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## **Kostenschätzung der Erweiterungsoptionen zur ESZB-Zahlungsverkehrsstatistik**

Sehr geehrte Damen und Herren,

wie Ihnen bereits am vergangenen Freitag angekündigt, senden wir Ihnen unsere Gedanken zur neuerlichen Kostenschätzung der Erweiterungsoptionen zur ESZB-Zahlungsverkehrsstatistik in Englisch, damit diese für die Formulierung ihrer „General Remarks“ in Betracht kommen können. Hierbei nehmen wir in den ersten beiden Punkten (A + B) Bezug auf das Begleitdokument (Word-Datei).

Eine Verteilung des Fragebogens (Excel-Datei) an die Mitgliedsunternehmen war, wie Ihnen bekannt, aufgrund der späten Zurverfügungstellung durch die Bundesbank nicht in Frage gekommen.

Grundlegend lässt sich zu unserer Mitgliederstruktur Folgendes sagen: Der Verband der Auslandsbanken in Deutschland e.V. (VAB) vertritt die Interessen von über 200 ausländischen Banken, Kapitalverwaltungsgesellschaften und Finanzdienstleistungsinstituten in Deutschland aus über 30 Ländern. Die Verbandsmitglieder, die inländische Tochtergesellschaften oder Zweigniederlassungen ausländischer Banken sind, sind jeweils eigenständig meldepflichtig zur Zahlungsverkehrsstatistik als auch zur Berichterstattung an die BaFin in Umsetzung der EBA-Leitlinien über die Anforderungen an die Meldung von Betrugsfällen gemäß Artikel 96 Absatz 6 der Richtlinie (EU) 2015/2366 (PSD2) (EBA/GL/2018/05).

Unter diesen Gesichtspunkten haben wir folgende Anmerkungen:

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ausländischer Banken,  
Kapitalverwaltungsgesellschaften,  
Finanzdienstleistungsinstitute  
und Repräsentanzen

Eingetragen im Transparenzregister  
der Europäischen Kommission,  
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#### (A) Set-Up Costs

*“In terms of set-up costs, in principle the update of the Regulation should not require the setting-up of completely new IT infrastructures and/or procedures, but rather a more or less significant extension and/or amendment of existing infrastructures/procedures, carrying therefore lower implementation costs that would be incurred through the implementation of completely new statistics.” (S. 4)*

- The setting-up of new systems will be necessary because of the new reporting requirements that must be submitted, especially with regards to the new items related to fraud. In General, fraud is ex-post information; fraud always comes to knowledge after payment processing, therefore nothing of it is already entailed in the IT systems, the bank’s booking entries, etc. Fraud data must therefore be **manually transferred** from documentation/communication with clients and customer relationship proceedings stored/taking place in a bank’s (or PSP’s) legal department and customer relationship management to the IT systems compiling payment statistics data.
  - o our estimation: 4 – Significant changes in IT systems and in work load (incl. training)

#### (B) Recurrent Costs

*“Regarding the recurrent costs, countries should give a figure for the “net” additional cost impact of a regular compilation of the statistical items based on the new reporting scheme suggested, i.e. **the running costs of the new system minus those of the old system**. It is assumed that the regular costs mainly consist of additional human resource costs.” (S. 4)*

- Enhanced procedures will be necessary to report the revised payments statistics as the EBA Guidelines stipulate a reporting on every half-year and therefore the payment statistics ought to be reported at least every half-year, too, if they are going to substitute the reporting according to the EBA GL someday. Furthermore, a reporting on a monthly basis will lead to increased costs, both for administrative endeavours and for human resources.
  - o our estimation: 3 – Sizeable increase in work load

#### (C) Further Recommendations

- Especially with regards to the plans that the fraud data collected via the payment statistics reporting could one day substitute the reporting according to the EBA Guidelines, it should be considered that the reporting according to the EBA Guidelines is founded on an own legal basis: Article 96(6) PSD2 states that PSPs must provide ‘statistical data on fraud relating to different means of payment to their competent authorities’ and that the competent authorities must, in turn, ‘provide EBA and the ECB with such data in an aggregated form’. The provision of Article 96(6) PSD2 has surely been transmitted in the national law of all EU Member States. Therefore, if someday the reporting of the payments statistics including fraud data should deliberate from reporting according to the EBA Guidelines, a legal amendment to the PSD II including amendments to the national implementation acts would be necessary.
- Furthermore, as the PSPs (because of the national legal implementation of Article 96(6) PSD2) are now obliged to establish the reporting systems for the reporting according to the EBA Guidelines until 2019, they are now investing substantial amounts for the setting-up of new systems for this new reporting. The rationale why these investments are substantial is elaborated above in section A. Additionally, there will be recurrent costs maintaining the

reporting according to the EBA Guidelines that might be of similar size as the recurrent costs of the extended payments statistics (cf. section B). As a result of a possible substitution of the reporting according to the EBA Guidelines, all these costs might become in vain, and in addition, the costs for extending the payments statistics would again burden the PSPs.

- All in all, the planned substitution of the reporting according to the EBA Guidelines by the extended payments statistics reporting seems therefore unnecessary. In order to prevent PSPs from unnecessary set-up and recurrent costs, the ESCB should work on a memorandum to receive fraud data from EBA, as already stated Article 96(6) PSD2, and the envisaged extension of the payment statistics reporting with fraud data should be repealed.

Wir hoffen, Ihnen hiermit weitergeholfen zu haben. Für Rückfragen steht Ihnen der Rechtsunterzeichner gerne zur Verfügung.

Mit freundlichen Grüßen

Dr. Oliver Wagner

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