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Committee on Economic and Monetary Affairs

2013/0264(COD)

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AMENDMENTS

118 - 374

Draft report
Diogo Feio
(PE522.958v01-00)

on the proposal for a directive of the European Parliament and of the Council
on payment services in the internal market and amending Directives
2002/65/EC, 2013/36/EU and 2009/110/EC and repealing Directive
2007/64/EC

Proposal for a directive
(COM(2013)0547 – C7-0230/2013 – 2013/0264(COD))

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United in diversity

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Amendment 118

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) In recent years, significant ***progress has been achieved*** integrating retail payments ***in the Union, in particular in the context of*** the Union acts on payments, ***notably*** Directive 2007/64/EC of the European Parliament and of the Council¹⁹, Regulation (EC) No 924/2009 of the European Parliament and of the Council²⁰, Directive 2009/110/EC of the European Parliament and of the Council²¹, and Regulation (EU) No 260/2012 of the European Parliament and of the Council²². Directive 2011/83/EU of the European Parliament and of the Council²³ has further complemented the ***legal*** framework for payment services ***by setting a specific limit on the possibility for retailers to surcharge their customers for the use of a certain means of payment.***

¹⁹ Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market (OJ L 319, 5.12.2007, p. 1).

²⁰ Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11).

²¹ Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC

Amendment

(1) In recent years, significant ***development on*** integrating retail payments ***has been achieved in the Union, with*** the Union acts on payments: Directive 2007/64/EC of the European Parliament and of the Council¹⁹, Regulation (EC) No 924/2009 of the European Parliament and of the Council²⁰, Directive 2009/110/EC of the European Parliament and of the Council²¹, and Regulation (EU) No 260/2012 of the European Parliament and of the Council²². Directive 2011/83/EU of the European Parliament and of the Council²³ has further complemented the framework for payment services.

¹⁹ Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market (OJ L 319, 5.12.2007, p. 1).

²⁰ Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11).

²¹ Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC

and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).

²² Regulation (EC) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.03.2012, p. 22).

²³ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7).

²² Regulation (EC) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.03.2012, p. 22).

²³ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

Or. en

Amendment 119

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2007/64/EC has been adopted in December 2007 on the basis of a Commission proposal of December 2005. Since then, the retail payments market has experienced significant technical innovations with the rapid growth in the number of electronic and mobile payments and the emergence of new types of payments services in the market place.

Amendment

(2) Directive 2007/64/EC has been adopted in December 2007 on the basis of a Commission proposal of December 2005. Since then, the retail payments market has experienced significant technical innovations with the rapid growth in the number of electronic and mobile payments and the emergence of new types of payments services in the market place, ***challenging the current framework.***

Or. en

Amendment 120
Olle Ludvigsson

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The review of the Union legal framework on payment services and notably the analysis of the impact of Directive 2007/64/EC and the consultation on the Commission Green Paper ‘Towards an integrated European market for card, internet and mobile payments’²⁴ have shown that developments have given rise to important challenges from a regulatory perspective. Important areas of the payments market, in particular card payments, internet and mobile payments are often still fragmented along national borders. Many innovative payment products or services do not fall, entirely or in large parts, under the scope of Directive 2007/64/EC. Furthermore, the scope of Directive 2007/64/EC and in particular, the elements excluded therefrom, as certain payment-related activities from the general rules, proved in a few cases too ambiguous, too general or simply outdated, taking into account the market developments. This has resulted in legal uncertainty, potential security risks in the payment chain and a lack of consumer protection in certain areas. For innovative and easy-to-use digital payment services it has proven to be difficult to take off and provide consumers and retailers with effective, convenient and secure payment methods in the Union.

²⁴ COM(2012) 941 final.

Amendment

(3) The review of the Union legal framework on payment services and notably the analysis of the impact of Directive 2007/64/EC and the consultation on the Commission Green Paper ‘Towards an integrated European market for card, internet and mobile payments’²⁴ have shown that developments have given rise to important challenges from a regulatory perspective. Important areas of the payments market, in particular card payments, internet and mobile payments are often still fragmented along national borders. Many innovative payment products or services do not fall, entirely or in large parts, under the scope of Directive 2007/64/EC. Furthermore, the scope of Directive 2007/64/EC and in particular, the elements excluded therefrom, as certain payment-related activities from the general rules, proved in a few cases too ambiguous, too general or simply outdated, taking into account the market developments. This has resulted in legal uncertainty, potential security risks in the payment chain and a lack of consumer protection in certain areas. For innovative and easy-to-use digital payment services it has proven to be difficult to take off and provide consumers and retailers with effective, convenient and secure payment methods in the Union.
There is a large positive potential in this which needs to be more consistently exploited.

²⁴ COM(2012) 941 final.

Or. en

Amendment 121

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The review of the Union legal framework on payment services and notably the analysis of the impact of Directive 2007/64/EC and the consultation on the Commission Green Paper ‘Towards an integrated European market for card, internet and mobile payments’²⁴ have shown that developments have given rise to important challenges from a regulatory perspective. Important areas of the payments market, in particular card payments, internet and mobile payments are often still fragmented along national borders. Many innovative payment products or services do not fall, entirely or in large parts, under the scope of Directive 2007/64/EC. Furthermore, the scope of Directive 2007/64/EC and in particular, the elements excluded therefrom, as certain payment-related activities from the general rules, proved in a few cases too ambiguous, too general or simply outdated, taking into account the market developments. This has resulted in legal uncertainty, potential security risks in the payment chain and a lack of consumer protection in certain areas. For innovative and easy-to-use digital payment services it has proven to be difficult to take off and provide consumers and retailers with effective, convenient and secure payment methods in the Union.

²⁴ COM(2012) 941 final.

Amendment

(3) The review of the Union legal framework on payment services and notably the analysis of the impact of Directive 2007/64/EC and the consultation on the Commission Green Paper ‘Towards an integrated European market for card, internet and mobile payments’²⁴ have shown that developments have given rise to important challenges from a regulatory perspective. Important areas of the payments market, in particular card payments, internet and mobile payments are often still fragmented along national borders. Many innovative payment products or services do not fall, entirely or in large parts, under the scope of Directive 2007/64/EC. Furthermore, the scope of Directive 2007/64/EC and in particular, the elements excluded therefrom, as certain payment-related activities from the general rules, proved in a few cases too ambiguous, too general or simply outdated, taking into account the market developments. This has resulted in legal uncertainty, potential security risks in the payment chain and a lack of consumer protection in certain areas. For innovative, *safe* and easy-to-use digital payment services it has proven to be difficult to take off and provide consumers and retailers with effective, convenient and secure payment methods in the Union.

²⁴ COM(2012) 941 final.

Or. en

Amendment 122
Claudio Morganti

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Recognizing that card payments, internet and mobile payments can be beneficial to retailers and consumers and may help to combat fraud and corruption, Member States should be encouraged to supplement this Directive with national initiatives to promote further the use of non-cash and other such innovative means of payment. This could be achieved, for example, through favourable tax treatment for such innovative forms of payment and through reducing any administrative burdens associated with such payment methods.

Or. en

Amendment 123
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 4

Text proposed by the Commission

Amendment

(4) Establishing an integrated single market for electronic payments is crucial in order to ensure that consumers, merchants and companies enjoy the full benefits of the internal market, given the development of the digital economy.

(4) Establishing an integrated single market for ***safe*** electronic payments is crucial in order to ensure that consumers, merchants and companies enjoy ***choice and transparency of payment services to benefit from*** the full benefits of the internal market, given the development of the digital economy.

Or. en

Amendment 124
Inese Vaidere

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Establishing an integrated single market for electronic payments is crucial in order to ensure that consumers, merchants and companies enjoy the full benefits of the internal market, given the development of the digital economy.

Amendment

(4) Establishing an integrated single market for electronic payments is crucial in order to **support the growth of the EU economy and to** ensure that consumers, merchants and companies enjoy the full benefits of the internal market, given the development of the digital economy.

Or. en

Amendment 125
Elena Bănescu

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) New rules should be provided in order to close the regulatory gaps while at the same time providing for more legal clarity and ensuring a consistent application of the legislative framework across the Union. Equivalent operating conditions should be guaranteed to both existing and new players on the market, facilitating new means of payment to reach a broader market and ensuring a high level of consumer protection in the use of these payment services across the whole of the Union. This should lead to a downward trend in costs and prices for payment services users and more choice and transparency of payment services.

Amendment

(5) New rules should be provided in order to close the regulatory gaps while at the same time providing for more legal clarity and ensuring a consistent application of the legislative framework across the Union. Equivalent operating conditions should be guaranteed to both existing and new players on the market, facilitating new means of payment to reach a broader market and ensuring a high level of consumer protection in the use of these payment services across the whole of the Union. This should lead to a downward trend in costs and prices for payment services users and more choice and transparency of payment services, **while strengthening the trust of consumers in a harmonised payments market.**

Amendment 126
Olle Ludvigsson

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) New rules should be provided in order to close the regulatory gaps while at the same time providing for more legal clarity and ensuring a consistent application of the legislative framework across the Union. Equivalent operating conditions should be guaranteed to both existing and new players on the market, facilitating new means of payment to reach a broader market and ensuring a high level of consumer protection in the use of these payment services across the whole of the Union. This should lead to a downward trend in costs and prices for payment services users and more choice and transparency of payment services.

Amendment

(5) New rules should be provided in order to close the regulatory gaps while at the same time providing for more legal clarity and ensuring a consistent application of the legislative framework across the Union. Equivalent operating conditions should be guaranteed to both existing and new players on the market, facilitating new means of payment to reach a broader market and ensuring a high level of consumer protection in the use of these payment services across the whole of the Union. This should ***generate efficiencies in the payment system as a whole and should*** lead to a downward trend in costs and prices for payment services users and more choice and transparency of payment services.

Amendment 127
Diogo Feio

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Single Euro Payments Area ('SEPA') will reach a major milestone in 2014 with the migration of national credit transfers and direct debits in euro to SEPA-compliant credit transfers and

direct debits. The construction of an integrated, competitive, innovative and level-playing field market for euro retail payments in the Euro area should be continued to achieve a true Single Market for payment services in Europe. This ongoing construction should be sustained by strengthened governance under the chairmanship of the European Central Bank. The announcement by the ECB of the creation of the Euro Retail Payments Board (ERPB), successor of the SEPA Council, should contribute to and facilitate reaching this objective. The composition of the ERPB, taking into account a better balance of interest of the supply and the demand side of the payment market should ensure effective advice as regards the orientation of the SEPA project in the future and potential obstacles towards its achievement, ways to address them and ways to foster innovation, competition and integration in retail payments in euro in the EU. The Commission participation as an observer should be envisaged in order to ensure that the tasks, composition and functioning of the ERPB contribute to the promotion of the SEPA project.

Or. en

Amendment 128
Olle Ludvigsson

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The recent establishment of the Euro Retail Payments Board (ERPB), the successor of the SEPA Council, is a positive step forward in strengthening SEPA governance. With a broader composition and mandate than its

predecessor, the ERPB has the potential to substantially enhance the development of an integrated, innovative and competitive market for retail payments in euro throughout the Union. This potential should be used to the full. The Commission should take very active part in the work of the ERPB.

Or. en

Amendment 129

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) In recent years, the security risks related electronic payments have increased, which is due to the greater technical **complexity of** electronic payments, the continuously growing volumes of electronic payments worldwide and the emerging types of payment services. As safe and secure payment services constitute a vital condition for a well-functioning payment services **market**, users of payment services should be adequately protected against **such** risks. Payment services **are essential** for the maintenance of vital economic and societal activities and therefore payment services providers such as credit institutions have been qualified as market operators according to Article 3(8) of Directive [pls insert number of NIS Directive after adoption] of the European Parliament and of the Council²⁵.

Amendment

(6) In recent years, the security risks related **to** electronic payments have increased, which is due to **legal unclarity, inconsistent application of the legislative framework across the Union**, the greater technical **innovation in** electronic payments, the **phase in** continuously growing volumes of electronic payments worldwide and the emerging **speed of new** types of payment services. As safe, **transparent** and secure payment services constitute a vital condition for a well-functioning payment services **product in addition to traditional cash payment**, users of payment services should be adequately protected against **security** risks. Payment services **have developed to a major industry and consumers, merchants and companies have become dependent on payment services** for the maintenance of vital economic and societal activities and therefore payment services providers such as credit institutions have been qualified as market operators according to Article 3(8) of Directive [pls insert number of NIS Directive after adoption] of the European

Parliament and of the Council²⁵.

²⁵ Directive XXXX/XX/EU of the European Parliament and of the Council of [date] concerning measures to ensure a high common level of network and information security across the Union (OJ L x, p x).

²⁵ Directive XXXX/XX/EU of the European Parliament and of the Council of [date] concerning measures to ensure a high common level of network and information security across the Union (OJ L x, p x).

Or. en

Amendment 130
Sophia in 't Veld

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) In recent years, the security risks related electronic payments have increased, which is due to the greater technical complexity of electronic payments, the continuously growing volumes of electronic payments worldwide and the emerging types of payment services. As safe and secure payment services constitute a vital condition for a well-functioning payment services market, users of payment services should be adequately protected against such risks. Payment services are essential for the maintenance of vital economic and societal activities and therefore payment services providers such as credit institutions have been qualified as market operators according to Article 3(8) of Directive [pls insert number of NIS Directive after adoption] of the European Parliament and of the Council²⁵.

Amendment

(6) In recent years, the security risks related electronic payments have increased, which is due to the greater technical complexity of electronic payments, the continuously growing volumes of electronic payments worldwide and the emerging types of payment services. As safe and secure payment services constitute a vital condition for a well-functioning payment services market, users of payment services should be adequately protected against such risks. Payment services are essential for the maintenance of vital economic and societal activities and therefore payment services providers such as credit institutions have been qualified as market operators according to Article 3(8) of Directive [pls insert number of NIS Directive after adoption] of the European Parliament and of the Council²⁵. ***When processing personal data for the purposes of this Directive the security requirements laid down in Articles 16 and 17 of Directive 95/46/EC should be respected.***

²⁵ Directive XXXX/XX/EU of the European Parliament and of the Council of [date] concerning measures to ensure a high common level of network and information security across the Union (OJ L x, p x).

²⁵ Directive XXXX/XX/EU of the European Parliament and of the Council of [date] concerning measures to ensure a high common level of network and information security across the Union (OJ L x, p x).

Or. en

Amendment 131

Ashley Fox

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In addition to the general measures to be taken at Member States' level in Directive [pls insert number of NIS Directive after adoption], the security risks related to payment transactions should also be addressed at the level of the payment service providers. The security measures to be taken by the payment service providers need to be proportionate to the security risks concerned. A regular reporting mechanism should be established, so as to ensure payment services should provide the competent authorities on ***an annual*** basis with updated information on the assessment of their security risks and the (additional) measures that they have taken in response to these risks. Furthermore, in order to ensure that damages to other payment service providers and payment systems, such as a substantial disruption of a payment system and to users is kept to a minimum, it is essential that payment service providers have the obligation to report ***within*** undue delay major security incidents to the European Banking Authority.

Amendment

(7) The security measures to be taken by the payment service providers need to be proportionate to the security risks concerned. A regular reporting mechanism should be established, so as to ensure payment services should provide the competent authorities on ***a regular*** basis with updated information on the assessment of their security risks and the (additional) measures that they have taken in response to these risks. Furthermore, in order to ensure that damages to other payment service providers and payment systems, such as a substantial disruption of a payment system and to users is kept to a minimum, it is essential that payment service providers have the obligation to report ***without*** undue delay major security incidents to the European Banking Authority.

Or. en

Justification

'Within' appears to be a typing error.

Amendment 132

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In addition to the general measures to be taken at Member States' level in Directive [pls insert number of NIS Directive after adoption], the security risks related to payment transactions should also be addressed at the level of the payment service providers. The security measures to be taken by the payment service providers need to be **proportionate** to the security risks concerned. A regular reporting mechanism should be established, so as to ensure payment services should provide the competent authorities **on an annual basis** with updated information on the assessment of their security risks and the (additional) measures that they have taken in response to these risks. Furthermore, in order to ensure that damages to other payment service providers and payment systems, such as a substantial disruption of a payment system and to users is kept to a minimum, it is essential that payment service providers have the obligation to report within undue delay major security incidents to the European Banking Authority.

