of the volume projections slide deck. The assumptions defined by EuroCommerce in the initial slide deck are still valid. The main difference is that the SPAA potential uptake percentages (based on 2021 ECB statistics for credit transfer, direct debit, card and ATM transactions in the EU and EEA and excluding SRTP transactions) has been lowered to a minimum of 8% and maximum of 15% (by 2033). This is however to be seen as a ‘conservative’ estimation. It was noted that even with these lower percentages, the SPAA potential in number of transactions is still very impressive. A member commented that for example not all direct debit transactions can be converted into SPAA and that this will also differ from one country to another. In order to better understand these figures (and percentages applied), M. van Mello agreed to share background information on the volume estimation calculations with the SPAA MSG, which may also help communities to validate the projections. This background information should not yet be shared widely until the business conditions exercise has been completed.

Co-chair G. Boudewijn commented that a strategy would need to be defined, covering inter alia a starting point (first use case), a pilot and how to progress from there onwards.

Next, the group reviewed the updated draft MVP slides, which take into account the outcome of the 5 December 2022 meeting of the SPAA MSG. In the MVP matrix - which lists transaction assets, data assets as well as premium features - the assets/features that are to be part of the MVP are marked in green. Co-chair A. González Mac Dowell suggested to also indicate in green the ‘basic’ assets that can be provided via the SPAA API scheme as these should also be part of the MVP. He moreover highlighted that for asset brokers having either a possibility to request a payment certainty mechanism (PCM) or supporting account information will be essential and



hence at least one of these two premium features should be included in the MVP (with a preference for the PCM). As the Berlin Group in the past had indicated that they would not support the feature related to the request for supporting account information, co-chair A. González Mac Dowell indicated that he would contact them to see whether they would have a workaround solution. He added that anyone could join this call (in particular members with knowledge of the Berlin Group's standards).

M. Van Mello pointed out that the 'Refund' functionality would be paramount to the merchants and so would be one-off payments and PCM. In this context it was reiterated that a small, dedicated group of SPAA MSG members is currently discussing the topic of refunds and that the outcome of these discussion will be reported back to the SPAA MSG at its next meeting.

Some members expressed the view that the complexity of applying PCM would depend on the transaction asset it relates to. For example, M. Altamura indicated that in his community the complexity would be much higher in the case of future dated payments. Co-chair G. Boudewijn added that this feature would also need to be looked at from a legal angle.

H. Fürstenau informed that 'giroAPI' already foresees a PCM for future dated payments that are warehoused with defined execution dates (limited to payments under 30 days). The asset holders were invited to set up a dedicated call to better understand the 'giroAPI' approach and to determine whether it could also be applied in other communities. The outcome of this dedicated meeting is to be discussed at the 3 February 2023 meeting of the SPAA MSG.

When reviewing the draft MVP related to data assets, it was clarified that in some countries, saving accounts are considered as payment accounts. In addition, it is to be further investigated whether implemented SCA delegations should be part of the MVP matrix as the focus should be rather on SCA exemptions. R. Ohlhausen reiterated that SCA exemptions should indeed be used as much as possible (regardless of the application of this premium feature).

The co-chairs informed that the aim is to conclude the definition of the MVP at the next SPAA MSG meeting.

8 Discussion on approach for the preferred SPAA business conditions related billing mechanism

Co-chair A. González Mac Dowell explained that the SPAA MSG had previously agreed to apply a phased approach and that as a first step a hybrid method could be envisaged whereby i) the billing and dispute handling processes are managed by actors outside the scheme and ii) the core billing principles are to be described in an annex to the rulebook or published separately on the EPC website. In this context, it was also noted that the EPC currently does not have the resources to accommodate a centralised approach.

It was agreed that the SPAA MSG should decide at its 31 March 2023 meeting whether there would be a need to set-up a dedicated work block, also taking into account that ultimately a central approach would be preferred (inter alia to decrease complexity). Work should already start in Q2 2023 (version 1.0 of the rulebook will only become effective in November 2023). It was also clarified that the billing mechanisms discussed would only apply to the default fees paid by asset brokers to asset holders and that it should be investigated whether these fees should include VAT.

9 High-level review of the 2023 project schedule

An updated version of the 2023 project schedule was presented to the SPAA MSG.

E. Goosse commented that if the SPAA MSG would conclude that a homologation body would be required then ideally this work should be kicked-off in Q2 2023. Following a question, he confirmed that an RFP process would be needed, similar to what was done for the SRTP scheme.



Whether or not the SPAA MSG should install a dedicated work block is to be discussed at its 31 March 2023 meeting.

