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Committee on Economic and Monetary Affairs

2013/0139(COD)

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**AMENDMENTS
407 - 734**

Draft report
Jürgen Klute
(PE514.602v02-00)

on the proposal for a directive of the European Parliament and of the Council
on the comparability of fees related to payment accounts, payment account
switching and access to payment accounts with basic features

Proposal for a directive
(COM(2013)0266 – C7-0125/2013 – 2013/0139(COD))

AM_Com_LegReport

Amendment 407
Philippe De Backer

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Provision of the switching service

Amendment

Provision *and timing of implementation* of the switching service

Or. en

Amendment 408
Philippe De Backer

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in the Union.

Amendment

deleted

Or. en

Amendment 409
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 9 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1a. The rules concerning the switching

only apply to the switching of payment accounts within a Member State.

Or. en

Amendment 410
Sari Essayah, Sampo Terho

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account ***with a payment service provider located in the Union.***

Amendment

Member States shall ensure that ***the transferring and receiving*** payment service providers ***located in the Union*** provide a switching service ***within the same Member State*** as described in Article 10, ***or equivalent***, to any consumer who holds a payment account.

Or. en

Justification

The switching service should be limited to switching inside a MS. It should not switch contracts or obligations (like return of a payment) of the transferring PSP. It should be a one-off transfer and require that the consumer him/herself has made an account agreement with the receiving PSP.

Amendment 411
Syed Kamall

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in

Amendment

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in

the *Union*.

the *Member State where the consumer resides*.

Or. en

Justification

A cross-border switching service would come at huge cost and risk, with little obvious benefit given the low level of demand for such a cross border service. Cross-border transactions will also be facilitated by the implementation of Regulation 260/2012.

Amendment 412
Werner Langen, Burkhard Balz

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in *the Union*.

Amendment

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in *their territory*.

Or. de

Amendment 413
Astrid Lulling

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider *located in the Union*.

Amendment

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider *within the Member State*.

Justification

there is no reason to offer this service cross-border

Amendment 414
Jean-Paul Gauzès

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located ***in the Union.***

Amendment

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located ***within a Member State.***

Amendment 415
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in the Union.

Amendment

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with a payment service provider located in the Union. ***The provisions of Article 10 and 11 shall also apply to a bank account with basic features.***

Justification

This amendment aims at ensuring that customers using a bank account with basic features can also benefit from a switching service. It is based on a contribution by the Association of German Retailers and BEUC

Amendment 416
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that payment service providers provide a switching service as described in Article 10 *to any* consumer who holds a payment account with a payment service provider located in the Union.

Amendment

2. Member States shall ensure that *the respective* payment service providers provide *upon the consumer's request* a switching service as described in Article 10, *or equivalent, to a* consumer who holds a payment account with a payment service provider located in the Union *and who has arranged for the opening of a new payment account with the receiving payment service provider.*

Or. en

Amendment 417
Philippe De Backer

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

1a. *The switching service request does not involve the switching of the contract from the transferring payment service provider to the receiving payment service provider.*

Amendment

Or. en

Amendment 418
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The switching service request does not involve the switching of the contract from the transferring payment service provider to the receiving payment service provider.

Or. en

Amendment 419
Olle Ludvigsson, Evelyne Gebhardt

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Regarding switching between domestic payment service providers, Member States may uphold or establish provisions that deviate slightly from those outlined in Article 10 if this entails efficiencies that are clearly in the interest of the consumer.

Or. en

Justification

Some Member States already have domestic switching service systems that are more efficient, for example in terms of automaticity and time limits, than the system set out in Articles 10. As long as the consumer benefits from it, all Member States should be allowed to keep or introduce such efficiencies.

Amendment 420
Olle Ludvigsson

Proposal for a directive
Article 9 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

EBA shall develop draft regulatory technical standards to specify what kinds of deviations indicated in paragraph 1a are to be allowed.

EBA shall submit those draft regulatory technical standards to the Commission by...

Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.

Or. en

Amendment 421
Philippe De Backer

Proposal for a directive
Article 9 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that by two years after entry into force of this Directive payment service providers provide a switching service as described in Article 10, or provide an equivalent switching services within (as a maximum) the same overall timescales as described in Article 10, to any consumer who holds a payment account with a payment service provider located in that Member State.

Or. en

Amendment 422
Philippe De Backer

Proposal for a directive
Article 9 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Unless the European Commission decides otherwise through a regulatory impact assessment, Member States shall ensure that by six years after the entry into force of this Directive payment service providers provide a switching service as described in article 10, or provide an equivalent switching services within (as a maximum) the same overall timescales as described in Article 10, to any consumer who holds a payment account with a payment service provider located in the Union. At the same time, Member States shall also ensure that there is a system for automated redirection of standing orders and direct debits to the account held by the consumer with the receiving payment service provider implemented.

Or. en

Amendment 423
Philippe De Backer

Proposal for a directive
Article 9 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

Member States shall ensure that as long as there is no system of cross border switching implemented, the closing of a payment account in one Member State and the transferring of the balance to a new payment account in another Member State is not made excessively difficult or burdensome for the consumer.

Amendment 424

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that *the* switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7.

Amendment

1. Member States shall ensure that ***payment services linked to the consumer's current or future payment account are available throughout the whole switching process, Member States shall also ensure that the*** switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7.

Or. en

Justification

This amendment is based on a contribution by the German association of consumer protection organisations (VZBV).

Amendment 425

Werner Langen

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7.

Amendment

1. Member States shall ensure that the switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7, ***and that account is taken of relevant contractual relations between consumers and the economic***

players involved.

Or. de

Amendment 426
Sharon Bowles

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7.

Amendment

1. Member States shall ensure that the switching service is ***automated or*** initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7. ***Member States may establish more extensive switching services.***

Or. en

Amendment 427
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7.

Amendment

1. Member States shall ensure that the switching service is initiated by the receiving payment service provider and provided in accordance with the rules set out in paragraphs 2 to 7 ***and supported by all third parties involved.***

Or. en

Amendment 428
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The switching service shall be initiated by the receiving payment service provider. The receiving payment service provider shall request written authorisation from the consumer to perform the switching service. The authorisation shall allow the consumer to provide specific consent to the transferring payment service provider to perform each of the tasks indicated in paragraphs 3(e) and 3(f) and to provide specific consent to the receiving payment service provider to perform each of the tasks indicated in paragraphs 4(c), 4(d) and 5. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in paragraphs 3(a) and 3(b). The authorisation shall also specify the date from which recurrent payments are to be operated from the account opened with the receiving payment service provider.

Amendment

2. The switching service shall be initiated by the receiving payment service provider ***upon request of the consumer***. The receiving payment service provider shall request written authorisation from the consumer to perform the switching service. ***In case of joint accounts the authorisation must be provided by all holders having joint signature of the account. The authorisation shall be drawn up in an official language of the Member State where the switching service is being initiated or in any other language agreed between the parties.*** The authorisation shall allow the consumer to provide specific consent to the transferring payment service provider to perform each of the tasks indicated in paragraphs 3(e) and 3(f) and to provide specific consent to the receiving payment service provider to perform each of the tasks indicated in paragraphs 4(c), 4(d) and 5. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in paragraphs 3(a) and 3(b). The authorisation shall also specify the date from which recurrent payments are to be operated from the account opened with the receiving payment service provider. ***This date shall be at least seven business days from the day the transferring payment service provider receives the request to perform the switch from the receiving payment service provider pursuant to Article 10 paragraph 6.***

Or. en

Amendment 429
Werner Langen

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The switching service shall be initiated by the receiving payment service provider. The receiving payment service provider shall request written authorisation from the consumer to perform the switching service. The authorisation shall allow the consumer to provide specific consent to the transferring payment service provider to perform each of the tasks indicated in paragraphs 3(e) and 3(f) and to provide specific consent to the receiving payment service provider to perform each of the tasks indicated in paragraphs 4(c), 4(d) and 5. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in paragraphs 3(a) and 3(b). The authorisation shall also specify the date from which recurrent payments are to be operated from the account opened with the receiving payment service provider.

Amendment

2. The switching service shall be initiated by the receiving payment service provider. The receiving payment service provider shall request written authorisation from the consumer to perform the switching service. The authorisation shall allow the consumer to provide specific consent to the transferring payment service provider to perform each of the tasks indicated in paragraphs **3(c)**, 3(e) and 3(f) and to provide specific consent to the receiving payment service provider to perform each of the tasks indicated in paragraphs 4(c), 4(d) and 5. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in paragraphs 3(a) and 3(b). The authorisation shall also specify the **payment orders referred to in paragraphs 4(a) and 4(b) and the** date from which recurrent payments are to be operated from the account opened with the receiving payment service provider.

Or. de

Amendment 430
Astrid Lulling

Proposal for a directive
Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within **one business day** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service

Amendment

3. Within **a reasonable time** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service

provider shall request the transferring payment service provider to carry out the following tasks:

provider shall request the transferring payment service provider to carry out the following tasks:

Or. en

Justification

the timeline of one day is too short regarding internal procedures to be followed

Amendment 431
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within ***one business day*** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

Amendment

3. Within ***a reasonable time*** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

Or. en

Amendment 432
Peter Simon

Proposal for a directive
Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within ***one business day*** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

Amendment

3. Within ***a maximum of two bank working days*** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

Or. de

Amendment 433
Sari Essayah, Sampo Terho

Proposal for a directive
Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within **one** business **day** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

Amendment

3. Within **three** business **days** from the receipt of the authorisation referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

Or. en

Justification

One day is too short. A bank may have to concentrate these tasks to the bank group level.

Amendment 434
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – paragraph 3 – point -a (new)

Text proposed by the Commission

Amendment

(-a) provide for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider during a period of 13 months;

Or. en

Justification

One of the disincentives to switching is the transfer of standing orders and direct debits. By requiring the PSP from which the consumer is switching to redirect these automatic payments for 1 year + 1 month, the consumer has plenty of time to set them up with the receiving PSP

Amendment 435
Evelyne Gebhardt

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) *transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a* list of all existing standing orders for credit transfers and debtor driven direct debit mandates;

Amendment

(a) *providing* the consumer *with a comprehensive summary* list of all existing standing orders for credit transfers and debtor driven direct debit mandates *and asking for confirmation for transmitting them to the receiving payment service provider;*

Or. en

Amendment 436
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and *debtor driven* direct debit mandates;

Amendment

(a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and *available* direct debit mandates *and credit transfers with execution date from the date specified in the authorisation;*

Or. en

Amendment 437
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and **debtor driven** direct debit mandates;

Amendment

(a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and **available** direct debit mandates **and credit transfers with execution date from the date specified in the authorisation**;

Or. en

Amendment 438
Astrid Lulling

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers **and debtor driven direct debit mandates**;

Amendment

(a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers;

Or. en

Justification

the proposal must take into account the new SEPA scheme

Amendment 439
Werner Langen

Proposal for a directive
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) transmit to the receiving payment

Amendment

(a) transmit to the receiving payment

service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and debtor driven direct debit mandates;

service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and debtor driven direct debit mandates ***known to the payment service provider***;

Or. de

Amendment 440
Werner Langen

Proposal for a directive
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) ***transmit to the receiving payment service provider and***, if specifically requested by the consumer pursuant to paragraph 2, to the consumer the available information about incoming credit transfers and creditor driven direct debits executed on the consumer's account in the previous 13 months;

Amendment

(b) if specifically requested by the consumer pursuant to paragraph 2, ***transmit to the receiving payment service provider and*** to the consumer the available information about incoming credit transfers and creditor driven direct debits executed on the consumer's account in the previous 13 months;

Or. de

Amendment 441
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer the available information about incoming credit transfers and creditor driven direct debits executed on the consumer's account in the previous 13 months;

Amendment

(b) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer the available information about incoming credit transfers and creditor driven direct debits executed on the consumer's account in the previous 13 months; ***the information shall be***

provided by the transferring payment service provider to the consumer only if the information has not already been provided to the consumer by the transferring payment services provider, by law;

Or. en

Amendment 442
Werner Langen

Proposal for a directive
Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) transmit to the receiving payment service provider any additional information deemed necessary by the receiving payment service provider to perform the switch;

Amendment

(c) transmit to the receiving payment service provider any additional information deemed necessary by the receiving payment service provider to perform the switch, *on condition that such transmission is compatible with existing data protection requirements;*

Or. de

Amendment 443
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) transmit to the receiving payment service provider any *additional* information deemed necessary by the receiving payment service provider to perform the switch;

Amendment

(c) transmit to the receiving payment service provider any *relevant* information deemed necessary by the receiving payment service provider to perform the switch;

Or. en

Amendment 444
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) transmit to the receiving payment service provider **any additional** information deemed necessary by the receiving payment service provider to perform the switch;

Amendment

(c) transmit to the receiving payment service provider **relevant** information deemed necessary by the receiving payment service provider to perform the switch;

Or. en

Amendment 445
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) where the transferring payment service provider does not provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel standing orders and stop accepting direct debits on the date specified in the authorisation;

Amendment

deleted

Or. en

Justification

PSPs have an incentive to make switching away from them less easy. Not providing an automatic redirection of automated payments is one way to do this. See also Green AM on Article 10-3.-a.