Amendment

(7) In addition to the general measures to be taken at Member States' level in Directive [pls insert number of NIS Directive after adoption], the security risks related to **the choice of technical system to offer** payment transactions should also be addressed at the level of the payment service providers **and for their cost and responsibility**. The security measures to be taken by the payment service providers need to be **in proportion** to the security risks concerned **for their clients**. A regular reporting mechanism should be established, so as to ensure payment services should provide the competent authorities **at least 3 times a year** with updated information on the assessment of their security risks and the additional measures that they have taken in response to **reduce** these risks. Furthermore, in order to ensure that damages to other payment service providers and payment systems, such as a substantial disruption of a payment system and to users is kept to a minimum, it is essential that payment service providers have the obligation to report within undue delay major security incidents to the European Banking Authority, **which should publish a report on 'Security of Digital Payment Services in the European Union' every year..**

Or. en

Amendment 133
Olle Ludvigsson

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In addition to the general measures to be taken at Member States' level in Directive [pls insert number of NIS Directive after adoption], the security risks related to payment transactions should also be addressed at the level of the payment service providers. The security measures to be taken by the payment service providers need to be proportionate to the security risks concerned. A regular reporting mechanism should be established, so as to ensure payment services should provide the competent authorities on an annual basis with updated information on the assessment of their security risks and the (additional) measures that they have taken in response to these risks. Furthermore, in order to ensure that damages to other payment service providers and payment systems, such as a substantial disruption of a payment system and to users is kept to a minimum, it is essential that payment service providers have the obligation to report within undue delay major security incidents to the European Banking Authority.

Amendment

(7) In addition to the general measures to be taken at Member States' level in Directive [pls insert number of NIS Directive after adoption], the security risks related to payment transactions should also be addressed at the level of the payment service providers. The security measures to be taken by the payment service providers need to be proportionate to the security risks concerned. A regular reporting mechanism should be established, so as to ensure payment services should provide the competent authorities **at least** on an annual basis with updated information on the assessment of their security risks and the (additional) measures that they have taken in response to these risks. Furthermore, in order to ensure that damages to other payment service providers and payment systems, such as a substantial disruption of a payment system and to users is kept to a minimum, it is essential that payment service providers have the obligation to report within undue delay major security incidents to the European Banking Authority.

Or. en

Amendment 134
Diogo Feio

Proposal for a directive
Recital 7 a (new)

(7a) For consumers to understand their rights and obligations under this Directive, they need to be informed in a clear and accessible way. Within two years after the entering into force of the Directive, the European Commission should therefore produce a consumer friendly electronic leaflet listing in a clear and easy to understand manner the rights and obligations of consumers under this Directive and related Union law on payment services. The information will be made available on the websites of the Commission, EBA and national banking regulators. The Member States shall ensure that payment services providers will make the leaflet in its original format available, free of charge, to all their existing and new clients electronically on their websites and on paper at their branches, their agents and the entities to which their activities are outsourced.

Or. en

Amendment 135

Inese Vaidere

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) The revised regulatory framework for payment services is complemented by Regulation (EU) [XX/XX/XX] of the European Parliament and of the Council²⁶. That Regulation introduces rules with regard to the charging of multilateral and bilateral interchange fees for all consumer debit and credit card transactions and electronic and mobile payments based on those transactions, and puts restrictions on

(8) The revised regulatory framework for payment services is complemented by Regulation (EU) [XX/XX/XX] of the European Parliament and of the Council²⁶. That Regulation introduces rules with regard to the charging of multilateral and bilateral interchange fees for all consumer debit and credit card transactions and electronic and mobile payments based on those transactions ***thus removing an***

the use of certain business rules with regard to card transactions. That Regulation aims at further accelerating the achievement of an effective integrated market for card based payments.

important barrier between national payment markets, and puts restrictions on the use of certain business rules with regard to card transactions. That Regulation aims at further accelerating the achievement of an effective integrated market for card based payments.

²⁶ Regulation (EU) No [XX/XX/XX/] of the European Parliament and of the Council [date] on interchange fees for card-based payment transactions (OJ L x, p. x).

²⁶ Regulation (EU) No [XX/XX/XX/] of the European Parliament and of the Council [date] on interchange fees for card-based payment transactions (OJ L x, p. x).

Or. en

Amendment 136
Ashley Fox

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) In order to avoid divergent approaches across Member States to the detriment of consumers, the provisions on transparency and information requirements for payment service providers in this Directive should also apply to transactions where the payer's or payee's payment service provider is located within the European Economic Area (hereinafter 'EEA') and the other payment service provider is located outside the EEA. It is also appropriate to extend the application of transparency and information provisions to transactions in all currencies between payment service providers that are located within the EEA.

deleted

Or. en

Justification

Mirrors amendments made to Art 2

Amendment 137

Olle Ludvigsson

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) In order to avoid divergent approaches across Member States to the detriment of consumers, the provisions on transparency and information requirements for payment service providers in this Directive should also apply to transactions where the payer's or payee's payment service provider is located within the European Economic Area (hereinafter '**EEA**') and the other payment service provider is located outside the EEA. It is also appropriate to extend the application of transparency and information provisions to transactions in all currencies between payment service providers that are located within the EEA.

Amendment

(9) In order to avoid divergent approaches across Member States to the detriment of consumers, the provisions on transparency and information requirements for payment service providers in this Directive should also apply to transactions where the payer's or payee's payment service provider is located within the European Economic Area (hereinafter '**EEA**') and the other payment service provider is located outside the EEA. ***On the basis of a review and a proposal from the Commission, the application of this Directive to such transactions should also be extended to include the major part of the provisions on rights and obligations in relation to providing and using payment services.*** It is also appropriate to extend the application of transparency and information provisions to transactions in all currencies between payment service providers that are located within the EEA.

Or. en

Amendment 138

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The **definition** of payment services should be technologically neutral and allow for the further development of new types of payment services, while ensuring equivalent operating conditions for both existing and new payment service providers.

Amendment

(10) The **definitions** of payment services, **payment protocols and standards** should be technologically neutral and allow for the further development of new types of payment services, while ensuring equivalent operating conditions for both existing and new payment service providers.

Or. en

Amendment 139

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The definition of payment services should be technologically neutral and allow for the further development of new types of payment services, while ensuring equivalent operating conditions for both existing and new payment service providers.

Amendment

(10) The definition of payment services should be technologically neutral and allow for the further development of new types of payment services, while ensuring equivalent **safe** operating conditions for both existing and new payment service providers.

Or. en

Amendment 140

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) The exemption of payment transactions through a commercial agent on

Amendment

(11) The exemption of payment transactions through a commercial agent on

behalf of the payer or the payee, as established in Directive 2007/64/EC is being applied very differently in the Member States. Certain Member States allow the use of the exemption by e-commerce platforms that act as an intermediary on behalf of both individual buyers and sellers without a real margin to negotiate or conclude the sale or purchase of goods or services. That *goes* beyond the intended scope of the exemption and may increase risks for the consumers, as these providers remain outside the protection of the legal framework. Different application practices also distort competition in the payment market. ***The definition should become more precise and clearer to address these concerns.***

behalf of the payer or the payee, as established in Directive 2007/64/EC is being applied very differently in the Member States ***and should not be continued.*** Certain Member States *have* allow the use of the exemption by e-commerce platforms that act as an intermediary on behalf of both individual buyers and sellers without a real margin to negotiate or conclude the sale or purchase of goods or services. That *was* beyond the intended scope of the exemption and may increase risks for the consumers, as these providers remain outside the protection of the legal framework. Different application practices also distort competition in the payment market.

Or. en

Amendment 141

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. ***A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks.*** A payment instrument

Amendment

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors ***and the exception should not be continued.*** A payment instrument should thus be considered to be used within such a limited network if it can be used

should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services in a specific store or chain of stores, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing. ***The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.***

only either for the purchase of goods and services in a specific store or chain of stores, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing.

Or. en

Amendment 142
Jean-Paul Gauzès

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands

Amendment

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands

of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services in a specific store or chain of stores, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services in a specific store or chain of stores or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include, *for instance, the following including their virtual equivalents*: store cards, petrol cards, membership cards, public transport cards, *parking tickets, ticketing*, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

Or. en

Amendment 143

Ashley Fox

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services *in* a specific *store* or chain of *stores*, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is

Amendment

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services *from* a specific *provider* or chain of *providers*, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include *the following, including their virtual equivalent*: store cards, petrol cards, membership cards, public transport cards, *ticketing*, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such

continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

instruments are typically designed for a network of service providers which is continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

Or. en

Justification

Seeking clarification of 'chains'. In addition, tickets (e.g. for museums, parking tickets) are comparable to public transport cards and deserve an explicit mention. Moreover, to be technologically neutral, the text should clarify that also the virtual equivalents of such items are included.

Amendment 144 **Olle Ludvigsson**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and

Amendment

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and

services in a specific store or chain of stores, or for a **limited** range of goods or services, regardless of **the** geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

services in a specific **physical or web-based** store or chain of stores, or for a **very narrow** range of goods or services, regardless of geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in **physical or web-based** stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

Or. en

Amendment 145
Markus Ferber

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited

Amendment

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited

network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services in a specific store or chain of stores, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

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Or. de

Justification

Clarification of the term 'services', which should also include public services.

Amendment 146

Diogo Feio

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services *in* a specific *store or chain of stores*, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is

Amendment

(12) Feedback from the market shows that the payment activities covered by the limited network exception often comprise massive payment volumes and values and offer to consumers hundreds or thousands of different products and services, which does not fit the purpose of the limited network exemption as provided for in Directive 2007/64/EC. That implies greater risks and no legal protection for payment service users, in particular for consumers and clear disadvantages for regulated market actors. A more precise description of a limited network, in line with Directive 2009/110/EC, is necessary in order to limit those risks. A payment instrument should thus be considered to be used within such a limited network if it can be used only either for the purchase of goods and services *with* a specific *retailer or retail chain*, or for a limited range of goods or services, regardless of the geographical location of the point of sale. Such instruments could include store cards, petrol cards, membership cards, public transport cards, meal vouchers or vouchers for specific services, which are sometimes subject to a specific tax or labour legal framework designed to promote the use of such instruments to meet the objectives laid down in social legislation. Where such a specific-purpose instrument develops into a general purpose instrument, the exemption from the scope of this Directive should no longer apply. Instruments which can be used for purchases in stores of listed merchants should not be exempted from the scope of this Directive as such instruments are typically designed for a network of service providers which is

continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

continuously growing. The exemption should apply in combination with the obligation of potential payment service providers to notify activities falling within the scope of the definition of a limited network.

Or. en

Amendment 147

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so called operator billing or direct to phone-bill purchases which, starting with ringing tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the

deleted

application of Directive 2007/64/EC. It is therefore appropriate to narrow down the scope of that Directive. The exemption should focus specifically on micro-payments for digital content, such as ringtones, wallpapers, music, games, videos, or applications. The exemption should only apply to payment services when provided as ancillary services to electronic communications services (i.e. the core business of the operator concerned).

Or. en

Amendment 148
Ashley Fox

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so called operator billing or direct to phone-bill purchases which, starting with *ringing* tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This

Amendment

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so called operator billing or direct to phone-bill purchases which, starting with *ring* tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This

translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the application of Directive 2007/64/EC. It is therefore appropriate to narrow down the scope of that Directive. The exemption should focus specifically on micro-payments for digital **content**, such as ringtones, wallpapers, music, games, videos, *or* applications. The exemption should only apply to payment services when provided as ancillary services to electronic communications services (i.e. the core business of the operator concerned).

translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the application of Directive 2007/64/EC. It is therefore appropriate to narrow down the scope of ***the exemption in*** that Directive. The exemption should focus specifically on micro-payments for digital **goods and services**, such as, ***for instance***, ringtones, wallpapers, music, games, videos, applications. The exemption should only apply to payment services when provided as ancillary services to electronic communications services (i.e. ***the payment service is an additional service offered by the provider of an electronic communications network or service, or its affiliate and does not constitute*** the core business of the operator concerned).

Or. en

Justification

See Amendments to Article 3 (l)

Amendment 149 **Olle Ludvigsson**

Proposal for a directive **Recital 13**

Text proposed by the Commission

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so

Amendment

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so

called operator billing or direct to phone-bill purchases which, starting with ringing tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the application of Directive 2007/64/EC. It is therefore appropriate to narrow down the scope of that Directive. The exemption should focus **specifically** on micro-payments for digital content, such as ringtones, wallpapers, music, games, videos, or applications. The exemption should only apply to payment services when provided as ancillary services to electronic communications services (i.e. the core business of the operator concerned).

called operator billing or direct to phone-bill purchases which, starting with ringing tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the application of Directive 2007/64/EC. It is therefore appropriate to narrow down the **negative** scope of that Directive. ***In order not to leave large-scale payment activities unregulated***, the exemption should focus on micro-payments for digital content, such as ringtones, wallpapers, music, games, videos, or applications. The exemption should only apply to payment services when provided as ancillary services to electronic communications services (i.e. the core business of the operator concerned).

Or. en

Amendment 150
Sari Essayah

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information

Amendment

(13) Directive 2007/64/EC exempts from its scope certain payment transactions by means of telecom or information

technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so called operator billing or direct to phone-bill purchases which, starting with ringing tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the application of Directive 2007/64/EC. It is therefore appropriate to narrow down the scope of that Directive. The exemption should focus specifically on micro-payments for digital content, such as ringtones, wallpapers, music, games, videos, or applications. The exemption should only apply to payment services when provided as ancillary services to electronic communications services (i.e. the core business of the operator concerned).

technology devices where the network operator not only acts as an intermediary for the delivery of digital goods and services through the device in question, but also adds value to these goods or services. In particular, this exemption allows for so called operator billing or direct to phone-bill purchases which, starting with ringing tones and premium SMS-services, contributes to the development of new business models based on low-value sale of digital content. Feedback from the market shows no evidence that this payment method, trusted by consumers as convenient for low threshold payments, has developed into a general payment intermediation service. However, due to the ambiguous wording of the current exemption, this rule has been implemented differently in Member States. This translates into lack of legal certainty for operators and consumers and has occasionally allowed other payment intermediation services to claim eligibility for the exemption of the application of Directive 2007/64/EC. It is therefore appropriate to narrow down the scope of that Directive. The exemption should focus specifically on micro-payments for digital content, such as ringtones, wallpapers, music, games, videos, or applications. The exemption should only apply to payment services when provided as ancillary **and intermediary** services to electronic communications services (i.e. the core business of the operator concerned).

Or. en

Justification

TELCOs should always have the right as any other service provider to bill the customers for services the TELCOs provide directly as an 'own' service in the same way as any other shop for their products and services.

Amendment 151
Sylvie Goulard

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Similarly, Directive 2007/64/EC exempted from its scope payment services offered by deployers of automated teller machines (hereinafter ‘ATMs’) independent from banks or other payment service providers. ***Originally devised as incentive to install stand-alone ATMs in remote and poorly populated areas by allowing them to charge extra fees on top of fees paid to the payment service providers that issued the card, the provision was not intended to be used by ATM providers with networks comprising hundreds or even thousands of ATMs, covering one or more Member States. It leads to non-application of that Directive to a growing part of the ATM market, with negative effects on the consumer protection. It also incentivises the existing ATM providers to redesign their business model and cancel the usual contractual relation with the payment service providers in order to charge higher fees directly on the consumers. Consequently, the exemption should be deleted.***

Amendment

(14) Similarly, Directive 2007/64/EC exempted from its scope payment services offered by deployers of automated teller machines (hereinafter ‘ATMs’) independent from banks or other payment service providers. ***The exemption has created legal uncertainty and a fragmented market leading to substantial differences among Member States, with direct regulation in some markets and no regulation in others. Consequently, the exemption should be deleted in order to facilitate the emergence of an internal market for independent ATM deployers, ensure secure and easy access to cash, promote innovation of ATM services and greater financial inclusion.***

Or. en

Amendment 152
Ashley Fox

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) Service providers seeking to benefit from an exemption under Directive

Amendment

(15) Service providers seeking to benefit from an exemption under Directive

2007/64/EC often do not consult authorities on whether their activities are covered or exempted under that Directive but rely on their own assessments. It appears that some exemptions may have been used by payment service providers to redesign business models so that the payment activities offered would be outside the scope of that Directive. This may result in increased risks for payment service users and diverging conditions for payment service providers in the internal market. Service providers should therefore be obliged to notify certain activities to the competent authorities, to ensure a homogenous interpretation of the rules throughout the internal market.

