Article 88: Fraud information sharing

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 88(1)-(5)

Requirement
Providers participate in arrangements with other providers and exchange necessary data to meet the Article 87 fraud-prevention duty when they have objectively justified suspicion of a user’s fraudulent behaviour. Sharing is limited to the listed Article 87 data, the supporting suspicion reasons and specified DSA hosting notices; normal payer environmental and behavioural characteristics are excluded. Security and confidentiality measures must be proportionate, including measures allowing pseudonymisation.

Responsible
Participating providers operate the arrangements and safeguards. Before concluding an arrangement, they jointly perform a GDPR data-protection impact assessment and, where applicable, prior supervisory consultation.

Timing
Complete the joint impact assessment before concluding the arrangement. Retain received data no longer than necessary and never beyond five years after the suspected fraudulent transaction.

Conditions and exceptions
Providers must assess received information before drawing conclusions or making relationship-affecting decisions solely from it. The permissible categories differ from the fuller internal monitoring dataset.

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

- Document the objective suspicion and necessity for each shared case.

- Filter out normal behavioural and environmental profiles from outbound data.

- Review shared signals before termination or onboarding decisions and record that assessment.

Common misreadings

- Article 88 does not authorise sharing every field used internally for monitoring.

- A warning from another bank is not a substitute for assessing that information.

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