Article 104: Provider complaint resolution

Council first-reading position 8543/1/26 REV 1, 4 November 2026. Verified 19 November 2026. Final wording and numbering may change.

Application
The Council position provides for general application 21 months after eventual entry into force under Article 124. Final Official Journal text and calendar dates remain to be checked.

Provision
Article 104(1)-(4)

Requirement
Providers maintain effective procedures for complaints about Title II and III rights and obligations in each Member State where they offer services, in an official language or another agreed language. Replies address every point on paper or another agreed durable medium. Providers identify at least one competent ADR entity and make the required access information clear and accessible on the website, application, at branches and in contract terms.

Responsible
The provider operates complaint handling and ADR signposting. Competent authorities monitor the procedures' performance.

Timing
Reply within an adequate timeframe and at latest 15 business days after receipt. If exceptional reasons beyond the provider's control prevent this, send a reasoned holding reply with the final deadline; the final reply must be received within 35 business days.

Conditions and exceptions
More favourable Member State dispute-resolution rules apply where introduced or maintained. The exceptional extension is conditional and does not replace separate transaction-refund deadlines.

PSD2 comparison
PSD2 Article 101. The Council correlation is an article-level starting point, not equivalence of every duty.

Source: Council of the European Union, 8543/1/26 REV 1. Updated article card.

What it means for the fraud function

- Run complaint-response and statutory refund clocks as separate tracked obligations.

- Require a specific uncontrollable reason and final deadline before sending an exceptional holding reply.

- Check that every complaint point and the applicable ADR route appear in the final communication.

Common misreadings

- Thirty-five business days is not the default response period.

- Opening a complaint does not automatically extend a next-business-day or other refund obligation.

Episodes: Coverage follows the curriculum. Links on the updated HTML card.