Amendment 446
Astrid Lulling

Proposal for a directive
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) where the transferring payment service provider does not provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel standing orders and stop accepting direct debits on the date specified in the authorisation;

Amendment

deleted

Or. en

Amendment 447
Peter Simon

Proposal for a directive
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) where the transferring payment service provider does not provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel standing orders and stop accepting direct debits on the date specified in the authorisation;

Amendment

(d) where the transferring payment service provider does not provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel standing orders and stop accepting direct debits on the date specified in the authorisation, ***but at the earliest from the day of execution, which allows a lead time of five bank working days from receipt of the request by the transferring payment service provider;***

Or. de

Amendment 448
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) where the transferring payment service provider does not provide a system for automated redirection of the **standing orders** and direct debits to the account held by the consumer with the receiving payment service provider, **cancel standing orders** and stop accepting direct debits **on** the date specified in the authorisation;

Amendment

(d) where the transferring payment service provider does not provide a system for automated redirection of the **incoming credit transfer** and direct debits to the account held by the consumer with the receiving payment service provider, **stop incoming credit transfers** and stop accepting direct debits **from** the date specified in the authorisation;

Or. en

Amendment 449
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) where the transferring payment service provider does not provide a system for automated redirection of the **standing orders** and direct debits to the account held by the consumer with the receiving payment service provider, **cancel standing orders** and stop accepting direct debits **on** the date specified in the authorisation;

Amendment

(d) where the transferring payment service provider does not provide a system for automated redirection of the **incoming credit transfer** and direct debits to the account held by the consumer with the receiving payment service provider, **stop incoming credit transfers** and stop accepting direct debits **from** the date specified in the authorisation;

Or. en

Amendment 450
Werner Langen

Proposal for a directive
Article 10 – paragraph 3 – point e

Text proposed by the Commission

(e) where the consumer gave specific consent pursuant to paragraph 2, transfer any remaining positive balance to the account opened or held with the receiving payment service provider on the date specified by the consumer; and

Amendment

(e) where the consumer gave specific consent pursuant to paragraph 2, transfer any remaining positive balance to the account opened or held with the receiving payment service provider on the date specified by the consumer, ***or collect the amount of a negative balance from the account opened or held with the receiving payment service provider, where the consumer gave consent and does not intend to transfer this amount to the transferring payment service provider in some other form;*** and

Or. de

Amendment 451
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 3 – point f

Text proposed by the Commission

(f) where the consumer gave specific consent pursuant to paragraph 2, close the account held with the transferring payment service provider on the date specified by the consumer.

Amendment

(f) where the consumer gave specific consent pursuant to paragraph 2, close the account held with the transferring payment service provider on the date specified by the consumer ***or - if closure on the specified date is not possible - on the next possible date after the tasks under paragraph 3(d) and (e) have been performed, unless circumstances in need of clarification or regulation (e.g. negative balance) have arisen in respect of which the transferring payment service provider will contact the consumer.***

Or. en

Amendment 452
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – point f

Text proposed by the Commission

(f) where the consumer gave specific consent pursuant to paragraph 2, close the account held with the transferring payment service provider on the date specified by the consumer.

Amendment

(f) where the consumer gave specific consent pursuant to paragraph 2, close the account held with the transferring payment service provider on the date specified by the consumer ***or – if closure on the specified date is not possible – on the next possible date after the tasks under paragraph 3 (d) and (e) have been performed, unless circumstances in need of clarification or regulation (e.g. negative balance or cards have not been returned) have arisen in respect of which the transferring payment service provider will contact the consumer;***

Or. en

Amendment 453
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) cancel standing orders and credit transfers with execution date from the date specified in the authorisation;

Or. en

Amendment 454
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) cancel standing orders and credit transfers with execution date from the date specified in the authorisation;

Or. en

Amendment 455
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) set up within seven ***calendar*** days the standing orders for credit transfers ***requested*** by the consumer and execute them from the date specified in the authorisation;

(a) set up within seven ***business*** days the standing orders for credit transfers ***mandated*** by the consumer and execute them from the date specified in the authorisation ***and credit transfers with execution date from the date specified in the authorisation; the seven business days should only start to count after the payment account with the receiving payment service provider has been established or opened and the consumer has provided all necessary information to the transferring payment service provider to start the switching process;***

Or. en

Amendment 456
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) set up within seven **calendar** days the standing orders for credit transfers **requested** by the consumer and execute them from the date specified in the authorisation;

Amendment

(a) set up within seven **business** days the standing orders for credit transfers **mandated** by the consumer and execute them from the date specified in the authorisation **and set up credit transfers with execution date from the date specified in the authorisation; the seven business days should only start to count after the payment account with the receiving payment service provider has been established or opened and the consumer has provided all necessary information to the transferring payment service provider to start the switching process;**

Or. en

Amendment 457
Syed Kamall

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) set up within seven **calendar** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Amendment

(a) set up within seven **business** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Or. en

Justification

For the purposes of national switching schemes, the requirement should be termed in business days, not calendar days, given that banks are not open at the weekend.

Amendment 458
Olle Ludvigsson, Evelyne Gebhardt

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) set up within seven *calendar* days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Amendment

(a) set up within seven *business* days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Or. en

Amendment 459
Sari Essayah, Sampo Terho

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) set up within seven *calendar* days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Amendment

(a) set up within seven *business* days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Or. en

Justification

Only business days are relevant from processing point of view.

Amendment 460
Catherine Stihler

Proposal for a directive
Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) set up within seven **calendar** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Amendment

(a) set up within seven **business** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Or. en

Amendment 461

Alfredo Pallone, Fabrizio Bertot

Proposal for a directive

Article 10 – paragraph 4 – point b

Text proposed by the Commission

(b) accept direct debits from the date specified in the authorisation;

Amendment

(b) ***after the payment account with the receiving payment service provider has been opened***, accept direct debits from the date specified in the authorisation ***subject to the condition of compatibility with the payment systems of the receiving payment service provider***;

Or. en

Amendment 462

Philippe De Backer

Proposal for a directive

Article 10 – paragraph 4 – point b

Text proposed by the Commission

(b) accept direct debits from the date specified in the authorisation;

Amendment

(b) ***after the payment account with the receiving payment service provider has been opened***, accept direct debits from the date specified in the authorisation;

Or. en

Amendment 463

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where relevant, inform the consumer about his rights in relation to SEPA direct debits provided for by Article 5(3)(d) of Regulation 260/2012/EC;

Or. en

Justification

In support of Rapporteur AM 77 (also recommended by BEUC) - ensures that consumers know that they can give their bank instructions concerning the direct debits

Amendment 464

Werner Langen

Proposal for a directive

Article 10 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) where the consumer gave specific consent pursuant to paragraph 2, inform payers making recurrent credit transfers into a consumer's payment account of the details of the consumer's account with the receiving payment provider. If the receiving payment service provider does not have all the information it needs to inform the payer, it shall ask the consumer or the transferring payment service provider to provide the missing information;

deleted

Or. de

Amendment 465

Alfredo Pallone, Fabrizio Bertot

Proposal for a directive

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) where the consumer gave specific consent pursuant to paragraph 2, inform payers making *recurrent credit transfers into a consumer's payment account of the details of the consumer's account with the receiving payment provider. If the receiving payment service provider does not have all the information it needs to inform the payer, it shall ask the consumer or the transferring payment service provider to provide the missing information;*

Amendment

(c) where the consumer gave specific consent pursuant to paragraph 2, inform payers making;

Or. en

Amendment 466

Werner Langen

Proposal for a directive

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) where the consumer gave specific consent pursuant to paragraph 2, inform payers making recurrent credit transfers into a consumer's payment account of the details of the consumer's account with the receiving payment provider. If the receiving payment service provider does not have all the information it needs to inform the payer, it *shall* ask the consumer *or the transferring payment service provider* to provide the missing information;

Amendment

(c) where the consumer gave specific consent pursuant to paragraph 2, inform payers making recurrent credit transfers into a consumer's payment account of the details of the consumer's account with the receiving payment provider. If the receiving payment service provider does not have all the information it needs to inform the payer, it *may* ask the consumer to provide the missing information;

Amendment 467
Werner Langen

Proposal for a directive
Article 10 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) where the consumer gave specific consent pursuant to paragraph 2, inform payees using a direct debit to collect funds from the consumer's account of the details of the consumer's account with the receiving payment service provider and the date from which direct debits shall be collected from that account. If the receiving payment service provider does not have all the information it needs to inform the payee, it shall ask the consumer or the transferring payment service provider to provide the missing information;

deleted

Or. de

Amendment 468
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) where the consumer gave specific consent pursuant to paragraph 2, inform payees using a direct debit to collect funds from the consumer's account of the details of the consumer's account with the receiving payment service provider and the date from which direct debits shall be collected from that account. If the receiving payment service provider does

deleted

not have all the information it needs to inform the payee, it shall ask the consumer or the transferring payment service provider to provide the missing information;

Or. en

Amendment 469
Werner Langen

Proposal for a directive
Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) where the consumer gave specific consent pursuant to paragraph 2, inform payees using a direct debit to collect funds from the consumer's account of the details of the consumer's account with the receiving payment service provider and the date from which direct debits shall be collected from that account. If the receiving payment service provider does not have all the information it needs to inform the payee, it **shall** ask the consumer **or the transferring payment service provider** to provide the missing information;

Amendment

(d) where the consumer gave specific consent pursuant to paragraph 2, inform payees using a direct debit to collect funds from the consumer's account of the details of the consumer's account with the receiving payment service provider and the date from which direct debits shall be collected from that account. If the receiving payment service provider does not have all the information it needs to inform the payee, it **may** ask the consumer to provide the missing information;

Or. de

Amendment 470
Werner Langen

Proposal for a directive
Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) *where the consumer chooses to personally provide the information indicated in points (c) and (d), provide the*

Amendment

(e) *provide the consumer with standard letters by means of which the consumer may inform payers making recurrent*

consumer with standard letters providing details of the new account and the starting date indicated in the authorisation.

credit transfers into the consumer's payment account, and payees using a direct debit to collect funds from the consumer's account, of the details of the consumer's account with the receiving payment service provider and the date from which direct debits may be collected from that account.

Or. de

Amendment 471
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) *where the consumer chooses to personally provide the information indicated in points (c) and (d)*, provide the consumer with standard letters providing details of the new account and the starting date indicated in the authorisation.

Amendment

(e) provide the consumer with standard letters providing details of the new account and the starting date indicated in the authorisation.

Or. en

Amendment 472
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) where the consumer chooses to personally provide the information indicated in points (c) and (d), provide the consumer with standard letters providing details of the new account and the starting date indicated in the authorisation.

Amendment

(e) where the consumer chooses to personally provide the information indicated in points (c) and (d), provide the consumer with standard letters providing details of the new account and the starting date indicated in the authorisation. ***The standard letter shall be drawn up in an official language of the Member State***

where the switching service is being initiated or in any other language agreed between the parties.

Or. en

Amendment 473
Jean-Paul Gauzès

Proposal for a directive
Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that deadlines are set at national level for both payers and payees to take into account the new account details of the consumer transmitted by the receiving payment service provider;

Or. en

Amendment 474
Sari Essayah, Sampo Terho

Proposal for a directive
Article 10 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven *calendar* days of receiving the request;

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven *business* days of receiving the request, *the time limit starting from the point after the transferring payment service provider received the consumer's verification;*

Or. en

Amendment 475
Syed Kamall

Proposal for a directive
Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **calendar** days of receiving the request;

Amendment

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **business** days of receiving the request;

Or. en

Justification

For the purposes of national switching schemes, the requirement should be termed in business days, not calendar days, given that banks are not open at the weekend.

Amendment 476
Olle Ludvigsson, Evelyne Gebhardt

Proposal for a directive
Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **calendar** days of receiving the request;

Amendment

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **business** days of receiving the request;

Or. en

Amendment 477
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven

Amendment

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven

calendar days of receiving the request;

business days of receiving the request;

Or. en

Amendment 478

Alfredo Pallone, Fabrizio Bertot

Proposal for a directive

Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven *calendar* days of receiving the request;

Amendment

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven *business* days of receiving the request

Or. en

Amendment 479

Philippe De Backer

Proposal for a directive

Article 10 – paragraph 6 – point b

Text proposed by the Commission

(b) where the transferring payment service provider does not provide a system for automated redirection of the *standing orders* and direct debits to the account held by the consumer with the receiving payment service provider, *cancel any standing orders* and stop accepting direct debits on the payment account *on* the date requested by the receiving payment service provider;

Amendment

(b) where the transferring payment service provider does not provide a system for automated redirection of the *incoming credit transfers* and direct debits to the account held by the consumer with the receiving payment service provider, *stop incoming credit transfers* and stop accepting direct debits on the payment account *from* the date requested by the receiving payment service provider;

Or. en

Amendment 480

Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 6 – point b

Text proposed by the Commission

(b) where the transferring payment service provider does not provide a system for automated redirection of the **standing orders** and direct debits to the account held by the consumer with the receiving payment service provider, **cancel any standing orders** and stop accepting direct debits on the payment account on the date requested by the receiving payment service provider;

Amendment

(b) where the transferring payment service provider does not provide a system for automated redirection of the **incoming credit transfers** and direct debits to the account held by the consumer with the receiving payment service provider, **stop incoming credit transfers** and stop accepting direct debits on the payment account on **from** the date requested by the receiving payment service provider;

Or. en

Amendment 481
Werner Langen

Proposal for a directive
Article 10 – paragraph 6 – point c

Text proposed by the Commission

(c) transfer the remaining positive balance from the payment account to the account held with the receiving payment service provider;

Amendment

(c) transfer the remaining positive balance from the payment account to the account held with the receiving payment service provider **or collect the amount of a negative balance from the account opened or held with the receiving payment service provider, where the consumer gave consent;**

Or. de

Amendment 482
Werner Langen

Proposal for a directive
Article 10 – paragraph 6 – point d

Text proposed by the Commission

(d) close the payment account;

Amendment

(d) close the payment account *as soon as the steps listed in points (a) to (c) have been carried out and the account is balanced*;

Or. de

Amendment 483
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 6 – point d

Text proposed by the Commission

(d) close the payment account;

Amendment

(d) close the payment account *after the fulfilment of the duties as per Article 10 paragraph 6(b) and (c)*;

Or. en

Amendment 484
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 6 – point d

Text proposed by the Commission

(d) close the payment account;

Amendment

(d) close the payment account *which can only be closed after fulfilment of the duties as per Article 10 paragraph 6 (b) and (c)*.

