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## **EBF Response to the European Data Protection Board's consultation on its draft Recommendations 2/2025 on the legal basis for requiring the creation of user accounts on e-commerce websites**

The European Banking Federation (EBF) welcomes the opportunity to provide a response to the European Data Protection Board's (EDPB) consultation on the draft Recommendations on the legal basis for requiring the creation of user accounts on e-commerce websites.

The sector would **welcome clarification from the EDPB regarding the scope of the Recommendations and, in particular, the services that fall under the category of "e-commerce websites"**. As currently drafted, the Recommendations adopt a broad understanding of this concept, which may give rise to open and potentially divergent interpretations. In particular, the Recommendations do not clearly confirm the inclusion of **online services offered by banks** within their scope, nor do they specify whether such services fall within the list of online services excluded from the Recommendations. **Clarification would therefore be welcome as to whether, and to what extent, the Recommendations are intended to apply depending on the nature of the online service provided and the regulatory framework governing that service.**

By way of example, in the context of traditional banking services, banks are legally required - prior to commencing any banking cooperation with a customer - to take measures that in practice presuppose a login/account, such as KYC and related customer due diligence. In practical terms, banks - as obliged entities - have a legal duty to identify and verify a customer's identity before establishing a business relationship or executing a transaction. Therefore, to comply with the specific requirements issued by banking regulators, banks cannot offer "guest accounts" to customers in the manner suggested by the Recommendations. Against this background, it is unclear how compliance with KYC obligations could be reconciled with the absence of identification process associated with setting up a "guest account". **The sector would therefore welcome clarification from the EDPB on the concept of "e-commerce website" and an explicit exclusion from the scope of the Recommendations of online services offered by banks, which, by law, require prior customer identification and verification.**

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**About the EBF**

The European Banking Federation is the voice of the European banking sector, bringing together 32 national banking associations in Europe that together represent a significant majority of all banking assets in Europe, with 3,500 banks - large and small, wholesale and retail, local and international – while employing approximately two million people. EBF members represent banks that make available loans to the European economy in excess of €20 trillion and that reliably handle more than 400 million payment transactions per day. Launched in 1960, the EBF is committed to a single market for financial services in the European Union and to supporting policies that foster economic growth

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