

Discussion Paper: Harmonisation of national public registers of payment institutions

Introduction

PSD2 has sought to contribute to a more integrated and efficient European payments market, further level the playing field for payment service providers by including new players; make payments safer and more secure; and enhance consumer protection in payments. The establishment of public national registers of payment institutions in each member state has significantly contributed to these objectives by enhancing transparency and trust in the payment sector among consumers and businesses.

National registers of payment institutions, while a key part of the EU's payment regulations, currently vary significantly between Member States. Some national registers include both domestically registered institutions and those operating within the country but registered and authorised elsewhere. Others only list institutions authorised by their own national competent authority.

Inconsistent national registers create confusion for payment services users trying to verify the authorisations and licences held by payment service providers. We believe that a comprehensive national register of authorised payment institutions—including those operating across borders—is vital for strong consumer protection. This would allow consumers to confidently determine whether a payment institution is authorised to provide services in their country. Any institution not listed in the register would be deemed unauthorised.

With a view to ensuring a level playing field between payment service providers, we also believe that if national registers do not contain all payment institutions legally authorised to provide services in the country (regardless of where they are authorised), there is a risk that consumers will favour the companies listed in the national register to the detriment of other institutions registered elsewhere in the EU. This might ultimately hamper the freedom to provide services across Member States and harm the integration of European payments.

Action

PSD3 presents an opportunity for co-legislators to harmonise the data requirements for national public registers of payment institutions. Aligning all public registers with the most comprehensive existing ones would enhance consumer transparency, strengthen protection, and ensure a level playing field for all payment institutions. It would also align payment registers with those for credit institutions.

Proposal

Our recommendation is to expand the scope of the European Commission's initial proposal. Specifically, we propose that all public registers of payment institutions should list not only

institutions authorised in the Member State, but also those providing services there according to Article 31, and their associated agents and distributors.

By harmonising national public registers of payment institutions and their information, this proposal would boost transparency and consumer trust. It would also create a fairer competitive environment for payment institutions across Member States, ultimately leading to more effective integration of payments.

Recital:

(42) To enhance transparency of the operations of payment institutions that are authorised by, or registered with, competent authorities of the home Member State, including their agents, distributors and branches, and to ensure a high level of consumer protection in the Union, it is necessary to ensure easy public access to the list of the undertakings providing payment services, with their related brands, which should be included in a public national register. ***In order to provide consumers with a comprehensive overview of payment institutions authorised to provide services in their Member State, the list shall also include payment institutions that are authorised by, or registered with, competent authorities from another Member State and which exercise the right of establishment or freedom to provide services in that Member State.***

Article:

Article 17

Register of payments institution in the home Member State

1. Member States shall operate and maintain a public electronic register of payment institutions, including entities registered in accordance with Articles 34, 36, 38, and of their agents or distributors. Member States shall ensure this register contains all of the following information:

- a) payment institutions authorised in accordance with Article 13 and their agents or distributors, if any;
- b) *payment institutions providing services in the Member State in accordance with Article 31 and their agents or distributors, if any;***
- c) natural and legal persons registered in accordance with Articles 34(2), 36(1) or 38(1) and their agents or distributors, if any;
- d) the institutions referred to in Article 1(2) that are entitled under national law to provide payment or electronic money services.

Branches of payment institutions shall be entered in the register of the home Member State if those branches provide services in a Member State other than their home Member State.

2. The public register referred to in paragraph 1 shall:

- a) identify the payment and electronic money services and the respective brands for which the payment institution has been authorised, or for which the natural or legal person has been registered;
- b) include the agents or distributors, as applicable, through which the payment institution provides payment or electronic money services, except electronic money issuance, and specify the services these agents or distributors carry out on behalf of the payment institution;
- c) [include the other Member States where the payment institution is active] and indicate the date when these passported activities started

3. Member States shall ensure that payment institutions are listed in the register referred to in paragraph 1 separately from natural and legal persons registered in accordance with Articles 34, 36 or 38, and that that register is publicly available for consultation, accessible online, and updated without delay.

4. Competent authorities shall enter in the public register dates of authorisation or registration, any withdrawal of authorisation, suspension of authorisation, and any withdrawal of a registration pursuant to Articles 34, 36 or 38.

5. Competent authorities shall notify the EBA without any undue delay of the reasons for the withdrawal of the authorisation or registration, suspension of authorisation or registration, or of any exemptions pursuant to Article 34, 36 or 38.