Or. en

Amendment 485
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 6 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the above referenced tasks are subject to a "positive" balance on the payment account.

Insofar as transferring payment service providers consider personal confirmation (written or oral) of the request received pursuant to sentence 1 necessary, they will request the consumer within two business days of their receipt of the request pursuant to sentence 1 to forward such confirmation. Subsequent to the receipt of the consumer's personal confirmation, the transferring payment service provider will perform the tasks under paragraph 6 within the deadlines specified therein. As far as the request pursuant to sentence 1 releases a time limit and in case the transferring payment service provider requests the consumer's confirmation, this time limit will start with receipt of the consumer's confirmation.

Or. en

Amendment 486
Philippe De Backer

Proposal for a directive
Article 10 – paragraph 6 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the above referenced tasks are subject to a "positive" balance on the payment account;

Or. en

Amendment 487
Werner Langen

Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States shall ensure that the provisions contained in paragraphs 1 to 7 also apply when the switching service is initiated by a payment service provider located in another Member State.

deleted

Or. de

Amendment 488
Syed Kamall

Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States shall ensure that the provisions contained in paragraphs 1 to 7 also apply when the switching service is initiated by a payment service provider located in another Member State.

deleted

Or. en

Justification

A cross-border switching service would come at huge cost and risk, with little obvious benefit given the low level of demand for such a cross border service. Cross-border transactions will also be facilitated by the implementation of Regulation 260/2012.

Amendment 489
Astrid Lulling

Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States shall ensure that the provisions contained in paragraphs 1 to 7 also apply when the switching service is initiated by a payment service provider located in another Member State.

deleted

Or. en

Amendment 490

Alfredo Pallone, Fabrizio Bertot

**Proposal for a directive
Article 10 – paragraph 8**

Text proposed by the Commission

Amendment

8. Member States shall ensure that the provisions contained in paragraphs 1 to 7 also apply when the switching service is initiated by a payment service provider located in another Member State.

deleted

Or. en

Amendment 491

Jean-Paul Gauzès

**Proposal for a directive
Article 10 – paragraph 8**

Text proposed by the Commission

Amendment

8. Member States shall ensure that the provisions contained in paragraphs 1 to 7 also apply when the switching service is initiated by a payment service provider located in another Member State.

deleted

Or. en

Amendment 492
Sari Essayah, Sampo Terho

Proposal for a directive
Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States shall ensure that the provisions contained in paragraphs 1 to 7 also apply when the switching service is initiated by a payment service provider located in another Member State. **deleted**

Or. en

Justification

This should not be regulated cross-border.

Amendment 493
Syed Kamall

Proposal for a directive
Article 10 – paragraph 9

Text proposed by the Commission

Amendment

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled. The present provision shall be subject to review pursuant to Article 27. **deleted**

Or. en

Justification

A cross-border switching service would come at huge cost and risk, with little obvious benefit given the low level of demand for such a cross border service. Cross-border transactions will also be facilitated by the implementation of Regulation 260/2012.

Amendment 494
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 10 – paragraph 9

Text proposed by the Commission

Amendment

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled. The present provision shall be subject to review pursuant to Article 27. *deleted*

Or. en

Amendment 495
Jean-Paul Gauzès

Proposal for a directive
Article 10 – paragraph 9

Text proposed by the Commission

Amendment

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled. The present provision shall be subject to review pursuant to Article 27. *deleted*

Or. en

Amendment 496
Sari Essayah, Sampo Terho

Proposal for a directive
Article 10 – paragraph 9

Text proposed by the Commission

Amendment

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled. The present provision shall be subject to review *deleted*

pursuant to Article 27.

Or. en

Amendment 497
Catherine Stihler

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that fees, if any, applied by the transferring payment service provider to the consumer for the termination of the payment account held with it are determined in accordance with Article 45(2) of Directive 2007/64/EC.

deleted

Or. en

Amendment 498
Evelyne Gebhardt

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that **fees, if any**, applied by the transferring payment service provider to the consumer for the termination of the payment account held with it **are determined in accordance with** Article 45(2) of Directive 2007/64/EC.

3. Member States shall ensure that **no fees are** applied by the transferring payment service provider to the consumer for the termination of the payment account held with it. Article 45(2) of Directive 2007/64/EC **shall be amended accordingly**.

Or. en

Amendment 499
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 11 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that no fees are applied by the transferring payment service provider where the consumer has held the payment account for a period of at least 12 months prior to the receipt of the switching service request pursuant to Article 10(4).

Or. en

Justification

Switching fees are likely to discourage this form of market discipline. While switching every few months should be discouraged, where an account has been open for more than a year there is no justification for charging the consumer (this is the principle already in operation in UK, Austria and Italy according to BEUC - without damage to the PSP market)

Amendment 500
Catherine Stihler

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate and in line with the actual costs of that payment service provider. ***deleted***

Or. en

Amendment 501
Evelyne Gebhardt

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that ***fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate and in line with the actual costs of that payment service provider.***

Amendment

4. Member States shall ensure that ***no fees are*** applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10.

Or. en

Amendment 502
Olle Ludvigsson

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that ***fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate and in line with the actual costs of that payment service provider.***

Amendment

4. Member States shall ensure that ***all services provided*** to the consumer under Article 10, other than those referred to in paragraphs 1 to 3, shall be ***offered free of charge.***

Or. en

Justification

The cost to the consumer for the switching service should be kept very low. Otherwise, switching will remain rare and the positive market dynamics potential of more frequent switching will not be realised.

Amendment 503
Sari Essayah, Sampo Terho

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate **and in line with the actual costs of that payment service provider.**

Amendment

4. Member States shall ensure that fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate.

Or. en

Amendment 504
Philippe De Backer

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that **any** financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider.

Amendment

1. Member States shall ensure that **the liability incurred by payment service providers in respect of** financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider.

Or. en

Amendment 505
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider.

Amendment

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider ***within one business day of the non-compliance being established.***

Or. en

Justification

It is critical that consumers be refunded as soon as an error comes to light as insufficient balance on the payment account could lead to further damage to the consumer

Amendment 506

Sergio Gaetano Cofferati, Evelyne Gebhardt

**Proposal for a directive
Article 12 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider.

Amendment

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider ***in due time. The burden of proof shall rest with the payment service provider, which shall demonstrate that the conditions laid down in Article 10 have been respected.***

Or. en

Amendment 507
Evelyne Gebhardt

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider.

Amendment

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider ***in due time. The burden of proof shall rest with the payment service provider, which shall demonstrate that the conditions laid down in Article 10 have been respected.***

Or. en

Amendment 508
Sari Essayah, Sampo Terho

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***any financial loss*** incurred by the consumer resulting from the ***non-compliance*** of a payment service provider involved in the switching process ***with its obligations*** under Article 10 ***is*** refunded by that payment service provider.

Amendment

1. Member States shall ensure that ***fees and charges*** incurred by the consumer resulting from the ***errors*** of a payment service provider involved in the switching process under Article 10 ***are*** refunded by that payment service provider.

Or. en

Justification

The responsibility should be limited to the service charges paid by the consumer. For example responsibility for indirect damages is too wide and very difficult to foresee, so one cannot cover all loss.

Amendment 509
Jürgen Klute

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider.

Amendment

1. Member States shall ensure that any financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 is refunded by that payment service provider ***within the shortest possible delay.***

Or. en

Amendment 510
Sari Essayah, Sampo Terho

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Consumers shall not bear any financial loss resulting from mistakes or delays in updating their payment account details by a payer or payee.

Amendment

deleted

Or. en

Justification

A PSP should not have liability for damages caused by another actor.

Amendment 511
Philippe De Backer

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Consumers shall not bear any financial loss resulting from mistakes or delays in updating their payment account details by a payer or payee.

Amendment

2. Consumers shall not bear any financial loss resulting from mistakes or delays in updating their payment account details by a payer or payee. ***Member States shall make sure that the payers and payees are made liable when they don't comply with the deadlines set up by Member States as stipulated in Article 10 paragraph 4a (new).***

Or. en

Amendment 512
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the fees, if any, charged for the switching process;

Amendment

deleted

Or. en

Justification

Needed for consistency with other AMs requiring switching to be free of charge

Amendment 513
Evelyne Gebhardt

Proposal for a directive
Article 13 – paragraph 1 – point c

Text proposed by the Commission
(c) the fees, if any, charged for the switching process;

Amendment
deleted

Or. en

Amendment 514
Catherine Stihler

Proposal for a directive
Article 13 – paragraph 1 – point c

Text proposed by the Commission
(c) the fees, if any, charged for the switching process;

Amendment
deleted

Or. en

Amendment 515
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission
2. The information shall be provided free of charge on a durable medium at all branches of the payment service providers accessible to consumers and be available in electronic form on their websites at all times.

Amendment
2. The information shall be provided free of charge on a durable medium at all branches of the payment service providers accessible to consumers and be available in ***easily accessible and consumer-friendly*** electronic form on their websites at all times.

Or. en

Amendment 516
Peter Simon, Udo Bullmann

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. The information shall be provided free of charge on a durable medium at all branches of the payment service providers accessible to consumers and be available in electronic form on their websites at all times.

Amendment

2. The information shall be provided free of charge on a durable medium at all branches of the payment service providers accessible to consumers and be available ***and easily findable*** in electronic form on their websites at all times.

Or. de

Amendment 517
Sergio Gaetano Cofferati, Evelyne Gebhardt

Proposal for a directive
Article -14 a (new)

Text proposed by the Commission

Amendment

Article -14 a

Right to have access to a payment account with basic features

All legal residents in the European Union shall enjoy the right to have access to a payment account with basic features free of charge or as a maximum for a nominal fee.

Or. en

Amendment 518
Jürgen Klute

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that

Amendment

Member States shall ensure that consumers

consumers legally resident in the Union **are not discriminated against by reason of their nationality or** place of residence **when applying for or accessing** a payment account **within the Union.**

legally resident **or residing** in the Union **have the right to open and use a payment account with basic features. Such a right shall apply irrespective of the consumer's** place of residence. **Criteria such as the consumer's level of income, employment, credit history, level of indebtedness or expected turnover shall not be taken into account for the opening of** a payment account **with basic features.**

Or. en

Amendment 519
Werner Langen

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality or place of residence when applying for or accessing a payment account within the Union.

Amendment

Member States shall ensure that consumers **who can prove that they are** legally resident in the Union are not discriminated against by reason of their nationality or place of residence when applying for or accessing a payment account within the Union. **Member States shall establish that consumers wishing to open an account in the respective territory shall provide evidence of a link to the Member State concerned.**

Or. de

Amendment 520
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are

Amendment

Member States shall ensure that consumers legally resident in the Union are not

not discriminated against by reason of their nationality **or place of residence** when applying for or accessing a payment account within the Union.

discriminated against by reason of their nationality when applying for or accessing a payment account within the Union, **provided that the communication and the contractual agreements made between the payment service provider and the consumer is done in an official language of the Member State where the account is offered or in any other language agreed between the parties, as provided by Directive 2007/64/EC on Payment Services.**

Or. en

Amendment 521

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality **or place of residence** when applying for or accessing a payment account within the Union.

Amendment

Member States shall ensure that consumers legally resident **or residing** in the Union are not discriminated against by reason of their nationality, **financial situation and credit history or living circumstance** when applying for or accessing a payment account within the Union.

Or. en

Justification

This amendment aims at ensuring access to the basic payment account for vulnerable groups threatened by financial exclusion, such as homeless people, third country residents who wait for the renewal of their residence permit, wait for the outcome of their asylum and/or migration application or study in a host country. It is based on contributions by the Social Platform and the German Association of Independent Organisations of Welfare Work.

Amendment 522

Claude Moraes, Arlene McCarthy

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality or place of residence when applying for or accessing a payment account within the Union.

Amendment

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality or place of residence ***or any other ground, including sex, ethnic or social origin, religion or belief, disability, age, or sexual orientation***, when applying for or accessing a payment account within the Union.

Or. en

Amendment 523
Udo Bullmann, Peter Simon

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality or place of residence when applying for or accessing a payment account within the Union.

Amendment

Member States shall ensure that consumers legally resident in the Union are not discriminated against, ***in particular*** by reason of their nationality or place of residence when applying for or accessing a payment account within the Union.

Or. de

Amendment 524
Evelyne Gebhardt

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are

Amendment

Member States shall ensure that consumers legally resident in the Union are not

not discriminated against by reason of their nationality *or* place of residence when applying for or accessing a payment account within the Union.

discriminated against by reason of their nationality, place of residence, *or any other reason* when applying for or accessing a payment account within the Union.

Or. en

Amendment 525
Olle Schmidt

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality *or* place of residence when applying for or accessing a payment account within the Union.

Amendment

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality, place of residence *or any other reason* when applying for or accessing a payment account within the Union.

Or. en

Amendment 526
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that *at least one* payment service *provider in their territory offers* a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that *all* payment service *providers offer* a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Justification

If an MS is allowed to have just one provider of basic Payment Accounts this is likely to lead to stigmatisation of holders of such accounts as they will be identifiable as such through the bank details. The BPA set out in this Directive represents a set of services already covered by the vast majority of payment accounts that all banks offer. It is therefore not onerous for them to adapt their existing accounts to be "BPA + extras".

Amendment 527
Olle Ludvigsson

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ***ensure that at least one payment service provider*** in their territory ***offers*** a payment account with basic features to consumers. ***Member States shall ensure that*** payment accounts ***with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.***

Amendment

1. Member States shall in their territory ***ensure that*** a payment account with basic features ***is offered*** to consumers ***by all payment service providers offering*** payment accounts, ***covering at least the services listed in Article 16(1), as an integral part of their regular business.***

Justification

All providers in the payment accounts market should be obliged to offer basic accounts. If not, many consumers will have major practical problems in accessing the basic accounts. With just one or a couple of providers offering the basic accounts, there is also the risk of basic account customers being negatively stigmatised.

