



EUROPEAN PARLIAMENT

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Committee on Legal Affairs

29.11.2013

NOTICE TO MEMBERS

(0120/2013)

Subject: Reasoned opinion by the French Senate on the proposal for a regulation of the European Parliament and of the Council on interchange fees for card-based payment transactions
(COM(2013)0550 – C7-0241/2013 – 2013/0265(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, any national parliament may, within eight weeks from the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for compliance with the subsidiarity principle.

Please find attached, for information, a reasoned opinion by the French Senate on the above-mentioned proposal.

EUROPEAN RESOLUTION
CONTAINING A REASONED OPINION

on the conformity with the subsidiarity principle of the proposal for a regulation on interchange fees for card-based payment transactions [COM(2013)0550]

Pursuant to Article 73 octies, paragraphs 4 and 5, of the Senate's Rules of Procedure, the resolution adopted by the Senate's Finance Committee, worded as follows, has become a Senate resolution:

Under the proposal for a regulation COM(2013)0550 on interchange fees for card-based payment transactions, interchange fees are to be capped at 0.2%, in the case of debit cards, and at 0.3%, in the case of credit cards. The capping would take effect, as far as cross-border transactions were concerned, two months after the regulation entered into force; domestic transactions would become subject to capping after two years.

Having regard to Article 88-6 of the Constitution,

The Senate makes the following comments:

- Article 5 of the Treaty on European Union stipulates that, by virtue of the subsidiarity principle, the Union is called upon to act only 'if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level';
- Article 5 of the Protocol on the application of the principles of subsidiarity and proportionality stipulates that 'Draft European legislative acts ... [must] be justified with regard to the principles of subsidiarity and proportionality';
- the impact assessment accompanying the proposal for a regulation is incomplete, given the lack of quantitative data, the uncertainty regarding the implications of the proposal, and the fact that there have been no proper in-depth economic studies;
- given the shortcomings in terms of analysis it cannot be assumed for certain that:
 - * the Commission has correctly determined the appropriate level of action, as required by the subsidiarity and proportionality principles;
 - * action by Member States could not serve to achieve the desired aim.

The Senate therefore takes the view that the proposal for a regulation does not, in its present form, comply with the principle of subsidiarity. This text became a Senate resolution on 26 November 2013.