



SPAA MSG 004-23

Version 1.0

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Public

Approved

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

**Venue:** Teleconference (via Microsoft Teams)

**Distribution:** SPAA MSG

**Meeting Date:** 3 February 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 twentieth meeting of the SEPA Payment Account Access Multi-Stakeholder Group (SPAA MSG).

The group was informed about the following membership updates which had been recently approved by the Board:

- A. Widegren (Swedbank - nominated by the ESBG) as member.
- M. Altamura (Intesa Sanpaolo - nominated by ABI) as member and M. Criscione (Intesa Sanpaolo - nominated by ABI) as alternate of M. Altamura.
- M. Kostro (ING - nominated by the Dutch Payments Association (DPA)) as member and M. Kalina (Rabobank - nominated by DPA) as alternate of M. Kostro.
- J. van Vonno (Tink) as alternate of A. Boyajian (Tink).

At the next meeting, the group will also be informed about who will have taken up the vacant asset holder's seat in the SPAA MSG (following approval by the Board).

The list of attendees can be found in Annex I.

### 2 Approval of the agenda (SPAA MSG 003-23)

The agenda was approved as distributed.

### 3 Approval of the minutes of the 19<sup>th</sup> meeting of the SPAA MSG (SPAA MSG 002-23)

The minutes of the meeting that took place on 20 January 2023 were approved as distributed and will be published in due course on the EPC website.

Co-chair G. Boudewijn referred to the VAT discussion in the previous meeting minutes and stated that the outcome might vary depending on the jurisdiction and asset classes.

### 4 Status update on latest developments

The co-chairs reported on recent or planned activities to actively promote the SPAA scheme.

### 5 Update on the activities of the work blocks of the SPAA MSG (EPC006-23; EPC164-22)



- SPAA Business Conditions (BC) WB:

The next meeting will take place on 10 February 2023 and will focus on the default business conditions report developed by the independent economic consultant. It was reported that a total of 11 asset brokers had responded to the sensitivity analysis survey conducted by the economic consultant. In relation to volume forecast prepared by EuroCommerce, H. Fürstenau commented that in his view they did not have a mandate to make any statement about fees. Co-chair G. Boudewijn reiterated that even it may not be deemed appropriate in the current context, however end-users are free to express such expectations. It was clarified by E. Goosse that the economic consultant has taken all (i.e., not just input from EuroCommerce) input into consideration, based on which they have built their own assumptions. T. Sabri agreed that a rational assessment of the business conditions report would be needed. The co-chairs confirmed that this will be done by the SPAA BC WB at its next meeting.

The SPAA MSG approved A. Cazacu as alternate of J. Wilson in the SPAA BC WB.

- SPAA API WB: The SPAA API WB had reviewed two documents prepared by the Joint SPAA/SRTP API Security Framework WB, notably the API Security Framework and the Operational Scheme Manager (OSM) requirements. It was noted that additional minor editorial updates had been included since the document had been distributed to the SPAA MSG. As suggested by co-chair A. González Mac Dowell, using a 'silence means consent' approach, these two documents were approved by the SPAA MSG.

Co-chair A. González Mac Dowell informed that the LSG's comments (as presented at the previous SPAA MSG meeting) had also been assessed by the SPAA API WB and that further review in relation to the possible impact of a transfer fee mechanism would be assessed at the next meeting, scheduled on 7 February 2023. All the SPAA API WB recommended updates will be included in an updated draft version 1.1 of the rulebook, which the SPAA MSG will be invited to approve at its 17 February 2023 meeting.

- SPAA Risk Management (RM) WB: The chair of the SPAA RM WB, M. Kostro informed that the kick-off meeting will take place on 13 February 2023. The WB will be tasked with the creation of a Risk Management Annex (RMA). Following a question, it was clarified that RMA documents are never published on the EPC website in view of their sensitive nature.

- Joint SPAA/SRTP API Security Framework WB: The joint work block had finalised its deliverables (i.e., the API Security Framework and the OSM requirements) and they were sent for review to the SPAA MSG and RTP TF (see above). No further meetings are foreseen to take place unless the RTP TF would have major comments. The aim is to submit these two documents for approval to the 7 March 2023 meeting of the Board.