Amendment 528
Evelyne Gebhardt

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ***ensure that at least one payment service provider*** in their territory ***offers*** a payment account with basic features to consumers. ***Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.***

Amendment

1. Member States shall in their territory ***ensure that*** a payment account with basic features ***is offered*** to consumers ***by all payment service providers offering payment accounts, covering at least the services listed in Article 16(1), as an integral part of their regular business.***

Or. en

Amendment 529
Udo Bullmann

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***at least one*** payment service ***provider*** in ***their*** territory ***offers*** a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that ***all*** payment service ***providers who operate branches or establishments in the respective territory and whose product range includes, in principle, payment accounts with features as specified in Article 16, offer*** a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. de

Amendment 530
Werner Langen

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that **at least one** payment service **provider** in their territory **offers** a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that **all** payment service **providers** in their territory **offer** a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. de

Amendment 531
Claude Moraes, Arlene McCarthy

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that **at least one** payment service **provider** in their territory **offers** a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that **all** payment service **providers** in their territory **offer** a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. en

Amendment 532
Peter Simon

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that **at least one** payment service **provider** in **their**

Amendment

1. Member States shall ensure that payment service **providers who operate branches or**

territory *offers* a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

establishments in the respective territory and whose product range includes, in principle, payment accounts with features as specified in Article 16, offer a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Member States may exempt payment service providers operating on a non-profit basis, or requiring membership on defined criteria, such as profession, from the requirements set out in paragraph 1.

Or. de

Amendment 533

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that *at least one payment service provider* in their territory *offers* a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that *all payment service providers, which have branches or agencies* in their territory *offer* a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. en

Justification

This amendment aims at that payment service providers which offer basic payment accounts are not discriminated against their competitors. Moreover, it aims at avoiding stigmatisation of users of these accounts. This amendment is based on contributions by the Social Platform, the German Association of Debt Counsellors, the German association of consumer protection organisations (VZBV) and the German Association of Independent Organisations of Welfare

Work.

Amendment 534
Sharon Bowles

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that at least one payment service provider in their territory offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that at least one payment service provider in their territory ***or a defined region, with a sufficient geographic coverage across the Member State and a sufficiently large network of operations to provide adequate access for consumers,*** offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. en

Amendment 535
Burkhard Balz

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that at least one payment service provider in their territory offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that – ***taking into account the principles of a level playing field for competition and proportionality*** – at least one payment service provider in their territory offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely

with online banking facilities.

Or. de

Amendment 536
Sylvie Goulard

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that at least one payment service provider in their territory offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that at least one payment service provider ***which is well established*** in their territory offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. fr

Amendment 537
Sari Essayah

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that at least one payment service provider in their territory offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Amendment

1. Member States shall ensure that at least one payment service provider in their territory ***within a Member State*** offers a payment account with basic features to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.

Or. en

Justification

A PSP active in many MSs should be required offering the service only in the specific MS. One should be able to use the account independent of the MS where it is situated according to SEPA-principles.

Amendment 538

Philippe De Backer, Olle Schmidt

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States shall ensure that when a consumer is denied a payment account on the free market, the refusal letter of the payment service provider contains a mandatory notice about the legal right to a basic payment account and the alternative dispute resolution body and its contact details.

Or. en

Amendment 539

Werner Langen

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States should be permitted to exempt payment service providers from the obligation to provide a payment account with basic features. Any exemptions shall be granted on the basis of objective and restrictive criteria and may apply only to payment service providers whose business model does not pursue a commercial purpose or who generally do not operate in the field of retail banking, or where exemptions are

justified in the light of the nature of the payment institution or the range of payment services.

Or. de

Amendment 540
Burkhard Balz

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States should be permitted to exempt from the obligation to provide a basic bank account:

- payment service providers operating on a non-profit basis, or not operating in general retail banking, or requiring membership on defined criteria, such as profession;

- payment service providers having carried out transactions totalling less than €3m in the previous year.

Or. de

Amendment 541
Peter Simon

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may exempt payment service providers operating on a non-profit basis, or requiring membership on defined criteria, such as profession, from the requirements set out in paragraph 1.

Or. de

Amendment 542
Sari Essayah

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall be able to designate, based on the principles of transparency, non-discrimination and proportionality, one, several or all payment service providers. The measures to be adopted by Member States in this respect shall not create distortions of competition between payment service providers and shall be based on the principles of transparency, non-discrimination and proportionality.

Or. en

Justification

One should ensure a level playing field for competition.

Amendment 543
Jürgen Klute

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that a system is in place within their territory to offer a payment account with basic features to consumers.

Member States shall ensure that the system referred to in the first subparagraph satisfies the following conditions:

(a) An obligation is placed at least on payment service providers which provide payment accounts including all the

services indicated in Article 16 to offer and provide a payment account with basic features except in the cases referred to in paragraph 3;

(b) Payment accounts with basic features are not only offered by payment service providers that provide the account solely through online facilities;

(c) A mechanism is in place to enable consumers with no fixed address, asylum seekers and consumers who are not granted a residence permit but whose expulsion is impossible for legal reasons to meet the requirements of Chapter II of Directive 2005/60;

(d) A mechanism is in place to ensure that unbanked, vulnerable consumers as well as mobile consumers are informed about the availability of payment accounts with basic features;

(e) The exercise of the right shall not be made excessively difficult or burdensome for the consumer;

(f) A mechanism is in place to enable payment providers to verify in a transparent, reliable and rapid way whether a consumer uses another payment account in that Member State; when it is not possible to use electronic systems to establish whether or not a consumer uses another account in the Member State, payment service providers shall accept a formal declaration by consumers as a reliable means of verifying that they do not hold another payment account or have closed such an account; if a consumer can prove the submission of a cancellation of the current contract or if they have instructed the payment provider to start a switching service in accordance with this Directive;

(g) Member States shall ensure that the switching service provided for in Articles 10 and 11 of this Directive applies where a consumer wishes to switch to a payment

account with basic features from another payment account within the scope of the switching service;

(h) Member States shall be entitled to exempt payment service providers other than those listed in point (b) from the obligation to provide a payment account with basic features where such objection is objectively justified in view of the nature of the payment institution or the range of payment services it provides and do not undermine the right of access for consumers.

Or. en

Amendment 544
Burkhard Balz

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. *Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.*

Amendment

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1 *in the State in which they have their habitual residence*. Such a right shall apply irrespective of the consumer's place of residence. *The consumer shall, however, have a link – in the form of personal ties such as a centre of interests or place of work or study – to the Member State concerned and to the field of business of the payment service provider in which he intends to open a basic bank account. The right of access to a payment account with basic features should apply only to consumers who do not already hold a payment account in the Union and who demonstrably have been denied the opportunity to open a payment account.*

When it is not possible to use electronic systems to establish whether or not a consumer already holds a payment account, payment service providers should accept a declaration by consumers as a reliable means of verifying that they do not already hold a payment account.

Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. *Once it has been established that a consumer has a need for it, the payment service provider shall offer the customer a payment account with basic features.*

Or. de

Amendment 545
Werner Langen

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply *irrespective of the consumer's* place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in *their territory*.

Amendment

2. Member States shall ensure that consumers *who can prove that they are* legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply *for all consumers who demonstrate a link to the Member State (e.g. citizenship, place of residence, property, place of work, close family ties, place of study), whose previous application for an account with basic features with a payment service provider in the same Member State has been rejected and who do not already hold a payment account in the EU*. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic

features, payment service providers shall verify whether the consumer holds or does not hold a payment account in *the EU*. ***Such verification shall take account of the information and explanations provided by the consumer.***

Or. de

Amendment 546
Syed Kamall

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers *legally* resident in *the Union* ***have the right to open and use*** a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. ***Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right*** is not made excessively difficult or burdensome for the consumer. ***Before opening the*** payment account with basic features, ***payment service providers shall verify whether the consumer holds or does not hold*** a payment account in their territory.

Amendment

2. Member States shall ensure that consumers *who are* resident in *or can prove a sufficient relationship with the Member State of the PSP where they apply for access to* a payment account with basic features ***have the right to open and use such account*** with the payment service provider or providers identified pursuant to paragraph 1. ***Member States shall ensure that the exercise of the right is granted to consumers who can give information about the purpose and intended nature of business relationship which justifies the opening of a payment account in the territory of the PSP and that this*** is not made excessively difficult or burdensome for the consumer. ***Member States shall ensure that the right to open*** a payment account with basic features ***is guaranteed solely for customers who were previously denied access to*** a payment account in their territory.

Or. en

Justification

Where the basic payment account would seem a tool to combat financial exclusion, there is no

justification to oblige PSPs to grant a payment account with basic features to those who have access to a “regular” payment accounts. In addition, the consumer’s place of residence or relationship with the country where the application for the basic payment account is made is of importance for the PSP in order to be able to fulfil the anti-money-laundering rules

Amendment 547
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union ***have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence.*** Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. ***Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.***

Amendment

2. Member States shall ensure that consumers legally resident in the Union ***who have previously been denied access to a regular payment account and can justify a genuine link with the Member State of the payment service provider, have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1, provided that the consumer:***

(a) does not already hold a payment account in that Member State;

(b) provides:

(i) a declaration of honour that can be used by payment service providers as a reliable means of verifying that he/she does not already hold a payment account with basic features or;

(ii) a simple declaration of at least one financial institution in the Member States concerned which demonstrates that in the Member State concerned he/she has been refused a payment account.

Or. en

Amendment 548
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. ***Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.***

Amendment

2. Member States shall ensure that consumers legally resident in the Union ***and can justify a genuine link with the Member State of the Payment Service Provider***, have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1, ***provided that the consumer***

(a) does not already hold a payment account;

(b) provides a declaration of honour that can be used by Payment Service Providers as a reliable means of verifying that he/she does not already hold a payment account based on a purposive test which should demonstrate a clear need for a payment account with basic features.

Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer.

Or. en

Amendment 549
Sharon Bowles

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

Amendment

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence, ***but is however dependent on the consumer having a genuine link with the Member State of the provider.***

A genuine link may be established in advance for a Member State in which an individual is taking up residence or employment. An account may be opened remotely one month in advance with evidence of the intended residence or job offer. In such circumstances the individual shall subsequently attend in person, within a further month, for account verification purposes once in the Member State. Limits may be placed on the amounts that can be transferred prior to verification.

Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

Or. en

Amendment 550
Udo Bullmann, Peter Simon

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold **a** payment account in their territory.

Amendment

2. Member States shall ensure that consumers legally resident in the Union **and persons whose expulsion is impossible for reasons of fact or of law and who have no residence permit** have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold **an active and equivalent** payment account **with access to all the features listed in Article 16** in their territory. **Such verification shall take account of the information provided by the consumer. The payment service provider may not confine himself exclusively to information from credit bureaus where the consumer provides valid reasons for contradicting an existing entry.**

Or. de

Amendment 551
Udo Bullmann, Peter Simon

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union

Amendment

2. Member States shall ensure that consumers legally resident in the Union

have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

and persons whose expulsion is not possible for reasons of fact or of law and who have not been issued with a residence permit have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

Or. de

Amendment 552
Olle Ludvigsson

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service ***provider or*** providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

Amendment

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's ***financial circumstances and*** place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

Amendment 553
Evelyne Gebhardt

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

Amendment

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify ***by asking the consumer to sign a declaration of honour***, whether the consumer holds or does not hold a payment account in their territory.

Amendment 554
Sari Essayah

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. ***Such a right shall apply irrespective of the consumer's place of residence.*** Member

Amendment

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Member States shall ensure that the exercise of the right is not made excessively difficult or

States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory.

burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold a payment account in their territory. ***Member States shall ensure that the payment service provider may rely on the declaration of the consumer to determine whether he/she already holds a payment account within its territory.***

Or. en

Justification

One should be able to follow the anti-money laundering legislation, KYC-duties and guidance of the competent authority also in this issue. The duty to verify may be problematic in view of the bank secrecy and other secrecy duties, as well as data protection legislation. Therefore one should be able to rely on the information given by the customer.

Amendment 555

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does not hold **a** payment account in their territory.

Amendment

2. Member States shall ensure that consumers legally resident ***or residing*** in the Union ***and persons, whose expulsion is impossible for factual or legal reasons and who are not granted a residence permit***, have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds or does

not hold *an active and equivalent* payment account in their territory *with access to all functions named in Article 16. For the verification, information provided by consumers about themselves has to be taken into account by the payment service provider. The payment service providers are not allowed to only base their verification on official data bases when the consumer plausibly challenges an existing entry in a database.*

Or. en

Justification

This amendment aims at ensuring effective access to the basic payment account. It is based on a contribution by the Social Platform and the German Association of Independent Organisations of Welfare Work.

Amendment 556
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The right to open a payment account with basic features shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer.

Consumers also should be required to attend in person at an office of the payment service provider in the Member State of their choosing.

Or. en

Amendment 557
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the competent authorities referred to in Article 20, determine national criteria entitling a consumer to open a payment account with basic features.

The EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities.

Or. en

Amendment 558
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, **which allows him to make use of** the payment services listed in Article 17(1);

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, **and has made use of one or more** the payment services listed in Article 16 **within the previous 12 months. Moreover, consumers are not the owners of a payment account, if they can prove the submission of a cancellation of the current contract or if they have instructed the bank to provide a switching service according to Chapter III;**

Or. en

Justification

Consumers, working in an EU country may have to have a payment account in their home country and in the country where they work and often live as well. The account in the home country would be a rather dormant one, mostly for used specific payments. This should not be a reason to refuse the opening of a new account in another EU country. Moreover, in practice it takes some time until a payment service provider has made a bank account completely inoperative. Thus, it should be sufficient that a consumer only proves the cancellation of the previous bank account or a switching. AM based on contributions by the Social Platform and the German Association of Independent Organisations of Welfare Work.