2007/64/EC often do not consult authorities on whether their activities are covered or exempted under that Directive but rely on their own assessments. It appears that some exemptions may have been used by payment service providers to redesign business models so that the payment activities offered would be outside the scope of that Directive. This may result in increased risks for payment service users and diverging conditions for payment service providers in the internal market. Service providers should therefore be obliged to notify certain activities to the competent authorities ***in particular in relation to the limited networks exemption in Article 3 (k)***, to ensure a homogenous interpretation of the rules throughout the internal market.

Or. en

Justification

If the payment transaction falls under the exemptions of this Directive, competent authorities should not be able to implement the exemption in a discretionary manner.

Amendment 153

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Service providers seeking to benefit from an exemption under Directive 2007/64/EC often do not consult authorities on whether their activities are covered or exempted under that Directive but rely on their own assessments. It appears that some exemptions may have been used by payment service providers to redesign business models so that the

Amendment

(15) Service providers seeking to benefit from an exemption under Directive 2007/64/EC often do not consult authorities on whether their activities are covered or exempted under that Directive but rely on their own assessments. It appears that some exemptions may have been used by payment service providers to redesign business models so that the

payment activities offered would be outside the scope of that Directive. This may result in increased risks for payment service users and diverging conditions for payment service providers in the internal market. Service providers should therefore be obliged to notify *certain* activities to the competent authorities, to ensure a homogenous interpretation of the rules throughout the internal market.

payment activities offered would be outside the scope of that Directive. This may result in increased risks for payment service users and diverging conditions for payment service providers in the internal market. Service providers should therefore be obliged to notify *their* activities to the competent authorities, to ensure a homogenous interpretation of the rules throughout the internal market.

Or. en

Amendment 154

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) It is important to include a requirement for potential payment service providers to notify their intention to provide activities in the framework of a limited network if the volume of payment transactions is above a certain threshold. Competent authorities should examine and take a motivated decision on the basis of the criteria set out in Article 3(k) whether those activities can be considered activities provided in the framework of a limited network.

Amendment

deleted

Or. en

Amendment 155

Ashley Fox

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Since the adoption of Directive 2007/64/EC new types of payment services have emerged, especially in the area of internet payments. In particular, third party providers (hereinafter ‘TPPs’) have evolved, offering *so-called* payment initiation services to consumers and merchants, often without entering into the possession of the funds to be transferred. ***Those services facilitate the e-commerce payments by establishing a software bridge between the website of the merchant and the online banking platform of the consumer in order to initiate internet payments on the basis of credit transfers or direct debits. The TPPs offer a low-cost alternative to card payments for both merchants and consumers and provide consumers a possibility to shop online even if they do not possess credit cards.*** However, as TPPs are currently not subject to Directive 2007/64/EC, they are not necessarily supervised by a competent authority and do not follow the requirements of Directive 2007/64/EC. This raises a series of legal issues, such as consumer protection, security and liability as well as competition and data protection issues. The new rules should therefore ***respond to*** those ***issues***.

Amendment

(18) Since the adoption of Directive 2007/64/EC new types of payment services have emerged, especially in the area of internet payments. In particular, third party ***payment service*** providers (hereinafter ‘TPPs’) have evolved, offering ***online*** payment initiation services to consumers and merchants, often without entering into the possession of the funds to be transferred. ***The TPPs offer an alternative to card payments for both merchants and consumers and provide consumers a possibility to shop online even if they do not possess payment cards. TPPs also represent important security challenges to the safeguarding of the integrity of payments and personal data made available to them by payers.*** However, as TPPs are currently not subject to Directive 2007/64/EC, they are not necessarily supervised by a competent authority and do not follow the requirements of Directive 2007/64/EC. This raises a series of legal issues, such as consumer protection, security and liability as well as competition and data protection issues. The new rules should therefore ***address all*** those ***challenges appropriately and ensure that TPPs operating in the Union are authorised or registered and supervised as payment institutions.***

Or. en

Justification

The term ‘software bridge’ for PIS not an adequate description of services of all kinds of TPPs. Also, the text is too descriptive and might interfere with future payment models in e-commerce. Furthermore, the Directive should not qualify any service of TPPs as ‘low-cost’ in comparison with other services.

Amendment 156
Burkhard Balz

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Since the adoption of Directive 2007/64/EC new types of payment services have emerged, especially in the area of internet payments. In particular, third party providers (hereinafter ‘TPPs’) have evolved, offering so-called payment initiation services to consumers and merchants, often without entering into the possession of the funds to be transferred. Those services facilitate the e-commerce payments by establishing a software bridge between the website of the merchant and the online banking platform of the consumer in order to initiate internet payments on the basis of credit transfers or direct debits. The TPPs offer a low-cost alternative to card payments for both merchants and consumers and provide consumers a possibility to shop online even if they do not possess credit cards. However, as TPPs are currently not subject to Directive 2007/64/EC, they are not necessarily supervised by a competent authority and do not follow the requirements of Directive 2007/64/EC. This raises a series of legal issues, such as consumer protection, security and liability as well as competition and data protection issues. The new rules should therefore respond to those issues.

Amendment

(18) Since the adoption of Directive 2007/64/EC new types of payment services have emerged, especially in the area of internet payments. In particular, third party providers (hereinafter ‘TPPs’) have evolved, offering so-called payment initiation services to consumers and merchants, often without entering into the possession of the funds to be transferred. Those services facilitate the e-commerce payments by establishing a software bridge between the website of the merchant and the online banking platform of the consumer in order to initiate internet payments on the basis of credit transfers or direct debits. The TPPs offer a low-cost alternative to card payments for both merchants and consumers and provide consumers a possibility to shop online even if they do not possess credit cards. However, as TPPs are currently not subject to Directive 2007/64/EC, they are not necessarily supervised by a competent authority and do not follow the requirements of Directive 2007/64/EC. This raises a series of legal issues, such as consumer protection, security and liability as well as competition and data protection issues. ***A European regulation and supervision should thus be applicable to TPPs.*** The new rules should therefore respond to those issues, ***safeguard the high level of security as well as ensure practicability and user-friendliness in the interaction with account servicing payment service providers.***

Or. en

Amendment 157
Olle Ludvigsson

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Since the adoption of Directive 2007/64/EC new types of payment services have emerged, especially in the area of internet payments. In particular, third party providers (hereinafter ‘TPPs’) have evolved, offering so-called payment initiation services to consumers and merchants, often without entering into the possession of the funds to be transferred. Those services facilitate the e-commerce payments by establishing a software bridge between the website of the merchant and the online banking platform of the consumer in order to initiate internet payments on the basis of credit transfers or direct debits. The TPPs offer a low-cost alternative to card payments for both merchants and consumers and provide consumers a possibility to shop online even if they do not possess *credit* cards. However, as TPPs are currently not subject to Directive 2007/64/EC, they are not necessarily supervised by a competent authority and do not follow the requirements of Directive 2007/64/EC. This raises a series of legal issues, such as consumer protection, security and liability as well as competition and data protection issues. The new rules should therefore respond to those issues.

Amendment

(18) Since the adoption of Directive 2007/64/EC new types of payment services have emerged, especially in the area of internet payments. In particular, third party providers (hereinafter ‘TPPs’) have evolved, offering so-called payment initiation services to consumers and merchants, often without entering into the possession of the funds to be transferred. Those services facilitate the e-commerce payments by establishing a software bridge between the website of the merchant and the online banking platform of the consumer in order to initiate internet payments on the basis of credit transfers or direct debits. The TPPs offer a low-cost alternative to card payments for both merchants and consumers and provide consumers a possibility to shop online even if they do not possess *payment* cards. ***The TPPs also have a promising potential when it comes to facilitating cross-border e-commerce in the internal market.*** However, as TPPs are currently not subject to Directive 2007/64/EC, they are not necessarily supervised by a competent authority and do not follow the requirements of Directive 2007/64/EC. This raises a series of legal issues, such as consumer protection, security and liability as well as competition and data protection issues. The new rules should therefore respond to those issues.

Or. en

Amendment 158
Sari Essayah

**Proposal for a directive
Recital 18 a (new)**

Text proposed by the Commission

Amendment

(18a) The main reasons for the establishing TPP services seem to be the lack of interbank online real time services and the non-standardised user interfaces in e-banking platforms. There is therefore also a need to address the underlying shortcomings and weaknesses in the interbank e-payment services and to require e-banking and e-payment service providers to expand their internal e-banking services also to functions between different e-payment service providers.

Or. en

Justification

If this would be done effectively, competition with TPP services would bring costs down.

**Amendment 159
Diogo Feio**

**Proposal for a directive
Recital 19 a (new)**

Text proposed by the Commission

Amendment

(19a) To complete the internal market in payments and to ensure that it is conducive to a striving electronic commerce and to economic growth, it is important to allow potential new entrants and current payment service providers alternatives to card payments in order to develop and enhance their services to consumers and retailers. Therefore, EBA in close cooperation with the ECB, shall provide a comprehensive assessment

regarding the access to the international bank account number (IBAN), as defined in Article 2(15) of Regulation (EU) No 260/2012 of the European Parliament and of the Council^{26a} stored on the electronic chip of debit cards, or to their equivalent for mobile or online payments based thereon, including the electronic chip of the smartphone, the payment application deriving from the debit card or any equivalent embedded technology, with a view to allow those payment service providers to initiate automatically, with the cardholder's consent, a payment transaction (e.g. a direct debit or a credit transfer) using the IBAN stored on the electronic chip of debit cards or any other equivalent embedded technology. The assessment shall take into consideration the rules concerning fraud prevention and data protection.

^{26a} *Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012).*

Or. en

Amendment 160
Sari Essayah

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) With technological developments a range of complementary services have also emerged in recent years, such as account information and account aggregation services. These services

Amendment

deleted

should also be covered by this Directive in order to provide consumers with adequate protection and legal certainty about their status.

Or. en

Justification

These complementary services cannot be seen as payment services as such. There would also be difficulties in defining these services in a way which would avoid the inclusion of basic company online account services within the scope of the payment directive. This part of the potential TPP services should be dealt within general customer data protection legislation and not within payment legislation.

Amendment 161 Olle Ludvigsson

Proposal for a directive Recital 27

Text proposed by the Commission

(27) Payment service providers when engaging in the provision of one or more of the payment services covered by this Directive should always hold payment accounts used exclusively for payment transactions. For payment institutions to be able to provide payment services, it is indispensable that they have access to payment accounts. Member States should ensure that such access is provided in a way proportionate to the legitimate aim it intends to serve.

Amendment

(27) Payment service providers when engaging in the provision of one or more of the payment services covered by this Directive should always hold payment accounts used exclusively for payment transactions. For payment institutions to be able to provide payment services, it is indispensable that they have access to payment accounts. Member States should ensure that such access is ***non-discriminatory and*** provided in a way proportionate to the legitimate aim it intends to serve. ***While the access could be basic, it should always be extensive enough for the payment institution to be able to provide its services in an unobstructed and efficient way. The fees charged for such access should not be unreasonable or out of line with standard business practice.***

Or. en

Justification

Payment accounts are a vital part of basic infrastructure in society. While actors providing accounts should of course be able to do so on a commercial basis, there has to be some core restrictions on how they run their business. It is not acceptable if they use their gateway power to block other actors by denying access or demanding excessive fees. Since there have been a number of such incidents, there is a need to clarify that all PSPs must be granted non-discriminatory access to accounts.

Amendment 162

Sari Essayah

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) This Directive should regulate the granting of credit by payment institutions, i.e. the granting of credit lines and the issuance of credit cards, only where it is closely linked to payment services. Only if credit is granted in order to facilitate payment services and such credit is of a short-term nature and is granted for a period not exceeding 12 months, including on a revolving basis, it is appropriate to allow payment institutions to grant such credit with regard to their cross-border activities, on condition that it is refinanced using mainly the payment institution's own funds, as well as other funds from the capital markets, but not the funds held on behalf of clients for payment services. Such rules should be without prejudice to Council Directive 2008/48/EC of the European Parliament and of the Council³¹ or other relevant Union or national legislation regarding conditions for granting credit to consumers not harmonised by this Directive.

Amendment

(28) This Directive should regulate the granting of credit by payment institutions, i.e. the granting of credit lines and the issuance of credit cards, only where it is closely linked to payment services. Only if credit is granted in order to facilitate payment services and such credit is of a short-term nature and is granted for a period not exceeding 12 months, including on a revolving basis, it is appropriate to allow payment institutions to grant such credit with regard to their cross-border activities, on condition that it is refinanced using mainly the payment institution's own funds, as well as other funds from the capital markets, but not the funds held on behalf of clients for payment services. Such rules should be without prejudice to Council Directive 2008/48/EC of the European Parliament and of the Council³¹ or other relevant Union or national legislation regarding conditions for granting credit to consumers not harmonised by this Directive. ***However, traditional companies, like retail shops, which have a parallel payment institution license may grant credits to their customers within their other business lines without any limitations due to their***

payment institution license.

³¹ Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).

³¹ Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 22.5.2008, p. 66).

Or. en

Amendment 163
Sophia in 't Veld

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) Overall, the functioning of the cooperation between the competent national authorities responsible for granting authorisations to payment institutions, carrying out controls and deciding on the withdrawal of those authorisations, has proven to work satisfactorily. However, the cooperation between the competent authorities should be enhanced, both with regard to the information exchanged as well as a coherent application and interpretation of the Directive, in cases where the authorised payment institution would like to provide payment services also in a Member State other than its home Member State, in exercise of the right of establishment or the freedom to provide services ('passporting'). The European Banking Authority (EBA) *should be asked to* prepare a set of guidelines on the cooperation and data exchange.

Amendment

(29) Overall, the functioning of the cooperation between the competent national authorities responsible for granting authorisations to payment institutions, carrying out controls and deciding on the withdrawal of those authorisations, has proven to work satisfactorily. However, the cooperation between the competent authorities should be enhanced, both with regard to the information exchanged as well as a coherent application and interpretation of the Directive, in cases where the authorised payment institution would like to provide payment services also in a Member State other than its home Member State, in exercise of the right of establishment or the freedom to provide services ('passporting'). The European Banking Authority (EBA) ***after consulting an advisory panel set up for the purposes of implementation of this Directive and representing i.e. non-banking actors, should*** prepare a set of guidelines on the cooperation and data exchange.

Or. en

Amendment 164
Elena Băsescu

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) To enhance transparency on the payment institutions authorised by or registered with competent authorities, including their agents and branches, a web portal serving as European electronic access point should be established with EBA, interconnecting the national registers. These measures should aim at contributing to the enhancement of the cooperation between the competent authorities.

Amendment

(30) To enhance transparency on the payment institutions authorised by or registered with competent authorities, including their agents and branches, a web portal serving as European electronic access point should be established with EBA, interconnecting the national registers. These measures should aim at contributing to the enhancement of the cooperation between the competent authorities, ***fully contributing to a payments environment which nurtures competition, innovation and security to the benefits of all stakeholders and consumers in particular.***

Or. en

Amendment 165
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) The availability of accurate, updated information should be enhanced by requiring payment institutions to inform the competent authority of their home state without undue delay of any changes affecting the accuracy of the information and evidence provided with regard to the authorisation, including additional agents, branches or entities to which activities are

Amendment

(31) The availability of accurate, updated information ***on the name and address*** should be enhanced by requiring payment institutions to inform the competent authority of their home state without undue delay of any changes affecting the accuracy of the information and evidence provided with regard to the authorisation, including additional agents, branches or

outsourced. The competent authorities should also verify, in case of doubts, that the information received is correct.

entities to which activities are outsourced. The competent authorities should also verify, in case of doubts, that the information received is correct.

