



Electronic Money Association

Crescent House

5 The Crescent

Surbiton

Surrey

KT6 4BN

United Kingdom

Telephone: +44 (0) 20 8399 2066

Facsimile: +44 (0) 870 762 5063

www.e-ma.org

Hélène Oger-Zaher
Payments Policy
Financial Conduct Authority
12 Endeavour Square
London E20 1JN
UK

5 October 2020

Dear Hélène

Re: EMA response to [FCA QCP 18/20 on the Proposal to amend the open banking identification requirements \(eIDAS certificate\)](#).

The EMA is the EU trade body representing electronic money issuers and alternative payment service providers. Our members include leading payments and e-commerce businesses worldwide that provide online payments, card-based products, electronic vouchers and mobile payment instruments. They also include a growing number of Payment Initiation Service Providers (PISPs). The EMA sits on OBIE's Implementation Entity Steering Group and participates in European initiatives under the aegis of the Euro Retail Payment Board. A list of current EMA members is provided at the end of this document.

I would be grateful for your consideration of our concerns.

Yours sincerely

Dr Thaer Sabri
Chief Executive Officer
Electronic Money Association

EMA response to consultation

Q1: Do you agree with the proposed changes to Article 34 of the UK-RTS?

The EMA supports the FCA effort to minimize the impact of the EBA [statement](#) of the 29th July on the ability of UK TPPs to access payment account data using existing eIDAS certificates beyond the end of the Brexit Transition Period.

The primary concerns of EMA members (TPPs and ASPSPs) - associated with the proposed introduction of additional UK TPP secure identification certificate types for PSD2 payment account access purposes - are:

- (i) The impact to the continued delivery of existing TPP services that is currently predicated on the TPP presentation of a valid eIDAS certificate to the ASPSP (or to a TPP certificate validation service provider acting on behalf of the ASPSP). A process of migration away from the current UK TPP identification framework must not impede the continued delivery of TPP services and seek to avoid any TPP service access impact for consumers.
- (ii) The ability of UK payment ecosystem participants¹ to complete a migration to a revised TPP identification framework by the end of the Transition Period. We note recent FCA public statements that have pointed to formal FCA industry guidance on this topic that will be published well into Q'4.
- (iii) The costs associated with any migration away from the current TPP identification framework associated with TPP certification, technical development, integration, testing and deployment activities; these costs will impact the finances of UK TPPs and ASPSPs. Additionally, UK ASPSPs will be expected to continue to incur the operational costs associated with support for multiple TPP identification certificate types (eIDAS plus at least one other form of TPP digital identity certificate), beyond the end of the Transition Period.

In the context of the concerns listed above, EMA members have highlighted the need for clarity/standardization on the additional TPP secure identification certificate type(s) that will be accepted as a measure that can assist industry efforts to complete the proposed migration more quickly and efficiently. EMA members support the view –

¹ ASPSPs, TPPs, Certification Authorities-CAs, Payment account access aggregators, certificate validation service providers

detailed in Paragraph 3.12 of the CP 20/18 – that existing TPP identification certificate types and certification infrastructure should be leveraged. A number of EMA members have joined the OBIE ecosystem and leverage certificates issued by the OB Directory (OBWACs, OBSeals, legacy OBCerts) to manage PSD2 payment account data access. The consensus among these EMA members is that an amendment to Art. 34 of the UK-RTS to require that ASPSPs accept eIDAS-like TPP certificates issued by the OB Directory (OBWACs, OBSeals) will involve limited technical changes for ASPSPs and TPPs. A significant advantage of leveraging widely used TPP identification certificates is that there should be no impact to existing PSU Consents that TPPs use to deliver their services.

We note that older OBIE-issued certificates (OBCerts) do not currently satisfy the condition listed in Paragraph 3.9 of the CP to contain a record of the TPP registration number (FRN); such certificates are currently widely used to identify TPPs linked to a Live eIDAS certificate (*Proxy Certificates*) submitted to the OBIE Directory. TPPs request that the scope of support for Proxy TPP identification certificates obtained from a provider of a API program (as detailed in the [FCA SCA webpage](#)²) is extended to cover all approved alternative TPP identification certificate types.

The requirement to include in the Certificate Attributes of an alternative TPP identification certificate type “.... *the address of the PSP to whom the certificate is issued;*” - as listed in the revised Art.34³ in *Appendix 3* of CP 20/18 - would exclude the use of all TPP certificates (OBWAC,OBSeals and earlier legacy OBCerts) currently issued by the OB Directory. This requirement also appears to go beyond certificate attribute requirements that apply to Live eIDAS certificates; in this context, we would advise that the impact of this requirement to the ability of TPPs to leverage existing solutions is considered in more detail.

ASPSPs and TPPs that do not form part of the OBIE ecosystem expect to incur more significant development & integration costs to accommodate the use of OBWACs and

² See Use of eIDAS certificates section in < <https://www.fca.org.uk/firms/strong-customer-authentication>>

³ Art.34(7)(c)(ii)

OBSeals; they have also raised concerns about their ability to complete a migration to support alternative TPP identification certificate types by the end of the year. Such PSPs are keen that the FCA ensures timely, cost-effective and non-discriminatory access to any alternative TPP identification certificate type that is accepted.

In order to avoid disruptions to the ongoing delivery of Live AIS services, AISP have emphasized the need to ensure that any migration to a new TPP identification certificate type does not compromise the AIS 90-day re-authentication framework that ASPSPs have deployed to comply with Art.10 of the *UK RTS on SCA and CSC*. Recent operational experience of AISP suggests that the registration of a new identification certificate with ASPSPs may trigger an ASPSP-side migration of existing AISP PSU consents to the new certificate that impacts AISP service delivery.