Amendment 559 Werner Langen

Proposal for a directive Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) Where a consumer already holds a payment account, with a payment service provider located in ***their territory***, which allows him to make use of the payment services listed in Article 17(1);

Amendment

(a) Where a consumer already holds a payment account, with a payment service provider located in ***the EU*** which allows him to make use of the payment services listed in Article 7(1). ***The consumer shall not be considered a payment account holder if he can prove receipt of notification regarding termination of the current contract;***

Or. de

Amendment 560 Burkhard Balz

Proposal for a directive Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) Where a consumer already holds a payment account, with a payment service provider located in ***their territory***, which allows him to make use of the payment services listed in Article 17(1);

Amendment

(a) Where a consumer already holds a payment account with a payment service provider located in ***the Union*** which allows him to make use of the payment services listed in Article 7(1);

Or. de

Amendment 561
Syed Kamall

Proposal for a directive
Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, which allows him to make use of the payment services listed in Article 17(1);

Amendment

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, which allows him to make use of the payment services listed in Article 16(1);

Or. en

Amendment 562
Olle Ludvigsson

Proposal for a directive
Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, which allows him to make use of the payment services listed in Article 17(1);

Amendment

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, which allows him to make use of the payment services listed in Article 16(1);

Or. en

Amendment 563
Sylvie Goulard

Proposal for a directive
Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) Where a consumer already holds a payment account, with a payment service

Amendment

(a) Where a consumer already holds a payment account, with a payment service

provider located in their territory, which allows him to make use of the payment services listed in *Article 17(1)*;

provider located in their territory, which allows him to make use of the payment services listed in *Article 16*;

Or. fr

Amendment 564
Evelyne Gebhardt, Peter Simon

Proposal for a directive
Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, which allows him to make use of the payment services listed in Article *17(1)*;

Amendment

(a) Where a consumer already holds a payment account, with a payment service provider located in their territory, which allows him to make use of the payment services listed in Article *16(1)*;

Or. en

Amendment 565
Werner Langen

Proposal for a directive
Article 15 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where least one of the conditions stipulated in Article 18(a), (c) and (d) is met;

Or. de

Amendment 566
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) where the ***conditions established by Chapter II*** of Directive 2005/60 ***are not satisfied***.

(b) where the ***customer due diligence conducted in accordance with Article 8*** of Directive 2005/60 ***identifies a significant risk that the account will be used in contravention of Union law***.

Or. en

Justification

The reasons for rejection need to be more specific. Art 8 of Directive 2005/60 sets out the components of customer due diligence (identifying beneficial ownership, purpose of account, checking there is no money laundering or terrorist financing risk etc.).

Amendment 567
Syed Kamall

Proposal for a directive
Article 15 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) where the conditions established by Chapter II of Directive 2005/60 are not satisfied.

(b) where the conditions established by Chapter II of Directive 2005/60/*EC* are not satisfied ***and in particular the consumer's duty to give information on the purpose and intended nature of the relationship which justifies the opening of a payment account in the Member State of the PSP where the application is made***

Or. en

Amendment 568
Sari Essayah

Proposal for a directive
Article 15 – paragraph 3 – point b

Text proposed by the Commission

(b) where the conditions established by **Chapter II of Directive 2005/60** are not satisfied.

Amendment

(b) where the conditions established by Directive 2005/60 **or other relevant Union and national legislation** are not satisfied;

Or. en

Justification

AML legislation should be followed in its entirety.

Amendment 569
Werner Langen

Proposal for a directive
Article 15 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where a payment account with basic features held by a consumer with another payment service provider was terminated within the last six months on the grounds referred to in Article 18(2);

Or. de

Amendment 570
Burkhard Balz

Proposal for a directive
Article 15 – paragraph 3 – point aa (new)

Text proposed by the Commission

Amendment

(aa) where a consumer is unable to prove that his application to open a payment account has been refused;

Or. de

Amendment 571
Syed Kamall

Proposal for a directive
Article 15 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where the consumer cannot prove that it has previously been denied access to a "regular" payment account;

Or. en

Amendment 572
Pablo Zalba Bidegain

Proposal for a directive
Article 15 – paragraph 3 – point b a-b (new)

Text proposed by the Commission

Amendment

(ba) where the consumer knowingly provides incorrect information in order to obtain the payment account with basic features where the correct information would have resulted in the absence of such right;

(b b) where the payment service provider has previously terminated a payment account contract with the consumer for having deliberately used the account for illegal purposes;

Or. en

Amendment 573
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where the consumer cannot prove that it has previously been denied access to a "regular" payment account;

Or. en

Amendment 574
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 15 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where the consumer is unable to provide the payment service provider with clear reasons why he would need a payment account with basic features, pursuant to conditions determined by competent authorities;

Or. en

Amendment 575
Sharon Bowles

Proposal for a directive
Article 15 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where the financial institution would be failing to meet their obligations in relation to the prevention of money laundering and the countering of terrorist financing;

Or. en

Amendment 576
Sari Essayah, Sampo Terho

Proposal for a directive
Article 15 – paragraph 3 – point b a-b (new)

Text proposed by the Commission

Amendment

(ba) where there are weighty grounds for the refusal;

(bb) the weighty grounds shall be linked to the consumer or his/her earlier behaviour. Such grounds may relate for instance to

(a) criminal offences such as fraud committed by the consumer;

(b) false and misleading information provided by the consumer resulting to an unjustified access to a payment account with basic features;

(c) a risk for the payment service provider of supporting criminal activities;

(d) essential and persistent breaches of contract; or

(e) any other grounds being similar to ones listed in paragraph 2, points (a) to (d).

Or. en

Amendment 577
Werner Langen

Proposal for a directive
Article 15 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) where the consumer is unable to prove any link to the Member State.

Or. de

Amendment 578
Syed Kamall

Proposal for a directive
Article 15 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) where the termination grounds mentioned in Art. 18 (2) of this Directive have not been met at the time of the application for the payment account.

Or. en

Amendment 579
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) where the consumer fails to justify the genuine link as stipulated in Article 15 (2);

Or. en

Amendment 580
Sharon Bowles

Proposal for a directive
Article 15 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the provision of the account would otherwise be contrary to national law; and

Or. en

Amendment 581
Sharon Bowles

Proposal for a directive
Article 15 – paragraph 3 – point b c (new)

Text proposed by the Commission

Amendment

(bc) where payment service providers suspect that a consumer will use the account for unauthorised or fraudulent purposes;

Or. en

Amendment 582
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 3 – point b c (new)

Text proposed by the Commission

Amendment

(bc) where the consumer provides materially false information;

Or. en

Amendment 583
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 3 – point b d (new)

Text proposed by the Commission

Amendment

(bd) where payment services providers have an objectively justified reason to suspect that a consumer will use the account for unauthorised or fraudulent purposes;

Or. en

Amendment 584
Philippe De Backer

Proposal for a directive
Article 15 – paragraph 3 – point b e (new)

Text proposed by the Commission

Amendment

(be) where the opening of an account would result in the payment service provider breaching EU, UN or international sanctions regimes.

Or. en

Amendment 585
Werner Langen

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy.

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy. ***The written information shall include the reasons for refusal. Furthermore, the consumer shall be informed of at least one channel of appeal or consultation service available to him free of charge or at a reasonable fee in the Member State concerned in accordance with detailed provisions drawn up by the Member States.***

Or. de

Amendment 586
Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, **unless such** disclosure would be contrary to the objectives of national security or public policy.

Amendment

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge. ***The concrete reasons for the refusal have to be explicitly stated in this document. Furthermore, Member States shall ensure that consumers have to be informed about at least one free or low-priced legal advice or respective counselling service and the alternative dispute resolution body, which is available in the respective Member State. These provisions shall not apply, if such a*** disclosure would be contrary to the objectives of national security or public policy.

Or. en

Justification

This amendment aims at reducing the asymmetry of information existing between payment service providers and consumers, who apply for a basic payment account, thereby promoting the effectiveness of the basic payment account. It is based on a contribution by the Social Platform, German Association of Debt Counsellors, German Association of Consumer Protection Organisations (VZBV) and the German Association of Independent Organisations of Welfare Work.

Amendment 587
Peter Simon

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy.

Amendment

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the ***specific reasons for*** the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy.

The written notification shall include information for the consumer regarding possible channels of appeal or consultation services available to him should he wish to contest the refusal. If several channels of appeal or consultation services are available in a Member State, the notification shall inform him of at least one channel of appeal or consultation service available to him free of charge or at a reasonable fee.

Or. de

Amendment 588
Evelyne Gebhardt

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy.

Amendment

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal ***and the reason for it***, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy.

Or. en

Amendment 589
Sari Essayah, Sampo Terho

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy.

Amendment

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security or public policy ***or the relevant Union or national legislation.***

Or. en

Amendment 590
Evelyne Gebhardt, Peter Simon

Proposal for a directive
Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Consumers already holding a payment account in the corresponding Member State shall also be able to switch to a basic payment account using the switching service provided in Article 10.

Or. en

Amendment 591
Sari Essayah

Proposal for a directive
Article 15 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall ensure that, in the ***deleted***

cases indicated in paragraph 3(b), the payment service provider adopts appropriate measures pursuant to Chapter III of Directive 2005/60.

Or. en

Amendment 592
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that access to a payment account with basic features is not made conditional on the purchase of additional services.

Amendment

6. Member States shall ensure that access to a payment account with basic features is not made conditional on the purchase of additional services *or of shares of the Payment Service Provider.*

Or. en

Justification

This amendment aims at broadening access to the basic payment account. It is based on a contribution by the Social Platform and the German Association of Independent Organisations of Welfare Work.

Amendment 593
Werner Langen

Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that access to a payment account with basic features is not made conditional on the purchase of additional services.

Amendment

6. Member States shall ensure that access to a payment account with basic features is not made conditional on the purchase of additional services *or of shares offered by the payment service provider.*

Amendment 594
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a payment account with basic features includes the following *payment* services:

Amendment

1. Member States shall ensure that a payment account with basic features includes the following services:

Or. en

Justification

This amendment aims at increasing the effectiveness of the basic payment account by broadening the scope of services it provides. The amendment is based on a contribution by BEUC

Amendment 595
Evelyne Gebhardt

Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a payment account with basic features includes the following *payment* services:

Amendment

1. Member States shall ensure that a payment account with basic features includes the following services:

Or. en

Amendment 596
Philippe De Backer

Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a payment account with basic features includes the following payment services:

Amendment

1. Member States shall ensure that a payment account with basic features ***in the currency of the Member State where the payment service provider is located*** includes the following payment services:

Or. en

Amendment 597

Alfredo Pallone, Fabrizio Bertot

Proposal for a directive

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a payment account with basic features includes the following payment services:

Amendment

1. Member States shall ensure that a payment account with basic features ***in the currency of the Member State where the payment service provider is located*** includes the following payment services:

Or. en

Amendment 598

Sari Essayah, Sampo Terho

Proposal for a directive

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that a payment account with basic features includes ***the following*** payment services:

Amendment

1. Member States shall ensure that a payment account with basic features includes ***essential payment services. Member States shall take into consideration the Recommendation 2011/442/EU when determining which payment services are essential.***

Or. en

Justification

This should be regulated less exactly, but MSs should take into account the recommendation on basic payment accounts when deciding which services are included in the package. In this way one could better take into account national differences in using payment services. In Finland basic bank services are provided also by banks with no physical branch network or cash assistance in their branches.

Amendment 599

Sari Essayah

Proposal for a directive

Article 16 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) services enabling all the operations required for the opening, operating and closing of a payment account;

deleted

Or. en

Amendment 600

Philippe De Backer

Proposal for a directive

Article 16 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) services enabling all the operations required for the opening, operating and closing of a ***payment*** account;

(a) services enabling all the operations required for the opening, operating and closing of a ***current*** account;

Or. en

Amendment 601

Sari Essayah

Proposal for a directive

Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) services enabling money to be placed on a payment account;

deleted

Or. en

Amendment 602
Philippe De Backer

Proposal for a directive
Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) services enabling **money** to be placed on a **payment** account;

(b) services enabling **cash** to be placed on a **current** account;

Or. en

Amendment 603
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) services enabling **money** to be placed on a payment account;

(b) services enabling **cash** to be placed on a payment account;

Or. en

Amendment 604
Sari Essayah

Proposal for a directive
Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) services enabling cash withdrawals within the Union from a payment account;

deleted

Or. en

Amendment 605

Udo Bullmann, Peter Simon

Proposal for a directive

Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) services enabling cash withdrawals within the Union from a payment account;

(c) services enabling cash withdrawals within the Union from a payment account **at branch offices and at cash dispensers both during and outside business hours;**

Or. de

Amendment 606

Philippe De Backer

Proposal for a directive

Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) services enabling cash withdrawals within the Union from a payment account;

(c) services enabling cash withdrawals **from a current account, at the bank counter and at automated teller machines outside the bank's opening hours,** within the Union from a payment account;

Or. en

Amendment 607

Sylvie Goulard, Jean Lambert

Proposal for a directive
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) services enabling cash withdrawals within the Union from a payment account;

Amendment

(c) services enabling cash withdrawals within the Union from a payment account ***at counters and automatic teller machines, including outside branch opening hours;***

Or. fr

Amendment 608
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) services enabling cash withdrawals ***within the Union*** from a payment account;

Amendment

(c) services enabling cash withdrawals from a payment account;

Or. en

Amendment 609
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) services enabling the use of ATM and bank terminals beyond the regular opening hours of the payment service provider;

Or. en

Justification

Banks may limit the access to their ATMs and terminals to their opening hours, which might pose problems for consumers, especially those who do not have regular access to online banking facilities. This amendment is based on a contribution by BEUC, the German Association of Debt Counsellors, the German Association of Independent Organisations of Welfare Work, the Social Platform and the Financial Services User Group

Amendment 610

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) monthly account statements.