## **6 Report on the outcome the refund discussion (Pres EPC006-23)**

A draft slide deck, covering three possible refund scenarios (see Annex III - resulting from the discussions by a small, dedicated group of SPAA MSG members) was presented for consideration to the group. The co-chairs emphasised that the objective of today's meeting would not be to decide whether these three scenarios are to be covered in the rulebook but rather to ensure that the scenarios are complete and to see whether there is anything in the current version of the rulebook that would hinder these refund scenarios in the market. A good and frictionless refund functionality is seen as important for the uptake of the SPAA scheme and potentially a separate category of asset holder would need to be created i.e., the Refund Only Asset Holder (ROAH). This type of (merchant servicing) asset holder would not offer any other functionality than refunds but the impact of potentially introducing a ROAH in the rulebook would need to be further assessed.



The SPAA MSG members were asked to share their views on the need of introducing a ROAH and on when - if deemed necessary – this would need to be included in the rulebook. The following comments were noted:

- All three scenarios can exist outside the SPAA scheme.
- R. Ohlhausen stated that a fourth scenario should be added whereby the asset broker initiates the refund to the asset owner but without having received a proxy from the asset user. This additional scenario might require the inclusion of an additional functionality in the rulebook.
- H. Robache suggested to use the term ‘reimbursement’ (instead of refund) in order to differentiate from the SEPA Direct Debit (SDD) scheme. He added that currently in the SCT implementation guidelines there is already a functionality foreseen that allows a full or partial ‘transfer back’. He reminded that it is also to be avoided that the same work is done in different groups. Co-chair G. Boudewijn agreed that further assessment would be needed.
- M. Battistella and P. Spittler pointed out that in case an asset user does not have the information of the initial payer, they would not be in a position to initiate a refund themselves.
- P. Spittler informed that he was in favour of including the refunds functionality in the minimum viable product (MVP).
- M. Battistella was also of the view that a refund of a single transaction (in a scenario that involves an asset broker) should be included in version 1.1 of the rulebook.
- Co-chair G. Boudewijn reiterated that the SPAA scheme is not a payment scheme.
- T. Sabri stated that the SPAA scheme should describe how refunds need to be effectuated.

The group concluded that the impact of the four possible scenarios (including the possible introduction of a ROAH) on the rulebook would need to be further investigated by the small dedicated group with the aim of presenting their findings at the 17 February 2023 SPAA MSG meeting - based on which the SPAA MSG is to make a decision.

### **7 Conclusion on the MVP scope for inclusion in v1.1 of the SPAA scheme (Pres EPC086-22; SPAA volume calculation)**

Co-chair A. González Mac Dowell informed that in the updated version of the MVP slides – which had been sent to the SPAA MSG prior to the meeting - some of the assets (even if not combined with premium features) had been marked as being part of the MVP. He reiterated the importance for the asset brokers of including the ‘Payment certainty mechanism request’ feature in the MVP taking into account that the Berlin Group had confirmed that they will not support the ‘Request for supporting account information’ functionality. The asset holder representatives from France, Germany, Italy and the Netherlands expressed their concerns about the cost and complexity impact to implement the payment certainty mechanism for future dated and recurring payments (for one-off payments this was not seen as an issue). M. Altamura explained that although he agreed with the solution adopted by giroAPI it would require a considerable investment and in addition it touches on the ASPSP’s account maintenance processes, which are quite sensitive. As a result, he was of the view that adding this functionality in the MVP might create a barrier for asset holders to join the SPAA scheme. H. Fürstenau added there is always a risk that the funds would not be available or that the payer would decide to cancel the payment before the execution date. Following a question from R. Ohlhausen, co-chair G. Boudewijn explained that the complexity for credit transfers (as opposed to cards) is related to the credit aspect and the related blocking of a credit limit. In this context, H. Fürstenau explained that giroAPI had found a ‘workaround’. Co-chair Boudewijn however remarked that this ‘workaround’ could not be copied in other communities as for example in the Netherlands there is no ‘automatic’ credit facility available for consumers, since this has to be explicitly contractually pre-agreed.



K. Korus and I. de Jong referred to relevant articles (e.g., Art 80.) in PSD2, related to the possibility for a payer to revoke a payment order in case of future dated or recurring payments. R. Ohlhausen on the other hand referred to an EBA Q&A item in relation to Art. 66<sup>1</sup> (revocation of future dated PIS payments). Several members expressed the hope that Art.80 would be clarified as part of the PSD2 review process. J. Weits informed that Art. 80 would indeed be part of this review process.

Taking into account the comments received, it was concluded that it would not be feasible to already include the 'payment certainty mechanism request' functionality in the MVP for future dated and recurrent payments. However, as an alternative the SPAA API WB was invited to investigate whether the current description of status updates (in v1.0 of the rulebook) would accommodate the possibility for the asset broker to receive - ideally push - notifications about the fact that the payment was revoked by the payer before the execution date.

