

Comments

on the EBA consultation on draft technical standards on complaints handling procedures under the Markets in Crypto-Assets Regulation (EBA/CP/2023/13)

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The **German Banking Industry Committee** is the joint committee operated by the central associations of the German banking industry. These associations are the Bundesverband der Deutschen Volksbanken und Raiffeisenbanken (BVR), for the cooperative banks, the Bundesverband deutscher Banken (BdB), for the private commercial banks, the Bundesverband Öffentlicher Banken Deutschlands (VÖB), for the public-sector banks, the Deutscher Sparkassen- und Giroverband (DSGV), for the savings banks finance group, and the Verband deutscher Pfandbriefbanken (vdp), for the Pfandbrief banks.

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Question 1:

Do you consider that the approach proposed in the RTS strikes an appropriate balance between the various competing demands described? If not, please suggest an alternative approach and the underlying reasoning and evidence.

As many companies provide financial services that fall under several European standards on complaint management, further harmonisation and unification of the rules on complaint management should be undertaken.

It is therefore desirable that, at least within a law such as the MiCA, the rules are uniform, as it can be assumed that some companies act both as issuers and as Crypto Asset Service Provider (Art. 31 and 71). However, this uniformity is not the case according to ESMA's RTS/ITS also under consultation in the consultation package of 12.07.2023.

The explanation for the choice of option C under 6.1 D. is not convincing. Rather, Option A with its reference to the Joint Guidelines should be given preference in the sense of a uniform regulation for all financial services.

In this context, a reference to national regulations should be omitted, since in the case of cross-border provision of services, the nationally applicable law must be determined. To align the complaint management, if necessary, to various different national regulations is an unnecessary burden in the sense of promoting the European capital market.

Question 2:

Do you have any comments on the requirements proposed in Articles 1, 2, 3 or 4 of the draft RTS?

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Question 3:

Do you have any comments on the requirements proposed in Articles 5, 6 or 7 of the draft RTS?

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