Information or documents made by competent authorities of the Member States should be motivated by formal decision, specifying the legal basis of the decision, the purpose of the request, what information is required and the time-limit of the provision and the custody of the information or the document.

Or. en

Amendment 166
Sophia in 't Veld

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) While this Directive specifies the minimum set of powers competent authorities should have when supervising the compliance of payment institutions, these powers are to be exercised with respect to fundamental rights, including the right to privacy. For the exercise of those powers which may amount to serious interferences with the right to respect private and family life, home and communications, Member States should have in place adequate and effective safeguards against any abuse or arbitrariness, for instance, where appropriate through prior authorisation from the judicial authority of the Member State concerned.

Amendment

(32) While this Directive specifies the minimum set of powers competent authorities should have when supervising the compliance of payment institutions, these powers are to be exercised with respect to fundamental rights, including the right to privacy. ***Without prejudice to the control of an independent authority (national data protection authority) under Article 8 (3) of the Charter of Fundamental Rights of the European Union,*** for the exercise of those powers which may amount to serious interferences with the right to respect private and family life, home and communications, Member States should have in place adequate and effective safeguards against any abuse or arbitrariness, for instance, where appropriate through prior authorisation from the judicial authority of the Member State concerned.

Or. en

Amendment 167
Ashley Fox

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) While this Directive specifies the minimum set of powers competent authorities should have when supervising the compliance of payment institutions, these powers are to be exercised with respect to fundamental rights, including the right to privacy. For the exercise of those powers which may amount to serious interferences with the right to respect private and family life, home and communications, Member States should have in place adequate and effective safeguards against any abuse or arbitrariness, *for instance, where appropriate through prior authorisation from the judicial authority of the Member State concerned.*

Amendment

(32) While this Directive specifies the minimum set of powers competent authorities should have when supervising the compliance of payment institutions, these powers are to be exercised with respect to fundamental rights, including the right to privacy. For the exercise of those powers which may amount to serious interferences with the right to respect private and family life, home and communications, Member States should have in place adequate and effective safeguards against any abuse or arbitrariness.

Or. en

Justification

Avoid any suggestion that the PSD sets out the need for a court order before a competent authority can take legitimate action.

Amendment 168
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) It is essential for any payment service provider to be able to access the services of

Amendment

(34) It is essential for any payment service provider to be able to access the services of

technical infrastructures of payment systems. Such access should, however, be subject to appropriate requirements in order to ensure integrity and stability of those systems. Each payment service provider applying for a participation in a payment system should furnish proof to the participants of the payment system that its internal arrangements are sufficiently robust against all kinds of risk. These payment systems typically include e.g. the four-party card schemes as well as major systems processing credit transfers and direct debits. In order to ensure equality of treatment throughout the Union as between the different categories of authorised payment service providers, according to the terms of their licence, it is necessary to clarify the rules concerning access to the provision of payment services and access to payment systems.

technical infrastructures of payment systems. Such access should, however, be subject to appropriate requirements in order to ensure integrity and stability of those systems. Each payment service provider applying for a participation in a payment system should ***bear the risk of its own choice of system and*** furnish proof to the participants of the payment system that its internal arrangements are sufficiently robust against all kinds of risk ***and fraudulent misuse by a third party due to the choice of operating systems.*** These payment systems typically include e.g. the four-party card schemes as well as major systems processing credit transfers and direct debits. In order to ensure equality of treatment throughout the Union as between the different categories of authorised payment service providers, according to the terms of their licence, it is necessary to clarify the rules concerning access to the provision of payment services and access to payment systems.

Or. en

Amendment 169

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) Provision should be made for the non-discriminatory treatment of authorised payment institutions and credit institutions so that any payment service provider competing in the internal market is able to use the services of the technical infrastructures of these payment systems under the same conditions. It is appropriate to provide for different treatment for authorised payment service providers and

Amendment

(35) Provision should be made for the non-discriminatory treatment of authorised payment institutions and credit institutions so that any payment service provider competing in the internal market is able to use the services of the technical infrastructures of these payment systems under the same conditions. It is appropriate to provide for different treatment for authorised payment service providers and

for those benefiting from a waiver under this Directive as well as from the waiver under the Article 3 of Directive 2009/110/EC, due to the differences in their respective prudential framework. In any case, differences in price conditions should be allowed only where this is motivated by differences in costs incurred by the payment service providers. This should be *without prejudice to Member States' right to limit access to systemically important systems in accordance with Directive 98/26/EC of the European Parliament and of the Council*³² and without prejudice to the competence of the European Central Bank and the European System of Central Banks (ESCB) concerning access to payment systems.

³² *Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.06.98, p. 45).*

for those benefiting from a waiver under this Directive as well as from the waiver under the Article 3 of Directive 2009/110/EC, due to the differences in their respective prudential framework. In any case, differences in price conditions should be allowed only where this is motivated by *documented* differences in costs incurred by the payment service providers. This should be without prejudice to the competence of the European Central Bank and the European System of Central Banks (ESCB) concerning access to payment systems.

Or. en

Amendment 170

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) In certain cases, Member States have granted indirect access to specific payment service providers to designated payment systems, in analogy to the provisions of Directive 98/26/EC. This decision is at the discretion of the Member State concerned. However, to ensure *fair competition* between payment service providers, this Directive should provide *that where a*

Amendment

(36) In certain cases, Member States have granted indirect access to specific payment service providers to designated payment systems, in analogy to the provisions of Directive 98/26/EC. This decision is at the discretion of the Member State concerned. However, to ensure *no infringements to the Unions competition law* between payment service providers, this Directive

Member State has granted a payment service provider indirect access to such systems, other payment service providers which are in the same situation should be benefit from the same, non-discriminatory treatment.

should provide other payment service providers to benefit from the same, non-discriminatory treatment due to the fact that payment services have developed to a major industry and consumers, merchants and companies have become dependent on payment services for the maintenance of vital economic, societal activities and to successfully be able to participate in the internal market.

Or. en

Amendment 171
Sophia in 't Veld

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) This Directive should specify the obligations on payment service providers as regards the provision of information to the payment service users who should receive the same high level of clear information about payment services in order to make well-informed choices and be able to choose freely within the Union. In the interest of transparency this Directive should lay down the harmonised requirements needed to ensure that necessary and sufficient information is given to the payment service users with regard to the payment service contract and the payment transactions. In order to promote smooth functioning of the single market in payment services, Member States should be able to adopt *only* those information provisions laid down in this Directive.

Amendment

(41) This Directive should specify the obligations on payment service providers as regards the provision of information to the payment service users who should receive the same high level of clear information about payment services in order to make well-informed choices and be able to choose freely within the Union. In the interest of transparency this Directive should lay down the harmonised requirements needed to ensure that necessary and sufficient information is given to the payment service users with regard to the payment service contract and the payment transactions. In order to promote smooth functioning of the single market in payment services, Member States should be able to adopt those information provisions laid down in this Directive, *as well as under Directive 95/46/EC and Regulation EC No 45/2001.*

Or. en

Amendment 172
Markus Ferber

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) This Directive should specify the obligations on payment service providers as regards the provision of information to the payment service users who should receive the same high level of clear information about payment services in order to make well-informed choices and be able to choose freely within the Union. In the interest of transparency this Directive should lay down the harmonised requirements needed to ensure that necessary and sufficient information is given to the payment service users with regard to the payment service contract and the payment transactions. In order to promote smooth functioning of the single market in payment services, Member States should be able to adopt only those information provisions laid down in this Directive.

Amendment

(41) This Directive should specify the obligations on payment service providers as regards the provision of information to the payment service users who should receive the same high level of clear information about payment services in order to make well-informed choices ***based on a comparison of the conditions of the various providers (particularly regarding their charges structure)*** and be able to choose freely within the Union. In the interest of transparency this Directive should lay down the harmonised requirements needed to ensure that necessary and sufficient information is given to the payment service users with regard to the payment service contract and the payment transactions. In order to promote smooth functioning of the single market in payment services, Member States should be able to adopt only those information provisions laid down in this Directive.

Or. de

Amendment 173
Elena Băsescu

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) The information required should be proportionate to the needs of users and communicated in a standard format. However, the information requirements for

Amendment

(43) The information required should be proportionate to the needs of users and communicated in a standard format, ***enhancing efficiency***. However, the

a single payment transaction should be different from those of a framework contract which provides for the series of payment transactions.

information requirements for a single payment transaction should be different from those of a framework contract which provides for the series of payment transactions.

Or. en

Amendment 174

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) In single payment transactions only the essential information should always be given on the payment service provider's own initiative. ***As the payer is usually present when he gives the payment order, it is not necessary to require that*** information should in every case be provided on paper or on another durable medium. ***The payment service provider may give information orally over the counter or make it otherwise easily accessible, for example by keeping the conditions on a notice board on the premises.*** Information should also be given on where other more detailed information is available (e.g. the address of the website). ***However, if the consumer so requests, the essential information should be given on paper or on another durable medium.***

Amendment

(45) In single payment transactions only the essential information should always be given on the payment service provider's own initiative. ***The*** information should in every case be provided on paper or on another durable medium ***due to the increased digitalisation of the payment services.*** Information should also be given on where other more detailed information is available (e.g. the address of the website).

Or. en

Amendment 175

Elena Bănescu

Proposal for a directive
Recital 45

Text proposed by the Commission

(45) In single payment transactions only the essential information should always be given on the payment service provider's own initiative. As the payer is usually present when he gives the payment order, it is not necessary to require that information should in every case be provided on paper or on another durable medium. The payment service provider may give information orally over the counter *or* make it *otherwise* easily accessible, for example by keeping the conditions on a notice board on the premises. Information should also be given on where other more detailed information is available (e.g. the address of the website). However, if the consumer so requests, the essential information should be given on paper or on another durable medium.

Amendment

(45) In single payment transactions only the essential information should always be given on the payment service provider's own initiative. As the payer is usually present when he gives the payment order, it is not necessary to require that information should in every case be provided on paper or on another durable medium. The payment service provider may give information orally over the counter *and* make it easily accessible, for example by keeping the conditions on a notice board on the premises. Information should also be given on where other more detailed information is available (e.g. the address of the website). However, if the consumer so requests, the essential information should be given on paper or on another durable medium.

Or. en

Amendment 176
Elena Băsescu

Proposal for a directive
Recital 46

Text proposed by the Commission

(46) This Directive should provide for the consumer's right to receive relevant information free of charge before being bound by any payment service contract. The consumer should also be able to request prior information as well as the framework contract, on paper, free of charge at any time during the contractual relationship, so as to enable them to compare payment service providers' services and their conditions and in case of

Amendment

(46) This Directive should provide for the consumer's right to receive relevant information free of charge before being bound by any payment service contract. The consumer should also be able to request prior information as well as the framework contract, on paper, free of charge at any time during the contractual relationship, so as to enable them to compare payment service providers' services and their conditions and in case of

any dispute verify their contractual rights and obligations. Those provisions should be compatible with Directive 2002/65/EC. The explicit provisions on free information in this Directive should not have the effect of allowing charges to be imposed for the provision of information to consumers under other applicable Directives.

any dispute verify their contractual rights and obligations, **therefore maintaining a high level of consumer protection**. Those provisions should be compatible with Directive 2002/65/EC. The explicit provisions on free information in this Directive should not have the effect of allowing charges to be imposed for the provision of information to consumers under other applicable Directives.

Or. en

Amendment 177

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 46

Text proposed by the Commission

(46) This Directive should provide for the consumer's right to receive relevant information free of charge before being bound by any payment service contract. The consumer should also be **able to request** prior information as well as the framework contract, on paper, free of charge at any time during the contractual relationship, so as to enable them to compare payment service providers' services and their conditions and in case of any dispute verify their contractual rights and obligations. Those provisions should be compatible with Directive 2002/65/EC. The explicit provisions on free information in this Directive should not have the effect of allowing charges to be imposed for the provision of information to consumers under other applicable Directives.

Amendment

(46) This Directive should provide for the consumer's right to receive relevant information free of charge before being bound by any payment service contract. The consumer should also be **presented** prior information as well as the framework contract, on paper, free of charge at any time during the contractual relationship, so as to enable them to compare payment service providers' services and their conditions and in case of any dispute verify their contractual rights and obligations. Those provisions should be compatible with Directive 2002/65/EC. The explicit provisions on free information in this Directive should not have the effect of allowing charges to be imposed for the provision of information to consumers under other applicable Directives.

Or. en

Amendment 178

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 47

Text proposed by the Commission

(47) The way in which the required information is to be given by the payment service provider to the payment service user should take into account the needs of the latter as well as practical technical aspects and cost-efficiency depending on the situation with regard to the agreement in the respective payment service contract. Thus, this Directive should distinguish between two ways in which information is to be given by the payment service provider: either the information should be provided, i.e. actively communicated by the payment service provider at the appropriate time as required by this Directive without further prompting by the payment service user, or the information should be made available to the payment service user, taking into account any request he may have for further information. In the latter case, the payment service **user** should take some active steps in order **to obtain** the information, **such as** requesting it explicitly from the payment service provider, logging into bank account mail box or inserting a bank card into printer for account statements. For such purposes the payment service provider should ensure that access to the information is possible and that the information is available to the payment service user.

Amendment

(47) The way in which the required information is to be given by the payment service provider to the payment service user should take into account the needs of the latter as well as practical technical aspects and cost-efficiency depending on the situation with regard to the agreement in the respective payment service contract. Thus, this Directive should distinguish between two ways in which information is to be given by the payment service provider: either the information should be provided, i.e. actively communicated by the payment service provider at the appropriate time as required by this Directive without further prompting by the payment service user, or the information should be made available to the payment service user, taking into account any request he may have for further information. In the latter case, the payment service **provider** should take some active steps in order **for** the information **to be available, without the payment service user** requesting it explicitly from the payment service provider; logging into bank account mail box or inserting a bank card into printer for account statements. For such purposes the payment service provider should ensure that access to the information is possible and **free of charge and** that the information is **always** available to the payment service user.

Or. en

Amendment 179

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 48

Text proposed by the Commission

(48) The consumer should receive basic information on executed payment transactions for no additional charge. In the case of a single payment transaction the payment service provider should not charge separately for this information. Similarly, the subsequent monthly information on payment transactions under a framework contract should be given free of charge. ***However, taking into account the importance of transparency in pricing and differing customer needs, the parties should be able to agree on charges for more frequent or additional information. In order to take into account different national practices,*** Member States should be allowed to set rules requiring that monthly paper-based statements of payment accounts are always to be given free of charge.

Amendment

(48) The consumer should receive basic information on executed payment transactions for no additional charge. In the case of a single payment transaction the payment service provider should not charge separately for this information. Similarly, the subsequent monthly information on payment transactions under a framework contract should be given free of charge. Member States should be allowed to set rules requiring that monthly paper-based statements of payment accounts are always to be given free of charge.

Or. en

Amendment 180

Olle Ludvigsson

Proposal for a directive

Recital 49

Text proposed by the Commission

(49) In order to facilitate customer mobility, it should be possible for consumers to terminate a framework contract after ***a year*** without incurring charges. For consumers, the period of notice agreed should be no longer than a

Amendment

(49) In order to facilitate customer mobility ***and thereby enhance competition,*** it should be possible for consumers to terminate a framework contract after ***six months*** without incurring charges. For consumers, the period of notice agreed

month, and for payment service providers no shorter than two months. This Directive should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national legislation, such as legislation on money laundering and terrorist financing, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.

should be no longer than a month, and for payment service providers no shorter than two months. This Directive should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national legislation, such as legislation on money laundering and terrorist financing, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.

Or. en

Amendment 181

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 49

Text proposed by the Commission

(49) In order to facilitate customer mobility, it should be possible for consumers to terminate a framework contract **after a year** without incurring charges. For consumers, the period of notice agreed should be no longer than a month, and for payment service providers no shorter than **two** months. This Directive should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national legislation, such as legislation on money laundering and terrorist financing, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.