Co-chair A. González Mac Dowell reiterated that in relation to the 'transaction fees not borne by the payer' functionality it had been established in the previous SPAA MSG meeting that there are no objections from a legal point of view. G. Debost however commented that the French banking community is still questioning the legal feasibility and that moreover this functionality is seen as a very complex topic which should not be included in the MVP. H. Fürstenau added that it is not up to the LSG to decide on the legal feasibility but rather each asset holder is to decide itself on the risk they want to take. Co-chair A. González Mac Dowell however stated that given the input from the LSG, the EPC's external competition lawyer as well as the position of DG FISMA (which is summarised in the approved minutes of the 30 May 2022 meeting of the SPAA MSG) it could be concluded that as much as possible legal 'clearing' has been received. R. Ohlhausen stressed that the failure to include this functionality in the MVP would be a showstopper for the asset brokers. He continued by saying that the functionality would only be needed for those asset holders that want to join the SPAA scheme and who charge their clients for payment transactions. F. Aliyev remarked that there is level of complexity (legal, business and operational) to be dealt with that cannot be resolved in a very short time span. As an example, M. Altamura explained that in his organisation, especially corporate fees may be negotiated for each customer (which will indeed make things very complex) and that a possible workaround could be to use as a basis the 'standard' fees that are published on the ASPSP's website.

Next, co-chair A. González Mac Dowell summarised the following three options to deal with this topic:

- a. An asset holder does not charge transaction fees to its customers.
- b. Fees are transferred by the asset holder to the asset broker (as per DS-P06 mechanism).
- c. A specific default fee is to be defined.

He furthermore suggested an additional option for the future whereby asset holders that participate in the SPAA scheme could for example create a special SPAA related payment account with specific attributes such as no transaction fees borne by the payer, a credit facility etc. Co-chair G. Boudewijn commented that this could be assessed as a theoretical solution for the future but highlighted the complexity to install such a solution on a pan-European level, which in any case renders it unfeasible for the MVP.

As a way forward, co-chair A. González Mac Dowell agreed to prepare a slide deck detailing the three abovementioned options. This slide deck will be sent for review to the SPAA MSG following which co-chair G. Boudewijn would organise a call with the asset holder representatives to assess

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<sup>1</sup> [https://www.eba.europa.eu/single-rule-book-qa/-/qna/view/publicId/2019\\_4496](https://www.eba.europa.eu/single-rule-book-qa/-/qna/view/publicId/2019_4496)



the implementation complexity of the different options. Co-chair G. Boudewijn cautioned that as there would be no time to do a ‘full’ consultation with the respective asset holders’ constituencies it would seem in his view uncertain if it will be feasible to include this functionality already in the MVP. The outcome of the asset holders’ discussion will be reported at the 17 February 2023 meeting, based on which a decision will need to be made by the SPAA MSG on the MVP scope to be included in version 1.1 of the rulebook. R. Ohlhausen reiterated that the asset brokers would require a solution that is part of the MVP.

Following a suggestion from co-chair A. González Mac Dowell, the secretariat will reach out to the economic consultant to ask whether in case of a default fee (i.e., option c. above) there would be an ‘overlap’ with the fee to be paid for premium feature DS-P06.

It was agreed that default fees allowing competitive pricing are needed for all stakeholders. P. Spittler added that for merchants the customer journey will be key.

### **8 Review of comments received from ECPA on v1.0 of the SPAA scheme rulebook (Whitepaper ECPA)**

The EPC had received a ‘whitepaper’ from the European Card Payments Association (ECPA), in which they informed that in their view, the current datasets DS-34 (List of cards) and DS-33 (List of payment account transactions) do not allow for a level playing field between the different brands involved in card transactions, and furthermore render impossible some practices which are currently mandatory either under applicable (European) legislation and/or under card scheme rules.

As these comments were received after the public consultation related to version 1.0 of the rulebook - which ended on 12 September 2022 - it was agreed that as a first step the EPC’s internal legal counsel would assess whether there would be any legal exposure. If not, the comments from the ECPA will be assessed as part of the change management cycle related to version 2.0 of the rulebook. Following the SPAA MSG’s conclusion at its 17 February 2023 meeting, the EPC will inform the ECPA accordingly.

