

Subject: EMA Response to consultation on version 3.1.9 of the OBIE Standard and supporting documents

Date: 2 September 2021

EMA Response

The following EMA comments will be submitted via the OBIE Confluence feedback page.

#	Artefact	Document TOC reference	Feedback	Priority (H/M/L)
1	General		It is unclear from the TPP Guidance, Proposition document, and other OBIE VRP artefacts, to what extent ASPSPs can, or should, confirm that a given transaction meets the Sweeping criteria over and above the TPP/SSP's attestation. We suggest that this is incorporated into ASPSP guidance, otherwise many sweeping propositions could face inconsistent treatment between ASPSPs, which could ultimately affect their ability to gain market adoption.	H
2	Guidance for TPPs on use of VRPs for sweeping	I.1 Definition of Sweeping	<p>In relation to our point above, we would welcome further clarification and guidance on how the ecosystem should operationally interpret the 'Sweeping criteria' so that each ASPSP's implementation is consistent, and doesn't introduce limitations or barriers to emerging sweeping propositions.</p> <p>For instance, the criteria "<i>between two accounts belonging to the same person or legal entity</i>" (#5) raises a number of operational issues, such as when:</p> <ul style="list-style-type: none"> • <u>An e-money account is the destination account</u> <p>Where the destination (payee) account in a Sweeping transaction is an e-money account, the payee bank account holder name may be the financial institution providing the e-money account to the payee, rather than the e-money account holder (PSU). In other words, the e-</p>	H

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			<p>money issuer receives funds into their operational bank account and allocates those funds to relevant e-money accounts.</p> <p>In the above scenario, if SSPs or ASPSPs are screening transactions for compliance with the Sweeping criteria, they may not be able to confirm that a given transaction meets criteria #5, and this may result in the PSU being denied their choice of destination account, and severely limiting the scope of Sweeping products that a SSP could bring to market. For example, top-ups of prepaid travel cards or e-money wallets using sweeping may prove impossible.</p>	