Amendment

(49) In order to facilitate customer mobility, it should be possible for consumers to terminate a framework contract without incurring charges. For consumers, the period of notice agreed should be no longer than a month, and for payment service providers no shorter than **three** months. This Directive should be without prejudice to the payment service provider's obligation to terminate the payment service contract in exceptional circumstances under other relevant Union or national legislation, such as legislation on money laundering and terrorist financing, any action targeting the freezing of funds, or any specific measure linked to the prevention and investigation of crimes.

Or. en

Amendment 182

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 50

Text proposed by the Commission

(50) Low value payment instruments should be a cheap and easy-to-use alternative in the case of low-priced goods and services and should not be overburdened by excessive requirements. The relevant information requirements and rules on their execution should therefore be limited to essential information, taking also into account technical capabilities that can justifiably be expected from instruments dedicated to low value payments. Despite the lighter regime payment service users should benefit from adequate protection ***considering the limited risks posed by those payment instruments, especially with regard to prepaid payment instruments.***

Amendment

(50) Low value payment instruments should be a cheap and easy-to-use alternative in the case of low-priced goods and services and should not be overburdened by excessive requirements. The relevant information requirements and rules on their execution should therefore be limited to essential information ***as account owner and address***, taking also into account technical capabilities that can justifiably be expected from instruments dedicated to low value payments. Despite the lighter regime payment service users should benefit from adequate protection.

Or. en

Amendment 183

Olle Ludvigsson

Proposal for a directive

Recital 51

Text proposed by the Commission

(51) It is necessary to set up the criteria under which TPPs are allowed to access and use the information on the availability of funds on the payment service ***user*** account held with another payment service provider. In particular, necessary data protection and security requirements set or referred to in this Directive or included in the EBA guidelines should be fulfilled by

Amendment

(51) It is necessary to set up the criteria under which TPPs are allowed to access and use the information on the availability of funds on the payment service ***user's*** account held with another payment service provider. In particular, necessary data protection and security requirements set or referred to in this Directive or included in the EBA guidelines should be fulfilled by

both the TPP and the payment service provider servicing the account of the payment service user. The payers should give an explicit consent to the TPP to access their payment account and be properly informed about the extent of this access. *To allow the development of other payment services providers* which cannot receive deposits, it is necessary that *credit institutions* provide them with the information on the availability of funds if the payer has given consent for this information to be communicated to *the payment service provider issuer of the payment instrument*.

both the TPP and the payment service provider servicing the account of the payment service user. The payers should give an explicit consent to the TPP to access their payment account and be properly informed about the extent of this access. *In addition to TPPs, there are other third party actors in the market which, like the TPPs, cannot receive deposits, but which, unlike the TPPs, build their business models on the issuance of card-based payment instruments. In order to allow for the development of these third party payment instrument issuers,* it is necessary that *account servicing payment service providers* provide them with the information on the availability of funds if the payer has given consent for this information to be communicated to *them*.

Or. en

Justification

It would make sense here to distinguish between two different types of third party actors. TPPs build their business on direct access to bank accounts, direct debits and credit transfers. Third party payment instrument issuers, on the other hand, build their business on various indirect card-based solutions (which do not involve direct access, direct debits or credit transfers).

Amendment 184 Sophia in 't Veld

Proposal for a directive Recital 51

Text proposed by the Commission

(51) It is necessary to set up the criteria under which TPPs are allowed to access and use the information on the availability of funds on the payment service user account held with another payment service provider. In particular, necessary data

Amendment

(51) It is necessary to set up the criteria under which TPPs are allowed to access and use the information on the availability of funds on the payment service user account held with another payment service provider. In particular, necessary data

protection and security requirements set or referred to in this Directive or included in the EBA guidelines should be fulfilled by both the TPP and the payment service provider servicing the account of the payment service user. The payers should give an explicit consent to the TPP to access their payment account and be properly informed about the extent of this access. To allow the development of other payment services providers which cannot receive deposits, it is necessary that credit institutions provide them with the information on the availability of funds if the payer has given consent for this information to be communicated to the payment service provider issuer of the payment instrument.

protection and security requirements set or referred to in this Directive or included in the EBA guidelines should be fulfilled by both the TPP and the payment service provider servicing the account of the payment service user. ***These guidelines should be developed after consulting an advisory panel set up for the purposes of implementation of this Directive and representing i.a non-banking actors.*** The payers should give an explicit consent to the TPP to access their payment account and be properly informed about the extent of this access. To allow the development of other payment services providers which cannot receive deposits, it is necessary that credit institutions provide them with the information on the availability of funds if the payer has given consent for this information to be communicated to the payment service provider issuer of the payment instrument.

Or. en

Amendment 185
Sylvie Goulard

Proposal for a directive
Recital 51

Text proposed by the Commission

(51) It is necessary to set up the criteria under which TPPs are allowed to access and use the information on the availability of funds on the payment service user account held with another payment service provider. In particular, necessary data protection and security requirements set or referred to in this Directive or included in the EBA ***guidelines*** should be fulfilled by both the TPP and the payment service provider servicing the account of the payment service user. The payers should give an explicit consent to the TPP to

Amendment

(51) It is necessary to set up the criteria under which TPPs are allowed to access and use the information on the availability of funds on the payment service user account held with another payment service provider. In particular, necessary data protection and security requirements set or referred to in this Directive or included in the EBA ***implementing technical standards*** should be fulfilled by both the TPP and the payment service provider servicing the account of the payment service user. The payers should give an

access their payment account and be properly informed about the extent of this access. To allow the development of other payment services providers which cannot receive deposits, it is necessary that credit institutions provide them with the information on the availability of funds if the payer has given consent for this information to be communicated to the payment service provider issuer of the payment instrument.

explicit consent to the TPP to access their payment account and be properly informed about the extent of this access. To allow the development of other payment services providers which cannot receive deposits, it is necessary that credit institutions provide them with the information on the availability of funds if the payer has given consent for this information to be communicated to the payment service provider issuer of the payment instrument.

Or. en

Justification

Necessary to create a level playing field regarding security and control measures

Amendment 186
Olle Ludvigsson

Proposal for a directive
Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) In order for innovation to be facilitated and a level playing field to be maintained, TPPs should not be required to enter into contractual relationships with account servicing payment service providers in the context of payment initiation or account information services. TPPs should only have to respect and comply with the general legislative and supervisory framework.

Or. en

Amendment 187
Ashley Fox

Proposal for a directive
Recital 52

Text proposed by the Commission

(52) Rights and obligations of the payment service users and payment service providers should be appropriately adjusted to take account of the TPP involvement in the transaction whenever the payment initiation service is used. Specifically, a balanced liability repartition between the payment service provider servicing the account and the TPP involved in the transaction should compel them to take responsibility for the respective parts of the transaction that are under their control and clearly point to the responsible party in case of incidents. ***In case of fraud or dispute***, the TPP should be under ***a specific*** obligation to provide the payer and the account servicing payment service provider with the reference of the transactions and the information of the authorisation relating to ***the transaction concerned***.

Amendment

(52) Rights and obligations of the payment service users and payment service providers should be appropriately adjusted to take account of the TPP involvement in the transaction whenever the payment initiation service is used. Specifically, a balanced liability repartition between the payment service provider servicing the account and the TPP involved in the transaction should compel them to take responsibility for the respective parts of the transaction that are under their control and clearly point to the responsible party in case of incidents. The TPP should be under ***the*** obligation to provide the payer and the account servicing payment service provider with the reference of the transactions and the information of the authorisation relating to ***all transactions***.

Or. en

Amendment 188
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 53

Text proposed by the Commission

(53) In order to ***reduce the*** risks and consequences of unauthorised or incorrectly executed payment transactions the payment service user should inform the payment service provider as soon as possible about ***any contestations concerning*** allegedly unauthorised or incorrectly executed payment transactions provided that the payment service provider

Amendment

(53) In order to ***accommodate the payment service provider's*** risks and consequences of unauthorised or incorrectly executed payment transactions the payment service user should inform the payment service provider as soon as possible about ***the*** allegedly unauthorised or ***the*** incorrectly executed payment transactions provided that the payment service provider has

has fulfilled its information obligations under this Directive. ***If the notification deadline is met by the payment service user, it should be able to pursue those claims within the prescription periods pursuant to national law. This Directive should not affect other claims between payment service users and payment service providers.***

fulfilled its information obligations under this Directive. ***This Directive should not affect other claims between payment service users and payment service providers. Member States should ensure that the personalised security features, used by the payment service user to access his online banking application, are not used to initiate payment orders through third party payment service providers.***

Or. en

Amendment 189

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 54

Text proposed by the Commission

(54) In the case of unauthorized payment transactions the payer should be refunded ***immediately*** the amount of the respective transaction. In order to prevent the payer from any disadvantages, the credit value date of the refund should not be later than the date when the respective amount has been debited. In order to provide an incentive for the payment service user ***to notify, without undue delay, the provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions***, the user should be liable only for a very limited amount, unless the payment service user has acted fraudulently ***or with gross negligence***. In this context an amount of EUR 50 seems to be adequate in order to ensure a harmonized and a high level user protection within the Union. ***Moreover, once users have notified a payment service provider that their payment instrument may have been compromised, the users should not be required to cover***

Amendment

(54) In the case of unauthorized payment transactions the payer should be refunded ***on the same day it has been made aware of the transactions*** the amount of the respective transaction. In order to prevent the payer from any disadvantages, the credit value date of the refund should not be later than the date when the respective amount has been debited. In order to provide an incentive for the payment service user ***to reduce the risk of unauthorised payment transactions from the payment service provider***, the user should be liable only for a very limited amount, unless the payment service user has acted fraudulently. In this context an amount of EUR 50 seems to be adequate in order to ensure a harmonized and a high level user protection within the Union. This Directive should be without prejudice to the payment service providers' responsibility for technical security of their own products ***and choice of technical***

any further losses stemming from unauthorised use of that instrument. This Directive should be without prejudice to the payment service providers' responsibility for technical security of their own products.

systems.

Or. en

Amendment 190
Olle Ludvigsson

Proposal for a directive
Recital 54

Text proposed by the Commission

(54) In the case of unauthorized payment transactions the payer should be refunded immediately the amount of the respective transaction. In order to prevent the payer from any disadvantages, the credit value date of the refund should not be later than the date when the respective amount has been debited. In order to provide an incentive for the payment service user to notify, without undue delay, the provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount, unless the payment service user has acted fraudulently or with gross negligence. In this context an amount of EUR 50 seems to be adequate in order to ensure a harmonized and a high level user protection within the Union. Moreover, once users have notified a payment service provider that their payment instrument may have been compromised, the users should not be required to cover any further losses stemming from unauthorised use of that instrument. This Directive should be without prejudice to the payment service providers' responsibility for technical

Amendment

(54) In the case of unauthorized payment transactions the payer should be refunded immediately, ***as a maximum within 24 hours of the payment service provider having noted or having been notified about the transactions,*** the amount of the respective transaction. In order to prevent the payer from any disadvantages, the credit value date of the refund should not be later than the date when the respective amount has been debited. In order to provide an incentive for the payment service user to notify, without undue delay, the provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount, unless the payment service user has acted fraudulently or with gross negligence. In this context an amount of EUR 50 seems to be adequate in order to ensure a harmonized and a high level user protection within the Union. Moreover, once users have notified a payment service provider that their payment instrument may have been compromised, the users should not be required to cover any further losses stemming from unauthorised use of that instrument. This Directive should be

security of their own products.

without prejudice to the payment service providers' responsibility for technical security of their own products.

Or. en

Amendment 191

Ashley Fox

Proposal for a directive

Recital 54

Text proposed by the Commission

(54) In the case of unauthorized payment transactions the payer should be refunded immediately the amount of the respective transaction. In order to prevent the payer from any disadvantages, the credit value date of the refund should not be later than the date when the respective amount has been debited. In order to provide an incentive for the payment service user to notify, without undue delay, the provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount, unless the payment service user has acted fraudulently or with gross negligence. In this context an amount of EUR **50** seems to be adequate in order to ensure a harmonized and a high level user protection within the Union. Moreover, once users have notified a payment service provider that their payment instrument may have been compromised, the users should not be required to cover any further losses stemming from unauthorised use of that instrument. This Directive should be without prejudice to the payment service providers' responsibility for technical security of their own products.

Amendment

(54) In the case of unauthorized payment transactions the payer should be refunded immediately the amount of the respective transaction. In order to prevent the payer from any disadvantages, the credit value date of the refund should not be later than the date when the respective amount has been debited. In order to provide an incentive for the payment service user to notify, without undue delay, the provider of any theft or loss of a payment instrument and thus to reduce the risk of unauthorised payment transactions, the user should be liable only for a very limited amount, unless the payment service user has acted fraudulently or with gross negligence. In this context an amount of EUR **100, or national currency equivalent as determined by non-euro Member States**, seems to be adequate in order to ensure a harmonized and a high level user protection within the Union. Moreover, once users have notified a payment service provider that their payment instrument may have been compromised, the users should not be required to cover any further losses stemming from unauthorised use of that instrument. This Directive should be without prejudice to the payment service providers' responsibility for technical security of their own products.

Justification

Consistent with amendment on Article 66.

Amendment 192**Jean-Paul Besset**

on behalf of the Greens/EFA Group

Proposal for a directive**Recital 55***Text proposed by the Commission*

(55) In order to assess possible ***negligence*** by the payment service user, account should be taken of all the circumstances. The evidence and degree of ***alleged negligence*** should generally be evaluated according to national law. Contractual terms and conditions relating to the provision and use of a payment instrument, the effect of which would be to increase the burden of proof on the consumer or to reduce the burden of proof on the issuer should be considered null and void. Moreover, ***in specific situations and notably*** where the payment instrument is not present at the point of sale, such as in the case of online payments over the internet, ***it is appropriate that the payment service provider is required to provide evidence of alleged negligence*** since the payer's means are very limited to do so in such cases.

Amendment

(55) In order to assess possible ***fraud*** by the payment service user, account should be taken of all the circumstances. The evidence and degree of ***the fraud or possible fraud***, should generally be evaluated according to ***the general legal definition of fraud in*** national law. Contractual terms and conditions relating to the provision and use of a payment instrument, the effect of which would be to increase the burden of proof on the consumer or to reduce the burden of proof on the issuer should be considered null and void. Moreover, where the payment instrument is not present at the point of sale, such as in the case of online payments over the internet, ***the payment service provider have to provide the information of whom, how and where the possible fraud by a third person was committed and the actions taken by the payment service provider to reduce the risks and avoid repeated breaches*** since the payer's means are very limited to do so in such cases.

Amendment 193

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 56

Text proposed by the Commission

(56) Provisions should be made for the allocation of losses in the case of unauthorised payment transactions. Except for cases of fraud *and gross negligence*, a consumer should never be obliged to pay more than a maximum of 50 EUR in case of an unauthorised transaction from his account. Different provisions may apply to payment service users who are not consumers, since such users are normally in a better position to assess the risk of fraud and take countervailing measures.

Amendment

(56) Provisions should be made for the allocation of losses in the case of unauthorised payment transactions. Except for cases of fraud, a consumer should never be obliged to pay more than a maximum of 50 EUR in case of an unauthorised transaction from his account. Different provisions may apply to payment service users who are not consumers, since such users are normally in a better position to assess the risk of fraud and take countervailing measures.

Or. en

Amendment 194

Olle Ludvigsson

Proposal for a directive

Recital 57

Text proposed by the Commission

(57) This Directive should lay down rules for a refund to protect the consumer when the executed payment transaction exceeds the amount which could reasonably have been expected. In order to prevent a financial disadvantage for the payer, it needs to be ensured that the credit value date of any refund is no later than the date when the respective amount has been debited. In the case of direct debits payment service providers should be able to provide even more favourable terms to their customers, who should have an unconditional right to a refund of any

Amendment

(57) This Directive should lay down rules for a refund to protect the consumer when the executed payment transaction exceeds the amount which could reasonably have been expected. In order to prevent a financial disadvantage for the payer, it needs to be ensured that the credit value date of any refund is no later than the date when the respective amount has been debited. In the case of direct debits payment service providers should be able to provide even more favourable terms to their customers, who should have an unconditional right to a refund of any

disputed payment transactions. ***However, this unconditional refund right which ensures the highest level of consumer protection is not justified in cases where the merchant has already fulfilled the contract and the corresponding good or service has already been consumed.*** In cases where the user makes a claim for the refund of a payment transaction refund rights should affect neither the liability of the payer vis-à-vis the payee from the underlying relationship, e.g. for goods or services ordered, consumed or legitimately charged, nor the users rights with regard to revocation of a payment order.

disputed payment transactions. In cases where the user makes a claim for the refund of a payment transaction refund rights should affect neither the liability of the payer vis-à-vis the payee from the underlying relationship, e.g. for goods or services ordered, consumed or legitimately charged, nor the users rights with regard to revocation of a payment order.

