Article 86: Fraud statistics and reporting

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 86(1)-(5)

Requirement
Providers report statistical fraud data for different means of payment to their competent authorities at least annually. Data include numbers and values of refunded fraudulent transactions and refused refunds, with refusal reasons. Authorities transmit aggregated data to EBA and the ECB, which publish an annual joint report. EBA prepares separate draft statistical RTS and authority-submission ITS for Commission adoption.

Responsible
Providers own the underlying reporting data. Competent authorities aggregate and transmit; EBA and the ECB analyse and publish. The Commission adopts technical standards through the relevant legal processes.

Timing
Provider reporting is at least annual. EBA submits draft RTS and ITS to the Commission by 12 months after eventual entry into force; this is a draft-submission milestone, not automatic adoption or application.

Conditions and exceptions
An authority may permit reporting under another requirement only if it is no less extensive and arrangements ensure EBA and ECB receive the required data. The paragraph 5 ITS do not apply if the authority uses paragraph 2.

PSD2 comparison
PSD2 Article 96(6). 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

- Record refund amounts, refusal reasons and final outcomes in structured fields.

- Reconcile operational fraud cases, customer redress and regulatory reporting totals.

- Track technical-standard drafts, adopted instruments and reporting implementation dates separately.

Common misreadings

- Reporting only attempted fraud or gross losses does not cover all expressly required refund information.

- An existing reporting channel is not automatically an approved substitute.

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