Following up on the comment above, some TPPs have also requested that the FCA consider retaining the FRN assigned to a TPP after the scope of services that the TPP is licensed to offer is revised. Such an approach would limit the potential operational impact associated with the process to source/distribute a revised TPP identification certificate that lists a new FRN.

A significant priority for ASPSPs and TPPs is to minimize the number of additional TPP identification certificate types that will need to be supported beyond the end of the Transition Period. The expectation of EMA members is that the FCA will promote the standardization/ interoperability of TPP identification certificate types, going forward. The industry is also looking for guidance on the criteria that PSPs should use to choose certificate authorities to source alternative TPP identification certificates (and to accept as issuers of such certificates).

There is support among EMA members for the establishment of a migration plan to the revised TPP identification framework ***that extends beyond the end of the Transition process***. A limited extension beyond the end of December will allow UK PSPs to complete testing and deployment activities in a more staged/controlled manner rather than be forced to opt for a Big-Bang approach whereby Live deployments will be activated at Implementation Period Completion Day (**IPCD**). Here, we note recent

industry discussions that point to (a) Support among qTSPs that have issued eIDAS certificates to UK TPPs for continued use of such certificates for a limited period beyond IPCD and (b) ETSI Readiness to consider an expansion to the scope of use of the ETSI TS 119 495 Certificate Profile to include a non-EEA jurisdiction like the UK. We would encourage the FCA to support UK payment industry efforts to lobby qTSPs (and qTSP National Supervision Bodies) as well as ETSI to secure a limited extension to the end of the migration process beyond IPCD through these channels.

EMA members that offer TPP services have highlighted the need for ASPSPs to identify the alternative TPP identification certificate types they will support as soon as possible to afford TPPs time to source such certificates and to test their integrations. ASPSPs should also be expected to offer TPPs adequate support as they work to complete such integrations in these compressed timelines. We encourage the FCA to define timelines for ASPSPs to identify alternative TPP certificate types they will support in the final Proposal and to monitor the levels/quality of ASPSP support extended to TPPs that need to complete integrations using alternative TPP certificate types.

We also encourage the FCA to consider the impact of growing divergence of TPP identification requirements between the UK and the EEA beyond the end of the Transition Period while updating the UK-RTS. Under the current Proposal, UK ASPSPs will be required to support multiple TPP identification certificate types to interact with UK TPPs and with EEA-based TPPs that have entered the Temporary Permissions Regime (TPR) beyond IPCD. The costs and complexity of such support can become significant particularly for smaller UK ASPSPs that use modified customer access interfaces (MCIs) to comply with PSD2 payment account access requirements.

Finally, we would request that the FCA clarifies the reference to a TPP certificate revocation trigger condition when “*TPP identification information is unverifiable*” listed in Paragraph 3.8 of the CP. This condition does not appear to match current eIDAS certificate revocation trigger conditions.

Overall, EMA members expect that the completion of the proposed migration to using alternative TPP identification certificate types by the end of the Transition Period will be really challenging in the midst of other, ongoing UK payment industry challenges (*the impact of the COVID-19 pandemic, the seasonal new technology deployment freeze that kicks in early November for many PSPs, the end of access to the EEA Passporting regime etc.*).

List of EMA members as of October 2020:

[AAVE LIMITED](#)
[Account Technologies](#)
[Airbnb Inc](#)
[Airwallex \(UK\) Limited](#)
[Allegro Group](#)
[American Express](#)
[Azimo Limited](#)
[Bitstamp](#)
[BlaBla Connect UK Ltd](#)
[Blackhawk Network Ltd](#)
[Boku Inc](#)
[CashFlows](#)
[Ceevo](#)
[Circle](#)
[Citadel Commerce UK Ltd](#)
[Coinbase](#)
[Contis](#)
[Corner Banca SA](#)
[Crypto.com](#)
[Curve](#)
[eBay Sarl](#)
[ECOMMPAY Limited](#)
[Em@ney Plc](#)
[ePayments Systems Limited](#)
[Euronet Worldwide Inc](#)
[Facebook Payments International Ltd](#)
[First Rate Exchange Services](#)
[FIS](#)
[Flex-e-card](#)
[Flywire](#)
[Gemini](#)
[Globepay Limited](#)
[GoCardless Ltd](#)
[Google Payment Ltd](#)
[IDT Financial Services Limited](#)
[Imagor SA](#)
[Ixaris Systems Ltd](#)
[Modulr FS Europe Limited](#)
[Moneyhub Financial Technology Ltd](#)
[MuchBetter](#)
[myPOS Europe Limited](#)
[Nvayo Limited](#)
[OFX](#)
[OKTO](#)
[One Money Mail Ltd](#)
[OpenPayd](#)
[Optal](#)
[Own.Solutions](#)
[Park Card Services Limited](#)
[Paydoo Payments UAB](#)
[Paymentsense](#)
[Payoneer](#)
[PayPal Europe Ltd](#)
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[PPRO Financial Ltd](#)
[PPS](#)
[Remitly](#)
[Revolut](#)
[SafeCharge UK Limited](#)
[Securiclick Limited](#)
[Skrill Limited](#)
[Soldo Financial Services Ireland DAC](#)
[Stripe](#)
[SumUp Limited](#)
[Syspay Ltd](#)
[Token.io](#)
[Transact Payments Limited](#)
[TransferMate Global Payments](#)
[TransferWise Ltd](#)
[TrueLayer Limited](#)
[Trustly Group AB](#)
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[Vitesse PSP Ltd](#)
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