Or. en

Justification

Monthly account statements should also form part of the services included in the basic payment account to ensure that the customer is well informed about the costs of the account. This amendment is based on a contribution by BEUC.

Amendment 611

Sari Essayah

Proposal for a directive

Article 16 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) execution of the following payment transactions within the Union: ***deleted***

(1) direct debit;

(2) payment transactions through a payment card, including online payments;

(3) credit transfers.

Amendment 612

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 1 – point d – point 1

Text proposed by the Commission

Amendment

(1) direct debit;

(1) **SEPA and non-Euro** direct debit;

Or. en

Justification

The SEPA regulation aims at developing common EU-wide payment services. This directive plays a key role in achieving this objective and therefore it must be aligned with SEPA. Likewise, both transactions in Euro (SEPA transactions) and in other Member States' currencies should be possible with a basic payment account within the EU. This amendment is based on a contribution by BEUC.

Amendment 613

Evelyne Gebhardt

Proposal for a directive

Article 16 – paragraph 1 – point d – point 1

Text proposed by the Commission

Amendment

(1) direct debit;

(1) **SEPA and non-Euro** direct debit;

Or. en

Amendment 614

Philippe De Backer

Proposal for a directive

Article 16 – paragraph 1 – point d – point 2

Text proposed by the Commission

Amendment

(2) payment transactions through a **payment** card, including online payments;

(2) payment transactions through a **direct debit** card, including online payments;

Or. en

Amendment 615
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 16 – paragraph 1 – point d – point 2

Text proposed by the Commission

Amendment

(2) payment transactions through a **payment** card, including online payments;

(2) payment transactions through a **debit** card, including online payments;

Or. en

Amendment 616
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – point d – point 2

Text proposed by the Commission

Amendment

(2) payment transactions through a payment card, including online payments;

(2) **SEPA and non-Euro** payment transactions through a payment card, including online payments;

Or. en

Justification

The SEPA regulation aims at developing common EU-wide payment services. This directive plays a key role in achieving this objective and therefore it must be aligned with SEPA. Likewise, both transactions in Euro (SEPA transactions) and in other Member States' currencies should be possible with a basic payment account within the EU. This amendment is based on a contribution by BEUC.

Amendment 617
Evelyne Gebhardt

Proposal for a directive
Article 16 – paragraph 1 – point d – point 2

Text proposed by the Commission

(2) payment transactions through a payment card, including online payments;

Amendment

(2) **SEPA and non-Euro** payment transactions through a payment card, including online payments;

Or. en

Amendment 618
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – point d – point 2

Text proposed by the Commission

(2) payment transactions through a payment card, **including** online payments;

Amendment

(2) payment transactions through a payment card **and** online payments;

Or. en

Justification

Specifically, in regards to e-commerce card payments represent only a part of the currently applied payment processes. In order to enable the holder of the basic payment account to participate effectively in online payments, he should also be enabled to use payment processes, which are based on a direct debit, such as the ELV system. This amendment is based on a contribution by the Association of German Retailers.

Amendment 619
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – point d – point 3

Text proposed by the Commission

Amendment

(3) credit transfers.

(3) **SEPA and non-Euro** credit transfers.

Or. en

Justification

The SEPA regulation aims at developing common EU-wide payment services. This directive plays a key role in achieving this objective and therefore it must be aligned with SEPA. Likewise, both transactions in Euro (SEPA transactions) and in other Member States' currencies should be possible with a basic payment account within the EU. This amendment is based on a contribution by BEUC.

Amendment 620
Evelyne Gebhardt

Proposal for a directive
Article 16 – paragraph 1 – point d – point 3

Text proposed by the Commission

Amendment

(3) credit transfers.

(3) **SEPA and non-Euro** credit transfers.

Or. en

Amendment 621
Udo Bullmann, Peter Simon

Proposal for a directive
Article 16 – paragraph 1 – point d – point 3

Text proposed by the Commission

Amendment

(3) credit transfers.

(3) credit transfers **and standing orders at bank branch terminals or branch offices and on the online banking system currently used by the bank concerned.**

Or. de

Amendment 622
Philippe De Backer

Proposal for a directive
Article 16 – paragraph 1 – point d – point 3

Text proposed by the Commission

(3) credit transfers.

Amendment

(3) credit transfers *and standing orders at bank terminals, at bank counters and via the current online banking system of the respective payment service provider.*

Or. en

Amendment 623
Evelyne Gebhardt

Proposal for a directive
Article 16 – paragraph 1 – point d – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) SEPA and non-Euro standing orders and direct debit authorisations.

Or. en

Amendment 624
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) SEPA and non-Euro standing orders ;

Or. en

Justification

The SEPA regulation aims at developing common EU-wide payment services. This directive plays a key role in achieving this objective and therefore it must be aligned with SEPA. Likewise, both transactions in Euro (SEPA transactions) and in other Member States' currencies should be possible with a basic payment account within the EU. This amendment is based on a contribution by BEUC.

Amendment 625
Werner Langen

Proposal for a directive
Article 16 – paragraph 1 – point d – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may stipulate special conditions for use of online banking systems.

Or. de

Amendment 626
Sylvie Goulard

Proposal for a directive
Article 16 – paragraph 1 – point d – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) standing orders.

Or. fr

Amendment 627
Sari Essayah

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall determine, for all the services referred to in paragraph 1, a

deleted

minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the Member State concerned.

Or. en

Justification

The fee needs to be reasonable according to article 17, so there is no need for it to be repeated here. Price regulation leads to price distortion and competition problems.

Amendment 628

Olle Ludvigsson, Evelyne Gebhardt

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall *determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the Member State concerned.*

Amendment

2. Member States shall *ensure that, as long as a payment account with basic features is operated by the consumer for personal use, there are no limits to the number of operations which will be provided to the consumer under the specific pricing rules set out in Article 17.*

Or. en

Justification

If the number of operations is limited to less than what should be seen as personal use, the actual cost to the consumer for a payment account could in the end get very high. This would go against the aim of reducing financial exclusion.

Amendment 629

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the Member State concerned.

Amendment

2. Member States shall determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the Member State concerned **and shall be at least 15 per month.**

Or. en

Justification

This amendment aims at ensuring that the basic bank account effectively serves the interest of its users. It is based on contributions by the German Association of Debt Counsellors, the Social Platform and the German Association of Independent Organisations of Welfare Work.

Amendment 630
Philippe De Backer

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. **Member States** shall determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the **Member State concerned.**

Amendment

2. **The European Commission** shall determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the **Union.**

Or. en

Amendment 631
Sylvie Goulard, Jean Lambert

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. **Member States** shall determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the **Member State concerned**.

Amendment

2. **The Commission** shall determine, for all the services referred to in paragraph 1, a minimum number of operations which will be provided to the consumer for the fee, if any, referred to in Article 17. The minimum number of operations shall be reasonable and in line with the common commercial practice in the **European Union**.

Or. fr

Amendment 632
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the consumer is able to manage and initiate payment transactions from the consumer's payment account with basic features via the payment service provider's online banking facilities, where available.

Amendment

3. Member States shall ensure that the consumer is able to manage and initiate payment transactions from the consumer's payment account with basic features via the payment service provider's **bank counter or** online banking facilities, where available. **Therefore, the Payment Service Provider shall provide a payment instrument to the consumer, which allows to initiate non-cash payments through the use of IBAN and an online banking key in plain writing and in an electronically readable form, if applicable.**

Or. en

Justification

As argued by the Social Platform, it should be ensured that consumers can manage their payment transaction the payment providers' branch network. Furthermore, it is crucial to allow users of basic payment accounts to participate in current payment technologies, such as the ELV debit system and its future evolutions. Therefore, it should be ensured that these customers receive a payment instrument (such as a card), which fulfils the necessary technical standards, especially providing the IBAN. Thus, the second part of this amendment also aims at promoting the effective implementation of SEPA. It is based on a contribution by Association of German Retailers.

Amendment 633 **Philippe De Backer**

Proposal for a directive **Article 16 – paragraph 3**

Text proposed by the Commission

3. Member States shall ensure that the consumer is able to manage and initiate payment transactions from the consumer's payment account with basic features via the payment service provider's online banking facilities, where available.

Amendment

3. Member States shall ensure that the consumer is able to manage and initiate payment transactions from the consumer's payment account with basic features via the payment service provider's **bank counter and** online banking facilities, where available.

Or. en

Amendment 634 **Sven Giegold**

Proposal for a directive **Article 16 – paragraph 4**

Text proposed by the Commission

4. Member States shall ensure that the consumer **is not offered any** overdraft facilities in conjunction with the payment account with basic features.

Amendment

4. Member States shall ensure that the consumer **may have access to** overdraft facilities in conjunction with the payment account with basic features. **The conditions for accessing this facility shall be fully transparent and agreed upon by the Payment Service Provider and the consumer. The right to access the**

overdraft facility shall depend on the Payment Service Provider's assessment of the consumer's creditworthiness. The amount of the overdraft facility shall be limited to one monthly gross income of the account holder.

Or. en

Justification

This amendment aims at enabling a limited overdraft credit for users of a basic payment account on the condition of a sufficient creditworthiness, which is to be assessed by the payment service provider. Likewise, consumers with limited, but appropriate financial resources should be allowed to use overdraft credits. This amendment is based on contributions by the German Association of Consumer Protection Organisations (VZBV) and the European Network of Credit Unions.

Amendment 635 **Evelyne Gebhardt**

Proposal for a directive **Article 16 – paragraph 4**

Text proposed by the Commission

4. Member States shall ensure that the consumer is not ***offered any*** overdraft facilities in conjunction with the payment account with basic features.

Amendment

4. Member States shall ensure that the consumer is not ***offered any*** overdraft facilities in conjunction with the payment account with basic features. ***Member States should be able however, where appropriate, to allow payment service providers to provide small overdrafts as a buffer to cover temporary negative balances. The fees charged for such overdrafts and for separate credit products should be transparent and at least as favourable as usual pricing policy of the provider.***

Or. en

Amendment 636
Sylvie Goulard, Jean Lambert

Proposal for a directive
Article 16 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the consumer is not offered any overdraft facilities in conjunction with the payment account with basic features.

Amendment

4. Member States shall ensure that the consumer is not offered any overdraft facilities ***other than a temporary buffering facility for a very small amount*** in conjunction with the payment account with basic features.

Or. fr

Justification

It is important that consumers should have access to a buffering facility to offset the fact that the debit and credit dates for transactions involving their accounts are outside their control. A buffering facility is not a loan, but rather a temporary arrangement which ensures that transactions are not refused on the grounds of a lack of funds.

Amendment 637
Claude Moraes, Arlene McCarthy

Proposal for a directive
Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that payment service providers provide all consumers with accessible information, premises, ATM and online facilities, and offer alternatives to digital services.

Or. en

Amendment 638
Sylvie Goulard, Jean Lambert

Proposal for a directive
Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall be empowered to adopt implementing acts in accordance with Article 25 in order to determine what the minimum number of operations as referred to in paragraph 2 shall be.

Or. fr

Amendment 639
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a reasonable fee.

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a reasonable fee ***which should in any case not be higher than the fees applied for payment services linked to the payment account model service, which the payment service provider sold to most of its customers.***

Or. en

Justification

This amendment aims at ensuring that reasonable fees are charged for the basic payment account. It is based on a contribution by the German Association of Consumer Protection Organisations (VZBV), the German Association of Debt Counsellors, the Social Platform and the German Association of Independent Organisations of Welfare Work.

Amendment 640
Sari Essayah

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers **free of charge or** for a reasonable fee.

Amendment

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers for a reasonable fee.

Or. en

Justification

There are no cost-free payment services.

Amendment 641
Sharon Bowles

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers **free of charge or for a reasonable fee.**

Amendment

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers **at a low cost to the consumer.**

Or. en

Amendment 642
Claude Moraes, Arlene McCarthy

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a reasonable fee.

Amendment

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge, **notably for people with low income receiving social benefits,** or for a

reasonable fee.

Or. en

Amendment 643
Evelyne Gebhardt, Peter Simon

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a *reasonable* fee.

Amendment

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a *nominal* fee.

Or. en

Amendment 644
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable.

Amendment

2. Member States shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable. ***The consumer shall not be charged any fees in situations independent of his will, such as rejected recurrent payment due to late incoming payments.***

Or. en

Justification

The consumer should not bear any fee or penalty arising from circumstances independent of

his/her will, such as insufficient funds in his account due to late payment of wages or social benefits (e.g. recurrent direct debits always debited on the same date). In such situations the payment service provider should not charge the consumer rejected payment fees. This amendment is based on a contribution by BEUC.

Amendment 645
Evelyne Gebhardt

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable.

Amendment

2. Member States shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable. ***In situations independent of his will, the consumer shall not be charged any fees, such as in cases of rejected recurrent payments due to a late incoming payment.***

Or. en

Amendment 646
Olle Ludvigsson, Evelyne Gebhardt

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable.

Amendment

2. Member States shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable ***and never higher than the fees of the regular pricing policy of the provider.***

Or. en

Amendment 647
Olle Ludvigsson

Proposal for a directive
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall require payment service providers to ensure that, among the products they offer, the payment account with basic features is always the most affordable account for making use of the services listed in Article 16(1).

Or. en

Justification

It would make no sense if providers would be free to make basic accounts more costly than other accounts.

Amendment 648
Evelyne Gebhardt, Peter Simon

Proposal for a directive
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the cases where services indicated in Article 16 are not offered free of charge, Member States shall also ensure that competent authorities establish an upper limit for the total amount of the nominal fees charged in a year by a payment service provider to the consumer.

Or. en

Amendment 649
Olle Ludvigsson, Emilie Turunen

Proposal for a directive
Article 17 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall establish a reasonable upper limit for the total amount of fees charged in a year by a payment service provider to the consumer for the services listed in Article 16(1).

