Article 61: Cross-sector fraud cooperation

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 61(1)-(6)

Requirement
Providers must notify hosting services without undue delay when payment fraud originates in fraudulent online content, following DSA Article 16 or, where applicable, Article 22. Necessary exchanges with hosting and interpersonal communications providers are permitted on objectively justified suspicion. Specified sectors must maintain effective communication routes and education measures. Communications providers also take appropriate organisational and technical measures against impersonation use, including manipulated caller or email identity.

Responsible
Payment providers give notices. The specified communications, very large platform and search-engine providers perform their assigned cooperation and education functions. The Commission and European Board for Digital Services facilitate the voluntary code.

Timing
Hosting notices are due without undue delay. Education addresses emerging scams; preventive and communication measures must operate under the article’s conditions.

Conditions and exceptions
Data exchanges require necessity and objectively justified suspicion and remain subject to GDPR and ePrivacy safeguards. Article 22 trusted-flagger treatment requires the relevant formal status; an ordinary bank notice is not automatically a trusted-flagger notice.

PSD2 comparison
The Council correlation Annex lists no direct PSD2 predecessor. This does not exclude thematic or technical-standard precursors.

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

What it means for the fraud function

- Preserve fraudulent-content URLs and evidence sufficient for an actionable hosting notice.

- Maintain named cross-sector contact routes and record response times.

- Assess necessity and permitted data before sharing case information outside the bank.

Common misreadings

- A cooperation channel does not permit unrestricted exchange of personal data.

- The article does not make all social-engineering losses automatically payable by a communications provider.

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