**FEBIS Regulatory Committee conference call 28.08.2018**

**Minutes of the conference call**

**Attendants:**

- Luis Carmona, Informa

- Nathalie Gianese, Informa

- Stephanie Verilhac Marzin, FEBIS/SVM consult

- Matteo Marconi, CRIF

- Claire Fritz, Ellisphere

- Mark Preston, DnB

- Axel Bysikiewiecz, SCHUFA

- Daniel Francis Morin, FEBIS

**Agenda:**

- PSI review

- Late payments

- Consumer credit

- Athens speakers: Mr Hendrickx – UEAPME - FEBIS expectations

- FEBIS GDPR disclaimer

**1. PSI review**

Stephanie sent a paper to the group before August but has not yet received any feedback.

Austrian Presidency starts again discussions on PSI review (September); after IMCO report (J Reda see July minutes), several amendments are introduced to the EP and the list is to be published. These amendments should be discussed on Oct 11th. At first look it seems that some amendments address the issue via the angle of MS control while others use the HVDS approach.

Stephanie suggests sending FEBIS final paper to influent MEP(s)

Luis just sent comments on FEBIS draft paper and considers this consultation as a good chance to highlight our needs; great attention has to be given to the list of required items considered as HVDS (very close to the one of Public Reporting document).

List of crucial data can also built “per category “…

The goal is to help the Market to be more efficient, in a way that would benefit our industry. We need to expand our sources of essential data. Nevertheless, opening much free data could help competitive solutions out of our traditional industry.

Claire recalls the importance of links with other open files like “Late Payments”, Luis agrees and confirms our good positioning to identify all relevant existing links or even help documenting future initiatives; that’s why the final challenge is to really highlight our needs!

Stephanie will send the link to all set of amendments and already mentions the ones on fair competition between re-users and authorities as well as the issues on charges; concepts of “affordability” and “charges” have not to be misunderstood.

Claire comments the origins of the “free of charge” concept based on the assumption that citizen should not pay twice (already paying taxes + cost to provide data to the administration) and the one of “free of charge by default” or “charge at marginal cost”.

Georg recalls the principles enacted by the old Directive that was not to charge too much, the charging issue came to focus that companies rely on income from data and are allowed to charge.

Claire confirms that in France it is free of charge by default with few exceptions and answers positively to Nathalie asking if examples of data quality decrease have been identified since it is “free”.

Coming back on the FEBIS / PSI paper, Stephanie thanks Luis for his valuable contribution but recommends to keep the classification “per category” for another communication paper in order to slim down the current one and focus more on main messages, OK Luis.

Discussion rebound on the “costs # gratuity ” issue, Luis mentioning that in Spain Business Registers still charge “something” and that Data should be available at reasonable “price”; Claire prefers reasonable “costs” or “marginal costs “ and recalls that public data being very expensive in the recent past should not move to a total free of charge status.

Also not all data are accessible in a digital way (ex in UK) and have still to be keyed in manually, generating costs and also the “service “ (quality check) provided by BI providers.

On quality decrease linked to gratuity, Mark mentions that in UK most public data are for free (under digital format) and it is not exactly the quality of the data which applies but more the perception from the public; free = poor quality .

Georg suggests removing the word “legitimate” in the **§ Format and access** (sentence: *Business information providers have a legitimate interest in re-using PSI to produce high quality scores and business reports that are for the benefit of companies themselves (with their trade business counterparts) and also of the whole economy in general*). Idea is that there is no “re-use” of the data when searched only for legitimate interest and then our assessment could be negatively interpreted.

Claire suggests also to put emphasis on potential discrepancies amongst the texts addressing GDPR, PSI, AML, money laundering etc… and Stephanie recommends looking in details the various amendments as GDPR data protection measures may come again into the PSI discussion and grey zones have to be identified.

As well, Luis confirms the need to get a clear definition on personal capacity and business capacity and use this communication to come back on this important issue.

Stephanie will also send a mail on the latest developments on insolvency and latest IMCO position (amendment 50) in order to get a coherent position across different regulatory projects.

Georg confirms that Austrian Presidency is pushing forward the work with a paper for G29 regarding PSI and data protection looking for a re-usable information at EUROPEAN level (transversal decision) in order to avoid MS national contradictory application.

**2. Late payments**

Stephanie sent the definition paper but received no feedback yet. It becomes urgent and necessary to conclude before the next Reg Co call.

We need access to more data in order to improve the early warning service and help preventing liquidation.

Document should be sent to EP in order to sensitize MEP leaders on this question. Again it becomes crucial to solve the “sole entrepreneur” issue while there is not a clear answer yet and many small businesses suffer from the current situation. This point is also linked to our cooperation with UEAPME.

**3. Athens speakers: Mr Hendrickx – UEAPME - FEBIS expectations**

We should take advantage of the presence and speech of Mr Hendrickx who is a knowledgeable person, member of the G29 Expert group, regular speaker at EC meetings and expert in late payment / second chance.

However, we have to manage carefully the exchanges, avoiding any reference to actions that could be interpreted as “only” beneficial for our industry. All statements have to be focused on the whole market (and SMEs) benefit. If we are convincing and get the support of UEAPME, in some of our actions, we will win a lot of consideration in Brussels.

DFM suggests short information given to Members before the meeting and for example asking who is already in close contact with local SME association (like Informa and CEPYME). Draft message to be built ASAP.

**4. FEBIS - GDPR disclaimer**

A sample of the proposed disclaimer has been sent to Reg Co prior the call and Luis sent back a slightly modified version. Axel agrees with the proposed text, provided that it could be modified in the future should it be necessary.

Adoption of the final text will be on Sept 5th during EXEC call.

**TO DO**

- Answer Stephanie on PSI and Late payment FEBIS contributions before Sept 11th (ALL)

- Draft message to FEBIS members on UEAPME presence in Athens (DFM-Luis-Stephanie)

End of the meeting