Or. en

Amendment 650
Evelyne Gebhardt

Proposal for a directive
Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that the competent authorities establish what constitutes a reasonable fee according to one or several of the following criteria:

deleted

- (a) national income levels;***
- (b) average charges associated with payment accounts in that Member State;***
- (c) total costs relating to the provision of the payment account with basic features;***
- (d) national consumer prices.***

Or. en

Amendment 651
Werner Langen

Proposal for a directive
Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure that the competent authorities establish what constitutes a reasonable fee according to one or several of the following criteria:

Amendment

3. Member States shall ensure that the competent authorities establish what constitutes a reasonable fee according to one or several of the following (***or other***)criteria:

Or. de

Amendment 652
Olle Ludvigsson, Emilie Turunen

Proposal for a directive
Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure that the competent authorities establish what constitutes a reasonable fee according to one or several of the following criteria:

Amendment

3. Member States shall ensure that the competent authorities establish what constitutes a reasonable fee, ***as well as a reasonable upper limit for the total amount of fees charged in a year,*** according to one or several of the following criteria:

Or. en

Amendment 653
Olle Ludvigsson

Proposal for a directive
Article 17 – paragraph 3 – point a

Text proposed by the Commission

(a) national income levels;

Amendment

(a) national income levels, ***with particular regard to the average income of people living at risk of poverty or social exclusion;***

Or. en

Justification

For the provision of basic payment accounts to be really meaningful, individuals in all income groups in society must be able to afford them. Otherwise, financial exclusion will just be cemented.

Amendment 654

Olle Ludvigsson

Proposal for a directive

Article 17 – paragraph 3 – point c

Text proposed by the Commission

(c) total costs relating to the provision of the payment account with basic features;

Amendment

(c) the cost / revenue profile of offering the payment account with basic features as a complement to the regular product line;

Or. en

Amendment 655

Werner Langen

Proposal for a directive

Article 17 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Fees for a payment account with basic functions shall always be based on the most favourable rate for an account for basic transactions, compared with the overall range of products offered, irrespective of the yardstick, or shall not be higher than the fees charged by the payment service provider for the type of account most frequently made available.

Or. de

Amendment 656

Sari Essayah

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. The EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities

deleted

Or. en

Amendment 657
Evelyne Gebhardt

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. The EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities

deleted

Or. en

Amendment 658
Sari Essayah

Proposal for a directive
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that a payment service provider may unilaterally terminate a framework contract under terms and conditions which are non-discriminatory and reasonable under relevant Union or national legislation.

Or. en

Amendment 659
Udo Bullmann, Peter Simon

Proposal for a directive
Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. The payment service provider may unilaterally terminate a framework contract where at least one of the following conditions is met:

Amendment

2. The payment service provider may unilaterally terminate a framework contract **only** where at least one of the following conditions is met:

Or. de

Amendment 660
Sari Essayah

Proposal for a directive
Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. The payment service provider may unilaterally terminate a framework contract **where at least one of the following conditions is met:**

Amendment

2. The payment service provider may unilaterally terminate a framework contract **for instance when:**

Or. en

Justification

One needs to take account other legislation on contractual relationships. "Criminal activities" may often not be proved. Criminal law is national and all breaches of a contract may not have been criminalized, but according to consumer protection legislation they are valid grounds.

Amendment 661
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. The payment service provider may unilaterally terminate a framework contract **where at least one of** the following conditions **is met**:

Amendment

2. The payment service provider may unilaterally terminate a framework contract **for compelling reasons to be determined by Member States, and which shall include** the following conditions:

Or. en

Amendment 662
Philippe De Backer

Proposal for a directive
Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) the consumer deliberately used the account for **criminal activities**;

Amendment

(a) the consumer deliberately used **or abused** the account for **illegal purposes**;

Or. en

Amendment 663
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) the consumer deliberately **used** the account for criminal activities;

Amendment

(a) the consumer deliberately **abused** the account **services including** for criminal activities;

Or. en

Amendment 664
Sari Essayah, Sampo Terho

Proposal for a directive
Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) the consumer *deliberately used* the account for *criminal activities*;

Amendment

(a) the consumer *used or abused* the account for *illegal purposes*;

Or. en

Amendment 665
Sari Essayah, Sampo Terho

Proposal for a directive
Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) there has been no transaction on the account for more than 12 consecutive months;

Amendment

deleted

Or. en

Justification

It is not unusual that an account is unused for some time. In Finland a PSP does not have to pay interest after 10 years unused. The owner of the account still has the right to collect his/her deposits. It is unclear if it is legally possible for a bank to one-sidedly close an account.

Amendment 666
Burkhard Balz

Proposal for a directive
Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) there has been no transaction on the account for more than 12 consecutive months;

Amendment

(b) there has been no transaction on the account for more than 12 consecutive months *and fees owing to the payment service provider have not been paid*;

Amendment 667
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) there has been no transaction on the account for more than **12** consecutive months;

Amendment

(b) there has been no transaction on the account for more than **24** consecutive months; ***provided the consumer has given his consent;***

Or. en

Justification

This amendment aims at achieving an appropriate provision of the basic payment account, thereby increasing its effectiveness. It is based on a contribution by BEUC.

Amendment 668
Peter Simon

Proposal for a directive
Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) there has been no transaction on the account for more than **12** consecutive months;

Amendment

(b) there has been no transaction on the account for more than **24** consecutive months;

Or. de

Amendment 669
Olle Ludvigsson

Proposal for a directive
Article 18 – paragraph 2 – point c

Text proposed by the Commission

(c) the consumer knowingly provided incorrect information in order to obtain the payment account with basic features where the correct information would have resulted in the ***absence of such right***;

Amendment

(c) the consumer knowingly provided incorrect information in order to obtain the payment account with basic features where the correct information would have resulted in the ***application being refused***;

Or. en

Amendment 670
Burkhard Balz

Proposal for a directive
Article 18 – paragraph 2 – point d

Text proposed by the Commission

(d) the consumer is no longer legally resident in the Union or has subsequently opened a second payment account ***in the Member State where he already holds a payment account*** with basic features.

Amendment

(d) the consumer is no longer legally resident in the Union or has subsequently opened a second payment account with basic features ***in the Union***.

Or. de

Amendment 671
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 – paragraph 2 – point d

Text proposed by the Commission

(d) the consumer is no longer legally resident in the Union or has subsequently opened a second payment account in the Member State where he already holds a payment account with basic features.

Amendment

(d) the consumer is no longer legally resident ***or residing*** in the Union ***and does not fulfil the criteria of Article*** or has subsequently opened a second payment account in the Member State where he already holds a payment account with basic features.

Justification

This amendment aims at achieving an appropriate provision of the basic payment account, thereby increasing its effectiveness. It is based on contribution by the Social Platform, the German Association of Debt Counsellors and the German Association of Independent Organisations of Welfare Work.

Amendment 672
Werner Langen

Proposal for a directive
Article 18 – paragraph 2 – point d

Text proposed by the Commission

(d) the consumer is no longer legally **resident** in the Union or has subsequently opened a second payment account in the **Member State where he already holds a payment account with basic features**.

Amendment

(d) the consumer is no longer legally **present** in the Union or has subsequently opened a second payment account in the **EU**.

Or. de

Amendment 673
Udo Bullmann, Peter Simon

Proposal for a directive
Article 18 – paragraph 2 – point d

Text proposed by the Commission

(d) the consumer is no longer legally **resident** in the Union or has subsequently opened a second payment account in the Member State where he already holds a payment account with basic features.

Amendment

(d) the consumer is no longer legally **present** in the Union or has subsequently opened a second payment account in the Member State where he already holds a payment account with basic features.

Or. de

Amendment 674
Burkhard Balz

Proposal for a directive
Article 18 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the actions of the consumer are such as to constitute a flagrant disturbance or threat to the staff or clientele of the payment service provider.

Or. de

Amendment 675
Peter Simon

Proposal for a directive
Article 18 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the actions of the consumer are such as to constitute a flagrantly unacceptable threat or disturbance to the staff or other clientele of the credit institution.

Or. de

Amendment 676
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 18 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the consumer rudely harasses or endangers other customers or employees of the bank;

Or. en

Amendment 677
Philippe De Backer

Proposal for a directive
Article 18 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) where the consumer seriously or persistently breaks any terms of agreement;

Or. en

Amendment 678
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 18 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) the consumer infringes other provisions of the contract.

Or. en

Amendment 679
Sari Essayah, Sampo Terho

Proposal for a directive
Article 18 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the consumer provided false or misleading information which is essential for the contractual relationship;

Or. en

Amendment 680
Philippe De Backer

Proposal for a directive
Article 18 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) where it is not ensured that the bank will receive the customary fees agreed for the operation and use of the account;

Or. en

Amendment 681
Sari Essayah, Sampo Terho

Proposal for a directive
Article 18 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) the consumer perpetrated essential breach of the contract;

Or. en

Amendment 682
Philippe De Backer

Proposal for a directive
Article 18 – paragraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(dc) where the consumer otherwise fails to abide by the arrangements.

Or. en

Amendment 683
Sari Essayah

Proposal for a directive
Article 18 – paragraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(dc) the consumer has rejected an offer of altered terms and conditions made by the payment service provider pursuant to Directive 2007/64/EC.

Or. en

Amendment 684
Sari Essayah, Sampo Terho

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In these or similar cases, the payment service provider has right to terminate the contract immediately or as soon as possible.

Or. en

Justification

A client's behaviour may necessitate closing the account immediately. One has to take into account the duty of PSPs to combat illegal use of payment systems. How about the AML lists and freezing the assets, EAPO etc.? Recital 8 notes this for example in the case of terrorism or AML.

Amendment 685
Sari Essayah

Proposal for a directive
Article 18 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The payment service provider's right to terminate a framework contract is without prejudice to obligations to terminate the contract or suspend the provision of the service under relevant

Amendment 686

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge.

Amendment

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge. ***The burden of proof shall lie with the payment service provider. Furthermore, Member States shall ensure that consumers have to be informed about at least one free of charge or low-priced legal advice or counselling service and the alternative dispute resolution body, which is available in the respective Member State.***

Justification

This amendment aims at achieving an appropriate provision of the basic payment account thereby increasing its effectiveness. It is based on contributions by BEUC, the Social Platform, the German Association of Debt Counsellors and the German Association of Independent Organisations of Welfare Work.

Amendment 687

Olle Ludvigsson

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge.

Amendment

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination, ***and of the alternative dispute resolution mechanisms available***, at least 2 months before the termination enters into force, in writing and free of charge.

Or. en

Amendment 688
Werner Langen

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge.

Amendment

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge. ***The written notification shall contain information for the consumer regarding at least one channel of appeal or consultation service available in the Member State concerned free of charge or for a reasonable fee in accordance with detailed provisions drawn up by the Member States.***

Or. de

Amendment 689
Philippe De Backer

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge.

Amendment

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge, ***unless such disclosure would be contrary to the objectives of national security or public policy.***

Or. en

Amendment 690
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge.

Amendment

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and free of charge, ***except if the consumer is suspected of using the payment account for criminal or fraudulent activities, in which case the contract may be terminated right away.***

Or. en

Amendment 691
Sari Essayah, Sampo Terho

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination **at least 2 months** before the termination enters into force, in writing and free of charge.

Amendment

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination before the termination enters into force, in writing and free of charge ***unless otherwise provided by the relevant Union or national legislation.***

Or. en

Justification

Informing the client may be prohibited in other legislation (AML, police law etc.). Because 18(1) refers to the time limit of the PSD (at least 2 months) there is no need to refer to it here. Any exceptions to the termination time would have been defined in article 18(2).

Amendment 692
Jürgen Klute

Proposal for a directive
Article 19 – title

Text proposed by the Commission

General information on payment accounts with basic features

Amendment

Transparency and information requirements

Or. en

Amendment 693
Peter Simon, Udo Bullmann

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that payment service providers make available to consumers information about the specific features of the payment account with basic features on offer, their associated fees and **their** conditions of use. Member States shall also ensure that the consumer is informed that the purchase of additional services is not compulsory to access a payment account with basic features.

Amendment

2. Member States shall ensure that payment service providers **actively** make available to consumers information about the specific features of the payment account with basic features on offer, their associated fees and **the** conditions of use **in writing and on their websites in easily accessible form**. Member States shall also ensure that the consumer is informed that the purchase of additional services is not compulsory to access a payment account with basic features.

Or. de

Amendment 694
Claude Moraes, Arlene McCarthy

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that payment service providers make available to consumers information about the specific features of the payment account with basic features on offer, their associated fees and their conditions of use. Member States shall also ensure that the consumer is informed that the purchase of additional services is not compulsory to access a payment account with basic features.

Amendment

2. Member States shall ensure that payment service providers make available to consumers **accessible** information **and adequate assistance** about the specific features of the payment account with basic features on offer, their associated fees and their conditions of use. Member States shall also ensure that the consumer is informed that the purchase of additional services is not compulsory to access a payment account with basic features.

Or. en

Amendment 695
Burkhard Balz

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall support initiatives to improve financial education at schools and elsewhere. The risk of financial exclusion shall be minimised for all consumers. Furthermore, encouragement shall be given to initiatives by payment service providers seeking to combine provision of a payment account with basic features and financial education services.

Or. de

Amendment 696
Werner Langen

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall require educational establishments and consultation services to develop services for the most vulnerable customers providing them with guidance and assistance in the responsible management of their finances. The Member States shall encourage initiatives to achieve this and improve financial education at schools and elsewhere;

Or. de

Amendment 697
Sylvie Goulard, Jean Lambert

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that measures are taken to assist vulnerable members of society with matters concerning budgeting and overindebtedness.