Or. en

Amendment 195

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 59

Text proposed by the Commission

(59) In view of the ***speed with which*** modern ***fully*** automated payment systems process payment transactions, ***which means that after a certain point in time payment orders cannot be revoked without high manual intervention costs,*** it is necessary to specify a clear deadline for payment revocations. ***However, depending on the type of the payment service and the payment order, the point in time may be varied by agreement between the parties.*** Revocation, in this context, should be applicable ***only*** to the relationship between a payment service user and payment service provider, thus being without prejudice to the irrevocability and finality of payment transactions in payment systems.

Amendment

(59) In view of the modern automated payment systems process payment transactions, it is necessary to specify a clear deadline for payment revocations. Revocation, in this context, should be applicable to the relationship between a payment service user and payment service provider, thus being without prejudice to the irrevocability and finality of payment transactions in payment systems.

Amendment 196

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 60

Text proposed by the Commission

(60) Such irrevocability should not affect a payment service provider's right or obligation under the laws of some Member States, based on the payer's framework contract or national laws, regulations, administrative provisions or guidelines, to reimburse the payer with the amount of the executed payment transaction in the event of a dispute between the payer and the payee. ***Such reimbursement should be considered to be a new payment order.*** Except for those cases, legal disputes arising within the relationship underlying the payment order should be settled ***only*** between the payer and the payee.

Amendment

(60) Such irrevocability should not affect a payment service provider's right or obligation under the laws of some Member States, based on the payer's framework contract or national laws, regulations, administrative provisions or guidelines, to reimburse the payer with the amount of the executed payment transaction in the event of a dispute between the payer and the payee. Except for those cases, legal disputes arising within the relationship underlying the payment order should be settled between the payer and the payee.

Amendment 197

Olle Ludvigsson

Proposal for a directive

Recital 63

Text proposed by the Commission

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter 'surcharging') have led to extreme heterogeneity of the Union's payments market and become a source of confusion for consumers, in particular in the e-

Amendment

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter 'surcharging') have led to extreme heterogeneity of the Union's payments market and become a source of confusion for consumers, in particular in the e-

commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are the main element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to ***promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. However, the right of the payee to request a surcharge should only apply to those payment instruments for which interchange fees are not regulated. This should act as a steering mechanism towards the cheapest means of payments.***

commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. ***There are also many examples of merchants having surcharged consumers at levels much higher than the cost borne by the merchant for the use of a specific payment instrument.*** Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are the main element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to ***enhance the functioning of the Union's payment market, to reduce the confusion for consumers and to end the practice of excessive surcharging, Member States should ban surcharging by consistently preventing payees from requesting a charge from the payer for using a specific payment instrument.***

Or. en

Amendment 198

Sari Essayah

Proposal for a directive

Recital 63

Text proposed by the Commission

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter 'surcharging') have led to extreme heterogeneity of the Union's payments

Amendment

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter 'surcharging') have led to extreme heterogeneity of the Union's payments

market and become a source of confusion for consumers, in particular in the e-commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are the main element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. ***However, the right of the payee to request a surcharge should only apply to those payment instruments for which interchange fees are not regulated.*** This should act as a steering mechanism towards the cheapest means of payments.

market and become a source of confusion for consumers, in particular in the e-commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are the main element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from ***or providing a rebate to*** the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. ***The charges should not exceed the direct transaction related costs like the merchant service charge for the specific transaction.*** This should act as a steering mechanism towards the cheapest means of payments.

Or. en

Justification

There could be still large cost differences between different payment instruments if the outcome of the MIF Regulation is that there is no absolute MIF-level in eurocents and if three party schemes are not opened to any acquirer. In that case a MIF-regulated payment instrument could not be considered a default option and surcharging should be allowed for all payment instruments.

Amendment 199
Werner Langen

Proposal for a directive
Recital 63

Text proposed by the Commission

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter “surcharging”) have led to extreme heterogeneity of the Union’s payments market and become a source of confusion for consumers, in particular in the e-commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are the main element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. ***However, the right of the payee to request a surcharge should only apply to those payment instruments for which interchange fees are not regulated.*** This should act as a steering mechanism towards the cheapest means of payments.

Amendment

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter “surcharging”) have led to extreme heterogeneity of the Union’s payments market and become a source of confusion for consumers, in particular in the e-commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are the main element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. This should act as a steering mechanism towards the cheapest means of payments.

Or. de

Amendment 200
Burkhard Balz

Proposal for a directive
Recital 63

Text proposed by the Commission

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter ‘surcharging’) have led to extreme heterogeneity of the Union’s payments market and become a source of confusion for consumers, in particular in the e-commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are *the main* element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. However, the right of the payee to request a surcharge should *only* apply to those payment instruments for which interchange fees are not regulated. This should act as a steering mechanism towards the cheapest means of payments.

Amendment

(63) Different national practices concerning charging for the use of a given payment instrument (hereinafter ‘surcharging’) have led to extreme heterogeneity of the Union’s payments market and become a source of confusion for consumers, in particular in the e-commerce and cross-border context. Merchants located in Member States where surcharging is allowed offer products and services in Member States where it is prohibited and in this case still surcharge the consumer. Moreover, a strong rationale for revision of surcharging practices is supported by the fact that Regulation (EU) No xxx/yyyy establishes rules for multilateral interchange fees for card-based payments. As interchange fees are *one* element making most card payments expensive and surcharging is in practice limited to card-based payments, the rules on interchange fees should be accompanied by a revision of surcharging rules. In order to promote cost transparency and the use of the most efficient payment instruments, Member States and payment service providers should not prevent the payee from requesting a charge from the payer for using a specific payment instrument, duly taking into account the provisions set out in Directive 2011/83/EU. However, the right of the payee to request a surcharge should *remain applicable during a transitional period and after that period* apply to those payment instruments for which interchange fees are not regulated. This should act as a steering mechanism towards the cheapest means of payments.

Or. en

Amendment 201
Sylvie Goulard

Proposal for a directive
Recital 63 a (new)

Text proposed by the Commission

Amendment

(63a) Charging in the ATM industry (hereinafter ‘direct charging’) however is inherently different from surcharging in a point of sale context. Direct charging at an ATM is the means by which an independent ATM deployer is remunerated by cardholders for the convenience of withdrawing cash from a machine that is not provided by their own bank.

Or. en

Amendment 202
Sari Essayah

Proposal for a directive
Recital 64

Text proposed by the Commission

Amendment

(64) In order to improve the efficiency of payments throughout the Union, all payment orders initiated by the payer and denominated in euro or the currency of a Member State outside the euro area, including credit transfers and money remittances, should be subject to a maximum one-day execution time. For all other payments, such as payments initiated by or through a payee, including direct debits and card payments, in the absence of an explicit agreement between the payment service provider and the payer setting a longer execution time, the same one-day execution time should apply. It should be

(64) In order to improve the efficiency of payments throughout the Union, all ***traditional*** payment orders initiated by the payer and denominated in euro or the currency of a Member State outside the euro area, including credit transfers and money remittances, should be subject to a maximum one-day execution time. For all other payments, such as payments initiated by or through a payee, including direct debits and card payments, in the absence of an explicit agreement between the payment service provider and the payer setting a longer execution time, the same one-day execution time should apply. It should be

possible to extend those periods by an additional business day, if a payment order is given on paper. This allows the continued provision of payment services for those consumers who are used to paper documents only. When a direct debit scheme is used the payee's payment service provider should transmit the collection order within the time limits agreed between the payee and the payment service provider, enabling settlement at the agreed due date. In view of the fact that payment infrastructures are often highly efficient and in order to prevent any deterioration in current service levels, Member States should be allowed to maintain or set rules specifying an execution time shorter than one business day, where appropriate.

possible to extend those periods by an additional business day, if a payment order is given on paper. This allows the continued provision of payment services for those consumers who are used to paper documents only. When a direct debit scheme is used the payee's payment service provider should transmit the collection order within the time limits agreed between the payee and the payment service provider, enabling settlement at the agreed due date. In view of the fact that payment infrastructures are often highly efficient and in order to prevent any deterioration in current service levels, Member States should be allowed to maintain or set rules specifying an execution time shorter than one business day, where appropriate. ***The execution time should be shortened in all Member States due to technical developments towards real time execution and to enhance that process by 2018 the execution time should be maximum 3 hours, and during the same business day.***

Or. en

Amendment 203
Sari Essayah

Proposal for a directive
Recital 64 a (new)

Text proposed by the Commission

Amendment

(64a) Due to Internet developments a major part of credit institutions provide online e-banking services. They usually provide within the credit institution online e-payments between customer accounts. This kind of limited internal e-payment services promote the market positions of large credit institutions with a large customer base and often operating in several national markets at the expense of

smaller local credit institutions with small customer bases. In order to promote the development of internal market and payment efficiency it is important to extend these online e-payment services with interbank functionalities. Online e-payment is currently a service of interest only to a limited group of credit institutions, therefore it would be sufficient to require those credit institutions which provide internal online e-payments to provide these also in interbank context within the Union based on common communication standards.

Or. en

Amendment 204
Elena Băsescu

Proposal for a directive
Recital 66

Text proposed by the Commission

(66) It is essential for payment service users to know the real costs and charges of payment services in order to make their choice. Accordingly, the use of non-transparent pricing methods should not be allowed, since it is commonly accepted that those methods make it extremely difficult for users to establish the real price of the payment service. Specifically, the use of value dating to the disadvantage of the user should not be permitted.

Amendment

(66) ***In order to strengthen the trust of consumers in a harmonised payment market*** it is essential for payment service users to know the real costs and charges of payment services in order to make their choice. Accordingly, the use of non-transparent pricing methods should not be allowed, since it is commonly accepted that those methods make it extremely difficult for users to establish the real price of the payment service. Specifically, the use of value dating to the disadvantage of the user should not be permitted.

Or. en

Amendment 205
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 68

Text proposed by the Commission

(68) The payer's payment service provider should assume liability for correct payment execution, including, in particular the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability the payment service provider of the payer should, where the full amount is not or only late credited to the payee's payment service provider, correct the payment transaction or without undue delay refund to the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs related to the incorrect payment. In case of non-execution, defective or late execution of payment transactions, Member States should ensure that the value date of corrective payments of payment service providers is always the same as the value date in case of correct execution.

Amendment

(68) The payer's payment service provider should assume liability for correct payment execution, including, in particular the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability the payment service provider of the payer should, where the full amount is not or only late credited to the payee's payment service provider, correct the payment transaction or without undue delay refund to the payer ***the same day as the payment service provider became aware of the error, the*** relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs related to the incorrect payment. In case of non-execution, defective or late execution of payment transactions, Member States should ensure that the value date of corrective payments of payment service providers is always the same as the value date in case of correct execution. ***Opponents of unconditional refund stress a risk of abuse by consumers. There is no evidence from countries where consumers enjoy an unconditional refund, the right is abused. If abused it would be penalised as renewed payment claim by the payee, extra costs paid by the party which has caused this R-transaction, the consumer being blacklisted or banned to use the service by cancellation of the underlying contract, and a recall of a payment would not relieve the duty to pay for the consumed goods.***

Amendment 206
Ashley Fox

Proposal for a directive
Recital 68

Text proposed by the Commission

(68) The payer's payment service provider should assume liability for correct payment execution, including, in particular the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability the payment service provider of the payer should, where the full amount is not or only late credited to the payee's payment service provider, correct the payment transaction or without undue delay refund to the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs related to the incorrect payment. In case of non-execution, defective or late execution of payment transactions, Member States should ensure that the value date of corrective payments of payment service providers is always the same as the value date in case of correct execution.

Amendment

(68) The payer's payment service provider, ***being the account servicing payment service provider or, where involved, the TPP***, should assume liability for correct payment execution, including, in particular the full amount of the payment transaction and execution time, and full responsibility for any failure by other parties in the payment chain up to the account of the payee. As a result of that liability the payment service provider of the payer should, where the full amount is not or only late credited to the payee's payment service provider, correct the payment transaction or without undue delay refund to the payer the relevant amount of that transaction, without prejudice to any other claims which may be made in accordance with national law. Due to the payment service provider's liability, the payer or payee should not be burdened with any costs related to the incorrect payment. In case of non-execution, defective or late execution of payment transactions, Member States should ensure that the value date of corrective payments of payment service providers is always the same as the value date in case of correct execution.

Or. en

Justification

Consistent with Art. 65 - TPPs should be directly responsible for their services.

Amendment 207
Sophia in 't Veld

Proposal for a directive
Recital 71

Text proposed by the Commission

(71) *In order to facilitate effective fraud prevention and combat payment fraud across the Union, provision should be made for the efficient exchange of data between payment service providers who should be allowed to collect, process and exchange personal data relating to persons involved in payment fraud.* Directive 95/46/EC of the European Parliament and of the Council³⁷, the national rules which transpose Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and of the Council³⁸ are applicable to the processing of personal data for the purposes of this Directive.

³⁷ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

³⁸ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.01.2001, p.1).

Amendment

(71) Provision *of* payment *services may entail processing of* personal data. Directive 95/46/EC of the European Parliament and of the Council³⁷, the national rules which transpose Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and of the Council³⁸ are applicable to the processing of personal data for the purposes of this Directive.

³⁷ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

³⁸ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.01.2001, p.1).

Or. en

Amendment 208
Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive
Recital 72 a (new)

Text proposed by the Commission

Amendment

(72a) The security incidents reporting obligations are without prejudice to other incident reporting obligations set forth in other legislation, in particular the personal data breaches requirements set forth under data protection law (in Directive 2002/58/EC and in the proposed [General Data Protection Regulation...] and the security incidents notification requirements planned under the proposed [Directive on Network and Information Security].

Or. en

Justification

Based on a proposal from European Data Protection Supervisor.

Amendment 209
Olle Ludvigsson

Proposal for a directive
Recital 74

Text proposed by the Commission

Amendment

(74) Without prejudice to the right of customers to bring action in the courts, Member States should ensure **an** easily accessible **and cost-sensitive** out-of-court resolution of **conflicts** between payment service providers and **consumers** arising from the rights and obligations set out in this Directive. Regulation (EC) No 593/2008 of the European Parliament and of the Council⁴⁰ provides that the protection afforded to consumers by the

(74) Without prejudice to the right of customers to bring action in the courts, Member States should ensure **that** easily accessible, **independent, impartial, transparent and effective** out-of-court **procedures are established and maintained for the** resolution of **disputes** between payment service providers and **payment service users** arising from the rights and obligations set out in this Directive. Regulation (EC) No 593/2008 of

mandatory rules of the law of the country in which they have their habitual residence may not be undermined by any contractual terms on law applicable. With regard to establishing an efficient and effective dispute resolution procedure, Member States should ensure that payment service providers put in place an effective **consumer** complaint procedure that can be followed by their **consumers** before the dispute is referred to be resolved in an out-of-court procedure or before court. The complaints procedure should contain short and clearly defined timeframes within which the payment service provider should reply to a complaint.

⁴⁰ Regulation (EC) No 593/2008 of the European parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (ROME I) (OJ L 177, 4.7.2008, p.6).

the European Parliament and of the Council⁴⁰ provides that the protection afforded to consumers by the mandatory rules of the law of the country in which they have their habitual residence may not be undermined by any contractual terms on law applicable. With regard to establishing an efficient and effective dispute resolution procedure, Member States should ensure that payment service providers put in place an effective complaint procedure that can be followed by their **payment service users** before the dispute is referred to be resolved in an out-of-court procedure or before court. The complaints procedure should contain short and clearly defined timeframes within which the payment service provider should reply to a complaint.

