Article 56: Evidence on authorisation and execution

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 56(1)-(3); recitals 91 and 93

Requirement
When a user denies authorisation or alleges incorrect execution, the provider must prove authorisation, accurate recording, account entry and absence of technical failure or other deficiency. An initiation provider proves the specified matters within its competence. Authentication, including strong authentication, is not necessarily sufficient on its own to prove consent, payer fraud or intentional or grossly negligent breach of Article 53. Supporting evidence is required.

Responsible
The relevant provider bears the evidential burden. Before the specified conclusions, it must invite the user’s account of events and include it in the assessment.

Timing
The invitation and assessment must precede conclusions about authorisation, fraud or intentional or grossly negligent breach. Separate refund deadlines continue to require assessment under their own provisions.

Conditions and exceptions
User silence alone does not establish the conclusions. Users need not supply information beyond what they can reasonably be expected to have.

PSD2 comparison
PSD2 Article 72(1), (2) is the principal predecessor. Compare the Council authorisation wording and the additional customer-account assessment in Article 56(3).

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

What it means for the fraud function

- Request the customer’s account before issuing the specified adverse conclusion.

- Assemble consent, transaction integrity and conduct evidence as separate components.

- Document why the evidence supports the actual finding rather than relying on a successful SCA flag.

Common misreadings

- The Council version requires proof of authorisation in paragraph 1, not merely authentication.

- Customer silence does not reverse the statutory evidential burden.

Episodes: Archive lesson 4, Archive lesson 6, Archive lesson 7, Archive lesson 5, Season 1 episode 0, Season 1 episode 2, Season 1 episode 3, Season 1 episode 4. Links on the updated HTML card.