Or. fr

Amendment 698
Jürgen Klute

Proposal for a directive
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that payment service providers required to offer payment accounts with basic features publish, on an annual basis, data on the number of payment accounts with basic features applied for, rejected, opened, and closed during the relevant year. This data should be analysed and published by the following categories: income; employment status; ethnicity, age; gender, disability status. Where appropriate, the relevant data should be collected and published at three levels:

(a) bank branch/ office level;

(b) inclusion Assessment Area: this should be based on the appropriate and relevant assessment area agreed by Member States;

(c) corporate level: data should be aggregated from branch and assessment area level to allow for an overall assessment of the bank's performance.

Or. en

Amendment 699
Jürgen Klute

Proposal for a directive
Article 19 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall ensure that the competent authorities publish, including on their website, an audit of the performance of each bank in terms of its compliance with the right of access requirement. To this purpose, relevant payment providers shall be independently rated according to their performance in the provision of payment accounts with basic features and a rating of the top ten banks by market share shall be published at an annual basis. All relevant data shall be passed to the European Commission and to the European Banking Authority (EBA).

Or. en

Amendment 700
Sergio Gaetano Cofferati, Evelyne Gebhardt

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. The authorities referred to in paragraph 1 shall possess all the powers necessary for the performance of their duties. Where more than one competent authority is empowered to ensure and monitor effective compliance with this Directive, Member States shall ensure that those authorities collaborate closely so that they can discharge their respective duties effectively.

2. The authorities referred to in paragraph 1 shall possess all the powers necessary for the performance of their duties. Where more than one competent authority is empowered to ensure and monitor effective compliance with this Directive, Member States shall ensure that those authorities collaborate closely so that they can discharge their respective duties effectively. ***Those authorities shall closely cooperate with the competent authorities of other Member States to ensure the***

*correct and full application of the
measures established in this Directive.*

Or. en

Amendment 701
Claude Moraes, Arlene McCarthy

Proposal for a directive
Article 20 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***2a. The authorities referred to in
paragraph 1 shall regularly consult
relevant stakeholders, including
consumers' representatives, to ensure and
monitor effective compliance with this
Directive, without prejudice to the
independence clause referred to in
paragraph 1.***

Or. en

Amendment 702
Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a directive
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***1a. Member States shall ensure equal
representation of providers, consumers
and other users within the alternative
dispute resolution bodies.***

Or. en

Justification

This amendment aims at establishing a balanced representation of key stakeholders in ADR

bodies. It is based on a contribution by BEUC.

Amendment 703
Evelyne Gebhardt

Proposal for a directive
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the payment account providers commit to at least to one or more ADR bodies.

Or. en

Amendment 704
Evelyne Gebhardt, Sergio Gaetano Cofferati

Proposal for a directive
Article 21 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall ensure that payment service providers inform the consumer about the alternative dispute resolution entities by which they are covered and which are competent to deal with potential disputes between themselves and the consumer. They shall also specify whether or not they commit or are obliged to use these entities to resolve disputes with consumers.

Or. en

Amendment 705
Evelyne Gebhardt, Sergio Gaetano Cofferati

Proposal for a directive
Article 21 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The information referred to in paragraph 1b shall be mentioned in a clear, comprehensible and easily accessible way on the providers' website, where one exists and in the general terms and conditions of sales or service contracts between the provider and the consumer.

Or. en

Amendment 706
Evelyne Gebhardt, Sergio Gaetano Cofferati

Proposal for a directive
Article 21 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States may maintain or introduce alternative disputes resolution procedures dealing jointly with identical or similar disputes between a payment service provider and several consumers. Alternative disputes resolutions systems for both individual and collective disputes and redress shall be complementary and not mutually exclusive procedures.

Or. en

Amendment 707
Philippe De Backer

Proposal for a directive
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The pecuniary penalties shall as much as possible be quantified at European level to ensure the effective

implementation of the national provisions adopted pursuant to this Directive.

Member State shall ensure that administrative measures and sanctions are systematically published by the competent authorities.

Or. en

Amendment 708
Werner Langen

Proposal for a directive
Article 23

Text proposed by the Commission

Amendment

Article 23

Deleted

Delegated Acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning Article 3(4).

Or. de

Amendment 709
Syed Kamall

Proposal for a directive
Article 23

Text proposed by the Commission

Amendment

Article 23

Deleted

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning Article 3(4).

Or. en

Justification

Weighed against the administrative costs involved, it is not clear that the terminology standardisation process delivers real benefit.

Amendment 710
Sari Essayah, Sampo Terho

Proposal for a directive
Article 23

Text proposed by the Commission

Amendment

Article 23

Deleted

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning Article 3(4).

Or. en

Amendment 711
Werner Langen

Proposal for a directive
Article 24

Text proposed by the Commission

Amendment

Article 24

Deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The delegation of power referred to in Article 23 shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.***
- 3. The delegation of powers referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall***

put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Or. de

Amendment 712
Syed Kamall

Proposal for a directive
Article 24

Text proposed by the Commission

Amendment

Article 24

Deleted

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 23 shall be conferred for an indeterminate period of time from the date

of entry into force of this Directive.

3. The delegation of powers referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Or. en

Justification

Weighed against the administrative costs involved, it is not clear that the terminology standardisation process delivers real benefit.

**Amendment 713
Sari Essayah**

**Proposal for a directive
Article 24**

Article 24

Deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The delegation of power referred to in Article 23 shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.***
- 3. The delegation of powers referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.***

Or. en

Amendment 714
Werner Langen

Proposal for a directive
Article 25

Text proposed by the Commission

Amendment

Article 25

Deleted

Implementing acts

1. For the adoption of implementing acts under Article 4 and 5, the Commission shall be assisted by the European Banking Committee established by Commission Decision 2004/10/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. de

Amendment 715
Sari Essayah

Proposal for a directive
Article 25

Text proposed by the Commission

Amendment

Article 25

Deleted

Implementing acts

1. For the adoption of implementing acts under Article 4 and 5, the Commission shall be assisted by the European Banking Committee established by Commission Decision 2004/10/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU)

No 182/2011 shall apply.

Or. en

Amendment 716

Peter Simon

Proposal for a directive

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall provide the Commission with information on the following matters for the first time within 3 years from entry into force of this Directive and *every 2 years* thereafter:

Amendment

Member States shall provide the Commission with information on the following matters for the first time within 3 years from entry into force of this Directive and *annually* thereafter:

Or. de

Amendment 717

Olle Ludvigsson, Evelyne Gebhardt

Proposal for a directive

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall provide the Commission with information on the following matters for the first time within 3 years from entry into force of this Directive and every 2 years thereafter:

Amendment

Member States shall provide the Commission with information on the following matters for the first time within 2 years from entry into force of this Directive and every 2 years thereafter:

Or. en

Amendment 718

Sylvie Goulard, Jean Lambert

Proposal for a directive

Article 26 – paragraph 1 – point d

Text proposed by the Commission

(d) the number of payment accounts with basic features opened, the number and grounds for refusal and the associated charges.

Amendment

(d) the number of payment accounts with basic features opened, ***the length of time for which such accounts are held***, the number and grounds for refusal ***and closure*** and the associated charges.

Or. fr

Amendment 719

Sylvie Goulard, Jean Lambert

Proposal for a directive

Article 26 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the measures taken to assist vulnerable members of society with matters concerning budgeting and overindebtedness.

Or. fr

Amendment 720

Olle Ludvigsson

Proposal for a directive

Article 27 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall present to the European Parliament and the Council, within ***five*** years of entry into force of this Directive, a report on the application of this Directive accompanied, if appropriate, by a proposal.

1. The Commission shall present to the European Parliament and the Council, within ***three*** years of entry into force of this Directive, a report on the application of this Directive accompanied, if appropriate, by a proposal.

Or. en

Justification

Technologies and business models in the payment sector are currently being developed at a fast pace. Therefore, in order to keep the regulatory framework up to date, it would be reasonable to do the review earlier than after five years.

Amendment 721

Sven Giegold

on behalf of the Verts/ALE Group

Proposal for a directive

Article 27 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Furthermore, the Commission shall present, if appropriate, the review of this directive simultaneously and in one document with the Payment Service Directive, the Consumer Credit Directive and the Regulation on Interchange-Fees for Card-Based Payment Transactions.

The report shall include:

(a) a list of all infringement proceedings brought by the Commission for incorrect or incomplete implementation of this Directive;

(b) an assessment of the impact of this Directive on the harmonisation and integration of retail banking within the Union and on competition and average fee levels in Member States;

(c) strategies to increase Union-wide quality transparency and comparability for payment service provision including transparency on business models and investment strategies and social corporate responsibility;

(d) an assessment of the costs and benefits of an implementation of full Union-wide portability of payment account numbers including a roadmap with concrete steps necessary for such implementation;

(e) an assessment of the characteristics of consumers who have opened payment accounts with basic features since the transposition of the Directive;

(f) examples of best practices among Member States for reducing consumer exclusion from access to payment services;

(g) an assessment of the charges levied for basic payment accounts, taking into account the criteria listed in Article 17(3);

(h) an assessment of options of establishing a Union-wide upper limit for the total annual fees relating to opening and using a payment account with basic features and ways how to adapt such a limit to national circumstances;

(i) an assessment of the impact of the provision of payment accounts with basic features on the market for other payment accounts offering similar services.

(j) an assessment of the options available for introducing a Union-wide financial strength indicator for credit institutions, based on supervisory assessment of capital adequacy, assets quality, governance and risk management, earnings and liquidity and presented in a simple, easy to understand format, such as a traffic light system and aimed at providing consumers with such information as a complement to transparency on charges for payment accounts and other retail banking services;

Or. en

Justification

This amendment aims at increasing the consistency of future financial service legislation, providing more guidance for the content of the report (as proposed by Rapporteur) and encouraging the development of a consumer friendly financial strength indicator for banks to complement other information on services and thus to promote "market discipline"

Amendment 722
Olle Ludvigsson

Proposal for a directive
Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The review shall assess, on the basis of the fees actually charged for services linked to payment accounts with basic features, whether further reductions of the fees are needed in order to take financial exclusion down to acceptable levels. In this context, the possibility of moving to a consistent free of charge approach shall be considered.

Or. en

Amendment 723
Olle Ludvigsson

Proposal for a directive
Article 27 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The review shall assess whether the switching service provisions in Article 10 need to be enhanced by an obligation for all Member States to ensure that there is a system for automated redirection of standing orders and direct debits to the account held by the consumer with the receiving payment service provider.

Or. en

Amendment 724
Jean-Paul Gauzès

Proposal for a directive
Article 27 – paragraph 3

Text proposed by the Commission

Amendment

3. The review shall also assess whether the extended deadlines established in Article 10(9) shall be maintained for a longer period of time and whether additional measures in addition to those adopted pursuant to Article 7 and 8 with respect to comparison websites and packaged offers are needed.

deleted

Or. en

Amendment 725
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 27 – paragraph 3

Text proposed by the Commission

Amendment

3. The review shall also assess whether **the extended deadlines established in Article 10(9) shall be maintained for a longer period of time and whether** additional measures in addition to those adopted pursuant to Article 7 and 8 with respect to comparison websites and packaged offers are needed.

3. The review shall also assess whether additional measures in addition to those adopted pursuant to Article 7 and 8 with respect to comparison websites and packaged offers are needed.

Or. en

Amendment 726
Philippe De Backer

Proposal for a directive
Article 27 – paragraph 3

Text proposed by the Commission

Amendment

3. The review shall also assess whether **the**

3. The review shall also assess whether

extended deadlines established in Article 10(9) shall be maintained for a longer period of time and whether additional measures in addition to those adopted pursuant to Article 7 and 8 with respect to comparison websites and packaged offers are needed.

additional measures in addition to those adopted pursuant to Article 7 and 8 with respect to comparison websites and packaged offers are needed.

Or. en

Amendment 727
Alfredo Pallone, Fabrizio Bertot

Proposal for a directive
Article 27 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 1 January 2015, the Commission shall report to the European Parliament and the Council on any legal obstacles which are capable of rendering cross-border switching impossible, and is invited to make a legislative proposal, if appropriate, by 31 December 2015 on which of those obstacles should be removed.

Or. en

Amendment 728
Philippe De Backer

Proposal for a directive
Article 27 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The review shall also assess whether the system of switching payment accounts should be extended to the switching of other accounts;

Or. en

Amendment 729
Philippe De Backer

Proposal for a directive
Article 27 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The Commission shall present to the European Parliament and the Council, within three years of entry into force of this Directive, a regulatory impact assessment whether there is a justifiable and proportionate need within the Union for cross-border switching of payment accounts to be facilitated.

Or. en

Amendment 730
Syed Kamall

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall adopt and publish, by [**one year** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

1. Member States shall adopt and publish, by [**two years** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Justification

Given the amount of detailed provisions outlined in the Directive and in order to ensure that there are no unintended consequences that could negatively impact consumers, Member States should be given a sufficient amount of time to ensure that the Directive's provisions are implemented. In light of this, 24 months seems more realistic than the current suggestion of

12 months for implementation.

Amendment 731
Philippe De Backer

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt and publish, by [**one year** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall adopt and publish, by [**two years** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 732
Jean-Paul Gauzès

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt and publish, by [**one year** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall adopt and publish, by [**two years** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 733
Sari Essayah, Sampo Terho

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt and publish, by [**one year** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall adopt and publish, by [**two years** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions

Or. en

Justification

One year for implementation is too short. ICT-changes take usually 12 - 18 months and they can start only after final national legislation is approved.

Amendment 734
Sharon Bowles

Proposal for a directive
Article 28 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the documents accompanying notification of transposition measures provided by the Member States are not sufficient to assess fully the compliance of those measures with certain provisions of this Directive, the Commission may, upon EBA's request with a view to carrying out its tasks under Regulation (EU) No 1093/2010, or on its own initiative, require Member States to provide more detailed information regarding the transposition of this Directive and the implementation of those measures.

Or. en