### **9 Next steps (SPAA MSG 035-22; SPAA MSG 004-21)**

Co-chair A. González Mac Dowell reiterated that the SPAA BC WB meeting that will take place on 10 February 2023 will be an important one and that the outcome of this meeting in relation to the default business conditions is to be reviewed by the SPAA MSG at its 17 February 2023 meeting. He also reminded the members that this will be the last SPAA MSG meeting prior to the 7 March 2023 meeting of the Board. The aim is hence to submit an updated draft version 1.1 of the rulebook for approval to the Board on 21 February 2023 and a further updated version - including the outcome of the public consultation on the extended SCA sections - is to be submitted early April for final approval to the Board.

### **10 AOB**

No other topics were discussed.

### **11 Closure of meeting**

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

The meeting ended at 15:15 CET.



## Annex I: List of attendees

Country	Name	Institution	Attendance
<b>Co-Chairs</b>			
EU	Arturo González Mac Dowell	Supported by the three ENCSAs	Yes
EU	Gijs Boudewijn	Nominated by the three ECSAs	Yes
<b>Members</b>			
AT	Hendrik Muus	PSA	Yes
DE	Christian Wenz	PPI AG	Yes
DE	Hartwig Gerhartinger	Paysafe Group	Yes
DE	Hermann Fürstenau	Association of German Public Banks (VÖB)	Yes
EU	Anni Mykkänen	EBF	Apologies
EU	Krzysztof Korus	EPIF	Yes
EU	Farid Aliyev	EACB	Yes
EU	Massimo Battistella	EACT	Yes
EU	Pascal Spittler <sup>2</sup>	EuroCommerce	Yes
EU	Ralf Ohlhausen	ETPPA	Yes
EU	Tarik Zerkti	PRETA S.A.S.	Yes
EU	Thaer Sabri	EMA	Yes
EU	Andreas Widegren	Swedbank (nominated by ESBG)	Yes
FR	Fanny Rodriguez	Fintecture (nominated by Bankin')	Apologies
FR	Gildas Le Louarn	Linxo	
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.	Apologies
IT	Marco Altamura	Intesa Sanpaolo	Yes
NL	Daniel Morgan	Plaid	
NL	Maciej Kostro	ING	Yes
PT	João Sarilho	SIBS	Yes

<sup>2</sup> Alternate of Michel Van Mello



SE	Benjamin Woodcock <sup>3</sup>	Trustly	Yes
UK	Andrew Boyajian	Tink	Yes
	<b>Observers</b>		
EU	Julia Weits	European Commission	Yes
EU	Kerstin Junius	European Central Bank	Apologies
EU	Iddo de Jong	European Central Bank	Yes
	<b>EPC Secretariat</b>		
	Christophe Godefroi		Yes
	Etienne Goosse		Yes
	Jenny Huang		Yes

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<sup>3</sup> Alternate of Oscar Berglund



## Annex II: Action points

Ref.	Action	Owner	Status/Target
20-01	Share the proposals related to the 'no transaction fees to be borne by the payer' premium feature, for review to the SPAA MSG	SPAA MSG Secretariat & Co-Chairs	6 February 2023 (noon)
20-02	Review the proposals related to the 'no transaction fees to be borne by the payer' premium feature	SPAA MSG	8 February 2023 (noon)
20-03	Organise a meeting with the asset holder representatives to discuss the proposals related to the 'no transaction fees to be borne by the payer'	Co-Chair G. Boudewijn	8 February 2023
20-03	Investigate whether the status update feature (as currently described in the rulebook v1.0) can be used to notify an asset broker in case a payment was revoked before the payment execution date	SPAA API WB	7 February 2023
20-04	Publication of the approved agenda of the 20 <sup>th</sup> SPAA MSG meeting and the approved minutes the 19 <sup>th</sup> SPAA MSG meeting	SPAA MSG Secretariat	8 February 2023
20-05	Organise a follow-up call in relation to refunds with the small, dedicated group of SPAA MSG members	SPAA MSG Secretariat	6 February 2023
20-06	Contact the independent economic consultant on a question related to default fee for the 'no transaction fees to be borne by the payer' premium feature	SPAA MSG Secretariat	7 February 2023

## Annex III: Overview of possible refund scenarios

Scenario	Account debited	Who initiates	Legal basis (out of scope)
<b>A</b>	AB initiates refund payment to AO from AB account and subtracts refund amount from the turnover to be credited to the AU account	AB	Pre-agreed between AB and AU
<b>B</b>	AB initiates refund payment to AO from AU account	AU	Pre-agreed proxy from AU to AB
<b>C</b>	AU initiates refund payment to AO from AU account	AU	N/A