⁴⁰ Regulation (EC) No 593/2008 of the European parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (ROME I) (OJ L 177, 4.7.2008, p.6).

Or. en

Justification

The demands on out-of-court procedures should be strict. Out-of-court and complaints procedures should not necessarily be available only to consumers, but could also be made available to other payment service users.

Amendment 210

Diogo Feio

Proposal for a directive

Recital 80

Text proposed by the Commission

(80) In order to ensure consistent application of this Directive, the

Amendment

(80) In order to ensure consistent application of this Directive, the

Commission should be able to rely on the expertise and support of EBA, which should have the task to elaborate guidelines and prepare regulatory technical standards on security aspects regarding payment services, and on the cooperation between Member States in the context of the provision of services and establishment of authorised payment institutions in other Member States. The Commission should be empowered to adopt those regulatory technical standards. These specific tasks are fully in line with the role and responsibilities of EBA defined in Regulation (EU) No 1093/2010, under which the EBA has been set up.

Commission should be able to rely on the expertise and support of EBA, which should have the task to elaborate guidelines and prepare regulatory technical standards on security aspects regarding payment services, and on the cooperation between Member States in the context of the provision of services and establishment of authorised payment institutions in other Member States. ***Where the guidelines and standards concern security aspects of payments, the EBA shall also take account of the recommendations adopted by the European Forum on the Security of Retail Payments (SecurePay Forum) regarding security of internet payments and payment account access services.*** The Commission should be empowered to adopt those regulatory technical standards. These specific tasks are fully in line with the role and responsibilities of EBA defined in Regulation (EU) No 1093/2010, under which the EBA has been set up.

Or. en

Amendment 211
Sophia in 't Veld

Proposal for a directive
Recital 80

Text proposed by the Commission

(80) In order to ensure consistent application of this Directive, the Commission should be able to rely on the expertise and support of EBA, which should have the task to elaborate guidelines and prepare regulatory technical standards on security aspects regarding payment services, and on the cooperation between Member States in the context of the provision of services and establishment of authorised payment institutions in other Member States. The Commission should

Amendment

(80) In order to ensure consistent application of this Directive, the Commission should be able to rely on the expertise and support of EBA, which should have the task to elaborate guidelines and prepare regulatory technical standards on security aspects regarding payment services, and on the cooperation between Member States in the context of the provision of services and establishment of authorised payment institutions in other Member States. ***When fulfilling these***

be empowered to adopt those regulatory technical standards. These specific tasks are fully in line with the role and responsibilities of EBA defined in Regulation (EU) No 1093/2010, under which the EBA has been set up.

requirements the EBA shall consult an advisory panel set up for the purposes of implementation of this Directive and representing i.a non-banking actors. The Commission should be empowered to adopt those regulatory technical standards. These specific tasks are fully in line with the role and responsibilities of EBA defined in Regulation (EU) No 1093/2010, under which the EBA has been set up.

Or. en

Amendment 212
Sylvie Goulard

Proposal for a directive
Recital 80

Text proposed by the Commission

(80) In order to ensure consistent application of this Directive, the Commission should be able to rely on the expertise and support of EBA, which should have the task to **elaborate guidelines and** prepare **regulatory** technical standards on security aspects regarding payment services, and on the cooperation between Member States in the context of the provision of services and establishment of authorised payment institutions in other Member States. The Commission should be empowered to adopt those regulatory technical standards. These specific tasks are fully in line with the role and responsibilities of EBA defined in Regulation (EU) No 1093/2010, under which the EBA has been set up.

Amendment

(80) In order to ensure consistent application of this Directive, the Commission should be able to rely on the expertise and support of EBA, which should have the task to prepare **implementing** technical standards on security aspects regarding payment services, and on the cooperation between Member States in the context of the provision of services and establishment of authorised payment institutions in other Member States. The Commission should be empowered to adopt those regulatory technical standards. These specific tasks are fully in line with the role and responsibilities of EBA defined in Regulation (EU) No 1093/2010, under which the EBA has been set up.

Or. en

Justification

Necessary to create a level playing field regarding security and control measures

Amendment 213
Jean-Paul Besset, Sven Giegold
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 80 a (new)

Text proposed by the Commission

Amendment

(80a) In order for payment services to work smoothly and for the wider SEPA project to achieve its full potential, it is vital that all stakeholders and especially users, including consumers, are closely involved and can play a full role. While the establishment of the SEPA Governance Body represents a step forward to the governance of SEPA and further payment services, due to its improved representation of stakeholders, the decision-making on payment services is still biased towards the supply side and in particular European banks through the European Payments Council (EPC). Therefore, it is crucial that the Commission will review, inter alia, the composition of the EPC, the interaction between the EPC and an overarching governance structure, such as the EPA Council, and the role of this overarching structure. If the Commission assessment confirms the need for further initiatives to improve SEPA Governance, the Commission shall consider making proposals.

Or. en

Justification

When the agreement on the SEPA regulation was reached in 2012, the European Commission declared to analyse the structures of the European Payment Council (EPC) and to possibly provide proposals for its reform to tackle this institution, which is biased towards interests of the banking sector. Up to now the ideas of the Commission for such a reform have not materialised in any proposal. Therefore, it is necessary refer to the Commission's declaration

in order to promote reform future efforts.

Amendment 214
Sharon Bowles

Proposal for a directive
Recital 83 a (new)

Text proposed by the Commission

Amendment

(83a) The principles of mutual recognition and of home Member State supervision require that the Member States' competent authorities should not grant or should withdraw authorisation where factors such as the content of programmes of operations, the geographical distribution or the activities actually carried on indicate clearly that a payment institution has opted for the legal system of one Member State for the purpose of evading the stricter standards in force in another Member State within the territory of which it intends to carry on or does carry on the greater part of its activities. A payment institution should be authorised in the Member State in which it has its registered office or if under its national law it has no registered office, its head office. In addition, Member States should require that a payment institutions head office must always be situated in its home Member State and that it actually operates there.

Or. en

Justification

This amendment is in line with and based on the current text of Recital 31 of MIFID. The aim is negate arbitrage in the Union.

Amendment 215
Ashley Fox

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Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to payment services provided within the Union, where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located *therein*. ***Article 78 and Title III shall also apply to payment transactions where only one of the payment service providers is located within the Union, in respect to those parts of the payments transaction which are carried out in the Union.***

Amendment

1. This Directive shall apply to payment services provided within the Union. ***However, with the exception of Article 78, Titles III and IV shall apply only*** where both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located in the Union.

Or. en

Justification

PSPs in the EU cannot impose on PSPs in other jurisdiction outside the EU/EEA the obligation to provide information to comply with the inclusion of one-leg transactions within the scope of this directive. Even though the information and transparency requirements would only apply 'in respect of those parts of the payments transaction which are carried out in the Union', some of the requirements would be impossible to fulfil due to the fact that the transaction would not be in control of PSPs established within the EU/EEA.

Amendment 216
Olle Ludvigsson

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

Amendment

Within two years of the entry into force of this Directive, the Commission shall, on the basis of a review, present a proposal to, in addition to Article 78, make the major part of Title IV apply to payment transactions where only one of the payment service providers is located

within the Union, in respect to those parts of the payments transaction which are carried out in the Union. In the Commission's proposal, only the elements of Title IV, if any, which would be technically unfeasible to apply to such transactions, shall be excluded.

Or. en

Justification

It would be very reasonable to make the major part of Title IV apply to one-leg transactions. However, since it is not clear what is and is not technically feasible in this regard, it would make sense to base such an extension on a detailed review.

Amendment 217

Ashley Fox

Proposal for a directive

Article 2 – paragraph 2

Text proposed by the Commission

2. Title III shall apply to payment services in any currency. Title IV shall apply to payment services made in euro or the currency of a Member State outside the euro area.

Amendment

2. Titles III and IV shall apply to payment services made in euro or the currency of a Member State outside the euro area.

Or. en

Justification

The extension of the scope of Title III to non-EU currencies is impossible, since final settlement of those currencies takes place outside the EU/EEA and the PSPs established in the EU/EEA therefore cannot impose or verify the application of the requirements in this directive.

Amendment 218

Sven Giegold

on behalf of the Greens/EFA Group

Proposal for a directive
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Article 1(2) of Regulation (EU) No 1093/2010 shall be replaced by the following text:

2. The Authority shall act within the powers conferred by this Regulation and within the scope of Directive 94/19/EC, Directive 2002/87/EC, Regulation (EC) No 1781/2006, Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms (*), Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms (), Directive 2014/XXX4/EC [PSD2] and, to the extent that those acts apply to credit and financial institutions and the competent authorities that supervise them, within the relevant parts of Directive 2002/65/EC, Directive 2005/60/EC [...] and Directive 2009/110/EC, including all directives, regulations, and decisions based on those acts, and of any further legally binding Union act which confers tasks on the Authority. The Authority shall also act in accordance with Council Regulation (EU) No 1024/2013 (***)**

Or. en

Justification

This amendment (moving the position of the reference to PSD) is based on a contribution by the European Banking Authority (EBA). It broadens the EBA's mandate to issue and guidelines or recommendations to all payment service providers.

Amendment 219
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) payment transactions from the payer to the payee through a commercial agent authorised to negotiate or conclude the sale or purchase of goods or services on behalf of either the payer or the payee; **deleted**

Or. en

Justification

According to the Commission's impact assessment the exemption is used by some e-commerce platforms acting as commercial agents on behalf of individual consumers and offering escrow-type services (a third party between a buyer and a seller who receives the funds from the buyer and keep them until buyer receives the goods or services from the seller) outside the protection of the PSD framework. This exemption opens the possibility for distortion in the market towards other e-commerce providers and should be deleted.

Amendment 220
Slawomir Nitras

Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) payment transactions from the payer to the payee through a commercial agent authorised to negotiate or conclude the sale or purchase of goods or services on behalf of **either** the payer **or** the payee;

(b) payment transactions from the payer to the payee through a commercial agent authorised to negotiate or conclude the sale or purchase of goods or services on behalf of **both** the payer **and** the payee;

Or. pl

Amendment 221

Ashley Fox

Proposal for a directive

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) payment transactions consisting of **the non-professional** cash collection and delivery within the framework of a non-profit or charitable activity;

Amendment

(d) payment transactions consisting of cash collection and delivery **or its virtual equivalent** within the framework of a non-profit or charitable activity;

Or. en

Justification

Charity text and voice donations are carried out with professional tools, but are not for profit. The Directive should clarify that payments for charitable services can be covered under this exemption. Mobile operators should be able to use the exemption under (d) to offer services to post-paid and prepaid consumers. There is no objective reason for services that fall within the exemption that are offered to one class of customers (post-paid) to be exempted whereas the same service offered to a prepaid customer cannot rely on such an exemption.

Amendment 222

Diogo Feio

Proposal for a directive

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) payment transactions consisting of **the non-professional** cash collection and delivery within the framework of a non-profit or charitable activity;

Amendment

(d) payment transactions consisting of **non-profit** cash collection and delivery within the framework of a non-profit or charitable activity

Or. en

Amendment 223

Slawomir Nitras

Proposal for a directive
Article 3 – paragraph 1 – point g – point v

Text proposed by the Commission

Amendment

(v) paper-based vouchers;

(v) vouchers;

Or. pl

Justification

This exclusion should cover all types of voucher provided to consumers, whether in paper or plastic form, on another durable medium, or in electronic form.

Amendment 224

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive
Article 3 – paragraph 1 – point g – point vi

Text proposed by the Commission

Amendment

vi. paper-based travellers' cheques;

deleted

Or. en

Justification

Technical corrections: There should be legal alignment on payment instruments. These payment instruments are widely used in different Member States and consumers should enjoy same rights and protection level applicable to other payment instruments regulated by the PSD. This is based on a proposal from BEUC.

Amendment 225

Jürgen Klute

Proposal for a directive
Article 3 – paragraph 1 – point g – point vi

Text proposed by the Commission

Amendment

vi. paper-based travellers' cheques;

deleted

Or. en

Amendment 226

Ashley Fox

Proposal for a directive

Article 3 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) services provided by technical service providers, which support the provision of payment services, without them entering at any time into possession of the funds to be transferred, including processing and storage of data, trust and privacy protection services, data and entity authentication, information technology (IT) and communication network provision, provision and maintenance of terminals **and** devices used for payment services, **with the exclusion of** payment initiation services and account information services;

(j) services provided by technical service providers, which support the provision of payment services, without them entering at any time into possession of the funds to be transferred, including processing and storage of data, trust and privacy protection services, data and entity authentication, information technology (IT) and communication network **and secure channels** provision, provision and maintenance of terminals, devices **and applications** used for payment services, **except where they also involve** payment initiation services and account information services;

Or. en

Justification

This AM ensures that the following cases do not fall within scope: (i) providing customers with a SIM card for a mobile phone; (ii) putting a mobile wallet or other payment application on a subscriber's mobile phone via the SIM card or equivalent technology; (iii) storing a customer's payment credential on a SIM.

Amendment 227

Markus Ferber

Proposal for a directive
Article 3 – paragraph 1 – point j

Text proposed by the Commission

(j) services provided by technical service providers, which support the provision of payment services, without them entering at any time into possession of the funds to be transferred, including processing and storage of data, trust and privacy protection services, data and entity authentication, information technology (IT) and communication network provision, provision and maintenance of terminals and devices used for payment services, with the exclusion of payment initiation services and account information services;

Amendment

(j) services provided by technical service providers, which support the provision of payment services, without them entering at any time into possession of the funds to be transferred (***without a default risk for the payment service user***), including processing and storage of data, trust and privacy protection services, data and entity authentication, information technology (IT) and communication network provision, provision and maintenance of terminals and devices used for payment services, with the exclusion of payment initiation services and account information services;

Or. de

Amendment 228
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) services based on specific instruments that are designed to address precise needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services only in the premises of the issuer or within a limited network of service providers under direct commercial agreement with a professional issuer or because they can be used only to acquire a limited range of goods or services;

Amendment

deleted

Or. en

Justification

Examples of 'limited network payments' are: store cards, member cards, public transportation cards, petrol cards, restaurant vouchers or virtual wallets to specific websites. There is no definition of what constitutes is a 'limited range of products/services' Feedback from the market suggests that the activities covered by this exception often comprise massive payment volumes and values and hundreds or thousands of different products and services - hence are usually not limited, but a legal loophole.

Amendment 229 **Jean-Paul Gauzès**

Proposal for a directive **Article 3 – paragraph 1 – point k**

Text proposed by the Commission

(k) services based on *specific* instruments **that are designed to address precise needs** that can be used only **in a limited way, because they allow the specific instrument holder** to acquire goods or services **only** in the premises **of** the issuer or within a limited network of service providers **under direct commercial agreement with a professional issuer or because they can be used only to acquire** a limited range of goods or services;

Amendment

(k) services based on instruments that can be used only to acquire goods or services in the premises **used by** the issuer **or under a commercial agreement with the issuer** within a limited network of service providers; **or services that can be used only to effect payment transactions in order** to acquire a limited range of goods and services;

Or. fr

Amendment 230 **Diogo Feio**

Proposal for a directive **Article 3 – paragraph 1 – point k**

Text proposed by the Commission

(k) services based on specific instruments that are designed to address precise needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services **only in**

Amendment

(k) services based on specific instruments that are designed to address precise needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services **of only**

in the premises of the issuer or within a limited network of service providers under direct commercial agreement with a professional issuer or because they can be used only to acquire a limited range of goods or services;

one issuer or within a limited network of service providers under direct commercial agreement with a professional issuer or because they can be used only to acquire a limited range of goods or services;

Or. en

Amendment 231

Ashley Fox

Proposal for a directive

Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) services based on specific instruments that are designed to address *precise* needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services only in in the premises of the issuer or within a limited network of service providers under direct commercial agreement with *a professional* issuer or because they can be used only to acquire a limited range of goods or services;

Amendment

(k) services based on specific instruments that are designed to address needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services only in in the premises of the issuer or within a limited network of service providers under direct commercial agreement with *an* issuer or because they can be used only to acquire a limited range of goods or services;

Or. en

Justification

Term 'precise needs' is unclear, and 'professional issuer' is not defined.