10 Next steps

Referring to the meeting calendar, members were reminded that before the Board meeting of 7 March 2023, there are still two SPAA MSG meetings, taking place on 3 and 17 February 2023. The updated version of the first rulebook (including inter-alia the MVP) is to be included in the mail-out to the Board which is foreseen to take place on 21 February 2023.

11 AOB

E. Goosse informed that since its publication, the first version of the SPAA scheme rulebook had already been downloaded around a 1000 times and the news item was read about 3000 times which is a very positive signal (as well as an EPC record).

12 Closure of meeting

The co-chairs thanked the SPAA MSG members for the constructive work.

The meeting ended at around 14:15 CET.



Annex I: List of attendees

Country	Name	Institution	Attendance
Co-Chairs			
EU	Arturo González Mac Dowell	Supported by the three ENCSAs	Yes
EU	Gijs Boudewijn	Nominated by the three ECSAs	Yes
Members			
AT	Hendrik Muus	PSA	Yes
DE	Christian Wenz	PPI AG	Apologies
DE	Hartwig Gerhartinger	Paysafe Group	Yes
DE	Hermann Fürstenau	Association of German Public Banks (VÖB)	Yes
EU	Alessia Benevelli	ESBG	Yes
EU	Anni Mykkänen	EBF	Yes
EU	Krzysztof Korus	EPIF	Apologies
EU	Farid Aliyev	EACB	Yes
EU	Massimo Battistella	EACT	Yes
EU	Michel Van Mello	EuroCommerce	Yes
EU	Ralf Ohlhausen	ETPPA	Yes
EU	Tarik Zerkti	PRETA S.A.S.	Yes
EU	Ruth Mitchell ²	EMA	Yes
FR	Fanny Rodriguez	Fintecture (nominated by Bankin')	Yes
FR	Gildas Le Louarn	Linxo	Apologies
FR	Géraldine Debost	Crédit Agricole S.A.	Yes
FR	Hervé Robache	STET	Yes
IE	Jack Wilson	TrueLayer	Yes
IT	Alessio Castelli	CBI S.c.p.a.	Yes
IT	Marco Altamura ³	Intesa Sanpaolo	Yes
NL	Daniel Morgan	Plaid	
NL	Maciej Kostro ⁴	ING	Yes

² Alternate of Thae Sabri

³ Alternate of Andrea Cogerino

⁴ Alternate of Rob van Bergen.



PT	João Sarilho	SIBS	Yes
SE	Oscar Berglund	Trustly	
UK	Andrew Boyajian	Tink	Yes
	Guest		
NL	Michal Kalina ⁵	Rabobank	Yes
	Observers		
EU	Julia Weits	European Commission	Apologies
EU	Kerstin Junius	European Central Bank	Yes
EU	Iddo de Jong	European Central Bank	Yes
EU	Steve Ryan	European Commission	Yes
	EPC Secretariat		
	Christophe Godefroi		Yes
	Etienne Goose		Yes
	Jenny Huang		Yes

⁵ Replacing M. Kostro in the morning.



Annex II: Action points

Ref.	Action	Owner	Status/Target
19-01	Share the 'giroAPI' approach related to the payment certainty mechanism	H. Furstenuau	20 January 2023
19-02	Publication of the approved minutes of the 15 th , 16 th and 18 th meetings of the SPAA MSG	SPAA MSG Secretariat	24 January 2023
19-03	The SPAA API WB to review the impact of the LSG's conclusions and to recommend updates if needed	SPAA API WB	24 January 2023
19-04	Share calculation background information in relation to volume estimations prepared by EuroCommerce	M. Van Mello/ SPAA MSG Secretariat	27 January 2023
19-05	Prepare an updated version of the MVP matrix based on outcome of today's meeting	SPAA MSG Secretariat	27 January 2023
19-06	Discuss with the independent economic consultant whether VAT is to be applied to the default fees and also how defaults fees are to be applied (per call/transaction – what about unsuccessful calls)	SPAA MSG Secretariat	30 January 2023
19-07	Set-up a call to discuss the 'giroAPI' approach related to the payment certainty mechanism and report outcome to the 3 February 2023 SPAA MSG meeting	Asset holders	In due course
19-08	Contact the Berlin Group for a possible workaround in relation to the supporting account information feature	Co-chair A. González Mac Dowell	In due course
19-09	Discuss with the LSG the need to rephrase the sentence related to section 4.7 in the rulebook (regarding the fact that it is currently stated that the asset holder should "provide the data as recorded but should not give any additional warranty as to the completeness of information").	Co-Chair G. Boudewijn	In due course