**FEBIS Regulatory Committee conference call – 30.01.2018**

**Minutes of the conference call**

**Attendants:**

- Bernie Grady, Experian

- Luis Carmona, Informa

- Stephanie Verilhac Marzin, FEBIS/SVM consult

- Claire Fritz, Ellisphere

- Nathalie Gianese, Informa

- Silvia Cappelli, CRIF

- Axel Bysikiewiecz, SCHUFA

- Mark Preston, D&B

- Thomas Riemann, VdV Creditreform

- Paul Beard, Creditsafe

- Matteo Marconi, CRIF

- Daniel Francis Morin, FEBIS

**Agenda:**

1 - 5 party meeting follow up:

. feed back from sisters associations (?)

. candidatures to binome teams

2 - G29 consultation on consent and transparency:

. final document / comments

3 - FISMA consultation access to finance:

. decision to participate ?

4 - PSD2 implementation :

. feed back on UK and Nordic countries situation

5 - PSI review:

- feed back / comments on January 19th hearing

1. 5 party meeting / next steps.

Luis recalls the very good meeting initiated with UEAPME at high level and the fact that we have now the right contact person willing to cooperate with FEBIS.

Different EU instances are now working on projects dedicated to SMEs as EU wants to support the development of companies of that segment.

However one of the first questions remains the parameters to define an SME and the good criteria that should be used. Staff has no sense while the presence of a mother company and financial information may be much more indicative. Nathalie is working on this issue and in contact with UEAPME.

Regarding the FEBIS binome team members to be in contact with partners, we can mention today and thanks…

- Nathalie => UEAPME

- Axel => BIIA

- Claire => FENCA

- Luis => ACCIS

Still to be found:

- ? => EUROFINAS

- ? => Lease Europe

The list will be updated and circulated again in order to find candidates; this time we will target also FEBIS Board members or FEBIS Members during the next Spring meeting. As well Stephanie / Luis will validate the most important topics to deal with and their priority.

2. G29 consultations on consent and transparency:

Stephanie confirms that dead line has been respected and FEBIS comments sent in due time to Brussels.

Choice has been to focus on “transparency” rather than “consent” which is more a priority for ACCIS (even if all their members do not share a common opinion on what to say). On consent the texts are clear and edict a practical rule we have only to respect; if we argue on consent we may deliver a different view than ACCIS. Fracture line is always about the capacity of the person (sole entrepreneur). Is he/she considered as a private person or he/her be given a “business capacity” being fully part of the business on which we investigates?

Stephanie says it is not clear that consent has not to be asked in both cases (considering the spirit of the current texts and the fact that Guidelines are written is a prescriptive mode); it may be counterproductive to put under the spotlight a point on which we have little influence.

However we took opportunity of this “Comments” to reaffirm our position about “entrepreneurs” status and our “legitimate interest” as valid ground to process the data on business even via scoring methods.

Stephanie informs the group about the launching of a new Commission website on GDPR which confirms that pure business capacity is out of the scope of GDPR prescription; however the question about one-person company remains sensitive… (<https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/data-protection/reform/rules-business-and-organisations_en>).

Claire suggests informing very clearly ICCR about the current situation and the ambiguous position of the Commission which seems to give an interpretation against the interests we defend since one year. Such conflicting messages forbid our industry / members to have a clear view of what is allowed or not.

This is also linked to the question of PSI data usage… is it private or business data?

Mark raises the question about potential contradictions between the “Guidelines” and the National law(s).

In UK changes have been done since 4 months and retro-modifications seem difficult…

In France the process (National law) is a bit late and starts only now but already many questions arise on “privacy”

In Germany National law is ready and no change is expected; Guidelines are considered as an “opinion” and players are not asked to apply them

Group opinion is that Commission guidelines + WP29 guidelines + national DPA ones + national laws will generate a bubbling caldron even more activated by the inevitable lawsuits and decisions of the EC of Justice adding another layer…

3. FIMSA consultations on access to finance for SMEs:

- Stephanie sent the link to the consultation and confirms that the text is more focused on barriers to SMES who want to be listed on stock exchange EG “big finance”.

Interest for FEBIS to participate is rather low, however we may consider a contribution on 2 points:

- The lack of information for investors

- Sustaining the idea of authorizing “unsolicited ratings” to help SMEs publishing on SME growth market issuers and increase their visibility to institutional investors.

Luis remarks that CRAs are invited to participate to the consultation while we, info providers, are only on the scoring side (not rating). It is a bit confusing to chose what would the best?

Nathalie suggests looking first in detail before deciding and Stephanie mentions a dead line of **February 9th** to get a decision.

4.PSD2 Implementation

Bernie confirmed that :

During the implementation of PSD2 in the UK the opportunity has been taken to make data available from Banks to third parties not just payment service providers. This Open Banking initiative has two key forms:

1)      Open Data – this covers information from banks relating to branch locations, ATMs and products including terms, fees interest rates etc and

2)      Open Standards – all designate banks have been mandated to make transactional information available via an agreed standard API. Account information service providers (which can include Credit Reference Agencies) can apply to the FCA (UK market regulatory) to become approved to access these APIs.

5. PSI review:

Stephanie confirmed Claire and her had a very interesting discussion with Yvo Volman head of unit Data Policy and Innovation at DG CNECT during the hearing on the PSI review last Friday 19/01 in Brussels.

He knew our problems and he is willing to help through the PSI review, but he asked for more input on market restrictions, data usage… He understands a conflict is coming from other DGs interpreting rules of their own. He said we have to make crystal clear the separation between consumer scores and business scores.

Luis says we should concentrate our efforts at National level toward our DPAs and to follow everything in order to deliver any comment in our favour and work on national solutions. No one understand why WP29 is so late discussing these issues and even some DGs are astonished…

Stephanie approves and shares the view that at global level it becomes a real mess. May be time to raise the issue at ICCR level even if assessments on international transfers are rather clear.

Luis agrees but recalls the very restricted time allocated to participants during the call meeting of January 31st; adding another point may be very difficult.

However it may be tried and then a feedback will be given to the group during next call.

End of the meeting

**Next call on February 13th 3PM CET**