Amendment 232

Olle Ludvigsson

Proposal for a directive

Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) services based on specific instruments that are designed to address precise needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services only in in the premises of the issuer or within a limited network of service providers under direct commercial agreement with a professional issuer or because they can be used only to acquire a **limited** range of goods or services;

Amendment

(k) services based on specific instruments that are designed to address precise needs that can be used only in a limited way, because they allow the specific instrument holder to acquire goods or services only in in the premises of the issuer or within a limited network of service providers under direct commercial agreement with a professional issuer or because they can be used only to acquire a **very narrow** range of goods or services;

Or. en

Amendment 233

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed EUR 50 and the cumulative value of payment transactions does not exceed EUR 200 in any billing month;

Amendment

deleted

Or. en

Justification

Billing or direct to phone-bill purchases started with ringing tones and premium SMS-services. Feedback shows this payment method has developed into a general payment intermediation service. The wording from Commission lack of legal certainty for operators and consumers and has allowed other payment intermediation services to claim eligibility for the exemption of the application of PSD. The exemption should only apply to payment to the core business of the operator.

Amendment 234 **Jean-Paul Gauzès**

Proposal for a directive **Article 3 – paragraph 1 – point 1**

Text proposed by the Commission

Amendment

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed EUR 50 and the cumulative value of payment transactions does not exceed EUR 200 in any billing month;

deleted

Or. fr

Amendment 235 **Ashley Fox**

Proposal for a directive **Article 3 – paragraph 1 – point 1**

Text proposed by the Commission

Amendment

(l) payment transactions carried out by a provider of electronic communication

(l) payment transactions carried out by a provider of electronic communication

networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital **content as ancillary services to electronic communications** services, regardless of the device used for the purchase or consumption of the **content**, provided that the value of any single payment transaction does not exceed EUR **50** and the cumulative value of payment transactions does not exceed EUR **200** in any billing month;

networks or services **that are ancillary to the core business of the provider**, where the transaction is provided for a subscriber to the network or service and for **the** purchase of digital **goods or** services, regardless of the device used for the purchase or consumption of the **good or service**, provided that the value of any single payment transaction does not exceed EUR **[XXX]** **and either:**

- the cumulative value of payment transactions does not exceed EUR [XXX] in any billing month or

- where a subscriber pre-funds their account with the provider of electronic communication services, the cumulative value of payment transactions does not exceed EUR **[XXX]** in any billing month;

Or. en

Justification

Most of these services are already regulated by sector-specific rules, which would risk creating double regulation for those offering these services.

Amendment 236 **Sari Essayah**

Proposal for a directive **Article 3 – paragraph 1 – point 1**

Text proposed by the Commission

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or

Amendment

(l) payment transactions carried out **in an intermediary capacity** by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the

consumption of the content, provided that the value of any single payment transaction does not exceed EUR 50 and the cumulative value of payment transactions does not exceed EUR **200** in any billing month;

device used for the purchase or consumption of the content, provided that the value of any single **intermediary** payment transaction does not exceed EUR 50 and the cumulative value of payment transactions does not exceed EUR **500** in any billing month **for a specific intermediary billing partner**;

Or. en

Justification

TELCOs should be free to bill their own services without limitations. For intermediary billing partners, for example local public transportation companies, parking houses etc., the periodic limitation need to be applied by billing partners in order to avoid 'early bird' type of problems and races during the billing month.

Amendment 237 **Slawomir Nitras**

Proposal for a directive **Article 3 – paragraph 1 – point 1**

Text proposed by the Commission

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed EUR 50 **and the cumulative value of payment transactions does not exceed EUR 200 in any billing month**;

Amendment

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed EUR 50;

Or. pl

Amendment 238
Sophia in 't Veld

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

Text proposed by the Commission

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed **EUR 50** and the cumulative value of payment transactions does not exceed **EUR 200** in any billing month;

Amendment

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed **EUR 20** and the cumulative value of payment transactions does not exceed **EUR 100** in any billing month;

Or. en

Amendment 239
Olle Ludvigsson

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

Text proposed by the Commission

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed **EUR 50** and the cumulative value of payment transactions does not exceed **EUR 200** in any billing

Amendment

(l) payment transactions carried out by a provider of electronic communication networks or services where the transaction is provided for a subscriber to the network or service and for purchase of digital content as ancillary services to electronic communications services, regardless of the device used for the purchase or consumption of the content, provided that the value of any single payment transaction does not exceed **EUR 25** and the cumulative value of payment transactions does not exceed **EUR 100** in any billing

month;

month;

Or. en

Justification

It is important that this exemption is not extended beyond micro-payments. Leaving large-scale payment activities out of scope would be clearly detrimental to consumers. Given a focus on micro-payments for ancillary digital services, which the Commission subscribes to, the proposed caps seem too high. EUR 25/100 would be more logical maximums.

Amendment 240
Jean-Paul Gauzès

Proposal for a directive
Article 3 – paragraph 1 – point n

Text proposed by the Commission

(n) payment transactions between ***a parent undertaking and its subsidiary or between subsidiaries of the same parent undertaking***, without any intermediary intervention by a payment service provider other than an undertaking belonging to the same group.

Amendment

(n) payment transactions between ***undertakings belonging to a group within the meaning of Article 4(35)***, without any intermediary intervention by a payment service provider other than an undertaking belonging to the same group.

Or. fr

Amendment 241
Slawomir Nitras

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

Text proposed by the Commission

Amendment

(na) services by independent providers to withdraw cash by means of automated teller machines acting on behalf of one or more card issuers, which are not a party to the framework contract with the customer withdrawing money from a

payment account, on condition that these providers do not conduct other payment services.

Or. pl

Amendment 242
Diogo Feio

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

Text proposed by the Commission

Amendment

(na) ‘personalised security credentials’ means information used for the validation of the identity of a natural or legal person

Or. en

Amendment 243
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(na) mobile wallets

Or. en

Amendment 244
Sari Essayah

Proposal for a directive
Article 4 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

5a. ‘e-payment transaction’ means an act, initiated electronically using electronic

banking interfaces by the payer or on his behalf by the payee, of placing or transferring funds immediately or almost immediately in an online environment, irrespective of any underlying obligations between the payer and the payee. The electronic banking interfaces can also employ mobile telecommunication facilities.

Or. en

Amendment 245
Ashley Fox

Proposal for a directive
Article 4 – paragraph 1 – point 11

Text proposed by the Commission

11. ‘third party payment service provider’ means a payment service provider pursuing business activities referred to in point 7 of Annex I;

Amendment

11. ‘third party payment service provider’ means a payment service provider pursuing business activities referred to in point 7 of Annex I. ***The third party payment provider shall not be considered a payment service user when acting on behalf of a payment user;***

Or. en

Amendment 246
Ashley Fox

Proposal for a directive
Article 4 – paragraph 1 – point 18

Text proposed by the Commission

18. ‘payment order’ means any instruction by a payer or payee to **his** payment service provider requesting the execution of a payment transaction;

Amendment

18. ‘payment order’ means any instruction by a payer or payee to **the account servicing payment service provider whether initiated directly or via a third party payment** provider requesting the execution of a payment transaction;

Amendment 247
Jean-Paul Gauzès

Proposal for a directive
Article 4 – paragraph 1 – point 21

Text proposed by the Commission

21. ‘authentication’ means a procedure which allows the payment service provider to verify the *identity of a user of a specific payment instrument, including the use of its personalised security features or the checking of personalised identity documents*;

Amendment

21. ‘authentication’ means a procedure which allows the payment service provider to verify the *identification of a natural person acting on his or her own behalf or on behalf of a legal person, in particular using personalised security features made available to him or her*;

Or. fr

Amendment 248
Olle Ludvigsson

Proposal for a directive
Article 4 – paragraph 1 – point 21

Text proposed by the Commission

21. ‘authentication’ means *a procedure* which *allows* the payment service provider to verify the identity of a user of a specific payment instrument, including the use of its personalised security features or the checking of personalised identity documents;

Amendment

21. ‘authentication’ means *procedures* which *allow* the payment service provider to verify the identity of a user of a specific payment instrument, including the use of its personalised security features or the checking of personalised identity documents, *or to identify an interacting third party payment service provider*;

Or. en

Amendment 249
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 4 – paragraph 1 – point 21

Text proposed by the Commission

21. ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a user of a specific payment instrument, including the use of its personalised security features *or the checking of personalised identity documents*;

Amendment

21. ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a user of a specific payment instrument, including the use of its personalised security features;

Or. en

Amendment 250
Ashley Fox

Proposal for a directive
Article 4 – paragraph 1 – point 21

Text proposed by the Commission

21. ‘authentication’ means a procedure which allows the payment service provider to verify the *identity of a user* of a specific payment instrument, including the use of its personalised security *features* or the checking of personalised identity documents;

Amendment

21. ‘authentication’ means a procedure which allows the payment service provider to verify the *validity* of a specific payment instrument, including the use of its personalised security *credentials* or the checking of personalised identity documents;

Or. en

Justification

During a payment, the PSP cannot check the identity of a person, but only the validity of the payment instrument.

Amendment 251
Slawomir Nitras

Proposal for a directive
Article 4 – paragraph 1 – point 21

Text proposed by the Commission

(21) ‘authentication’ means a procedure which allows the payment service provider to verify the identity of a user of a specific payment instrument, including the use of its personalised security features or the checking of personalised identity documents;

Amendment

(21) *(Does not affect English version.)*

Or. pl

Justification

(Does not affect English version.)

Amendment 252
Jean-Paul Gauzès

Proposal for a directive
Article 4 – paragraph 1 – point 21 a (new)

Text proposed by the Commission

Amendment

21a. 'authentication of the payment transaction' means a procedure which allows the payment service provider to verify the use of a specific payment instrument, including its personalised security features.

Or. fr

Amendment 253
Ashley Fox

Proposal for a directive
Article 4 – paragraph 1 – point 22

Text proposed by the Commission

22. ‘strong customer authentication’ means a procedure **for the validation of the identification of a natural or legal person** based on the use of two or more elements categorised as knowledge, possession and inherence that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication data.

Amendment

22. ‘strong customer authentication’ means a procedure **to verify the validity of a payment instrument** based on the use of two or more elements categorised as knowledge, possession and inherence **of the holder** that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication data. ***This definition shall be in line with the ECB Eurosystem’s recommendations for the security of internet payments under the ‘SecuRePay’ forum.***

Or. en

Justification

During a payment, the PSP cannot check the identity of a person, but only the validity of the payment instrument.

Amendment 254
Olle Ludvigsson

Proposal for a directive
Article 4 – paragraph 1 – point 22

Text proposed by the Commission

22. ‘strong customer authentication’ means a procedure for the validation of the identification of a natural or legal person based on the use of two or more elements categorised as knowledge, possession and inherence that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication data.

Amendment

22. ‘strong customer authentication’ means a procedure for the validation of the identification of a natural or legal person based on the use of two or more elements categorised as knowledge (***something only the user knows***), possession (***something only the user possesses***) and inherence (***something the user is***) that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication

data.

Or. en

Amendment 255
Slawomir Nitras

Proposal for a directive
Article 4 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘strong customer authentication’ means a procedure for the validation of the identification of a natural or legal person based on the use of two or more elements categorised as knowledge, possession and inherence that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication data.

Amendment

(22) *(Does not affect English version.)*

Or. pl

Amendment 256
Jean-Paul Gauzès

Proposal for a directive
Article 4 – paragraph 1 – point 22

Text proposed by the Commission

22. ‘**strong** customer authentication’ means a procedure for the validation of the identification of a natural or legal person based on the use of two or more elements categorised as knowledge, possession and inherence that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication data.

Amendment

22. ‘customer authentication’ means a procedure for the validation of the identification of a natural or legal person based on the use of two or more elements categorised as knowledge, possession and inherence that are independent, in that the breach of one does not compromise the reliability of the others and is designed in such a way as to protect the confidentiality of the authentication data.

Amendment 257

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 4 – paragraph 1 – point 24

Text proposed by the Commission

24. ‘unique identifier’ means a combination of letters, numbers or symbols specified to the payment service user by the payment service provider and to be provided by the payment service user to identify unambiguously the other payment service user and/or the payment account of that other payment service user for a payment transaction;

Amendment

24. ‘unique identifier’ means a combination of letters, numbers or symbols specified to the payment service user by the payment service provider and to be provided by the payment service user to identify unambiguously the other payment service user and/or the payment account **and account owner** of that other payment service user for a payment transaction;

Or. en

Amendment 258

Olle Ludvigsson

Proposal for a directive

Article 4 – paragraph 1 – point 26

Text proposed by the Commission

26. ‘payment instrument’ means any personalised device(s) and/or set of procedures agreed between the payment service user and the payment service provider and used in order to initiate a payment order;

Amendment

26. ‘payment instrument’ means any personalised device(s) and/or set of procedures agreed between the payment service user and the payment service provider and used **by the payment service user, or on its behalf**, in order to initiate a payment order;

Or. en

Amendment 259
Olle Ludvigsson

Proposal for a directive
Article 4 – paragraph 1 – point 26 a (new)

Text proposed by the Commission

Amendment

26a. ‘card-based payment instrument’ means any payment instrument, including a card, mobile phone, computer or any other technological device containing the appropriate application, used by the payer to initiate a payment order which is not a credit transfer or a direct debit as defined by Article 2 of Regulation (EU) No 260/2012;

Or. en

Amendment 260
Olle Ludvigsson

Proposal for a directive
Article 4 – paragraph 1 – point 26 b (new)

Text proposed by the Commission

Amendment

26b. ‘third party payment instrument issuer’ means a payment service provider pursuing business activities referred to in point 5 of Annex I on the basis of card-based payment instruments;

Or. en

Amendment 261
Slawomir Nitras

Proposal for a directive
Article 4 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘durable medium’ means any instrument which enables the payment service user to store information addressed **personally** to of that payment service user in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored;

Amendment

(28) “durable medium” means any instrument which enables the payment service user to store information addressed to that payment service user in a way accessible for future reference for a period of time adequate to the purposes of the information and which allows the unchanged reproduction of the information stored, **including the payment service provider’s publicly accessible internet site;**

Or. pl

Amendment 262
Jean-Paul Gauzès

Proposal for a directive
Article 4 – paragraph 1 – point 31

Text proposed by the Commission

31. ‘direct debit’ means a payment service for debiting a payer's payment account, where a payment **transaction** is initiated by the payee on the basis of the payer's consent given to the payee, to the payee's payment service provider or to the payer's own payment service provider;

Amendment

31. ‘direct debit’ means a payment service for debiting a payer's payment account, where a payment **order** is initiated by the payee on the basis of the payer's consent given to the payee, to the payee's payment service provider or to the payer's own payment service provider;

Or. fr

Amendment 263
Ashley Fox

Proposal for a directive
Article 4 – paragraph 1 – point 32

Text proposed by the Commission

32. ‘payment initiation service’ means a **payment** service **enabling access to a**

Amendment

32. ‘payment initiation service’ means a service **based on a funds check** by a third

payment account provided by a third party payment service provider, *where* the payer *can be* actively involved in the payment initiation *or the* third party payment service provider's software, *or where payment instruments can be used by the payer or the payee to transmit the payer's credentials to the account servicing payment service provider*;

party payment service provider *upon request and express consent by* the payer, *where the payer is* actively involved in the payment initiation, *either directly or through* third party payment service provider's software;

Or. en

Justification

Need to ensure that the payer is actively and unequivocally involved in the transaction; need to clarify that the general rule for payment initiation services should be that credentials given by PSPs are not to be passed on by payers to TPPs.

Amendment 264 Sampo Terho

Proposal for a directive Article 4 – paragraph 1 – point 32

Text proposed by the Commission

32. 'payment initiation service' means a *payment* service *enabling* access to a payment account *provided* by a third party payment service provider, *where* the payer can be *actively* involved in the payment initiation or the *third party* payment *service provider's software, or where payment instruments can be used by the payer or the payee to transmit the payer's credentials* to the account servicing payment service provider;

Amendment

32. 'payment initiation service' means a service *based on* access to a payment account by a third party payment service provider *upon request and express consent by the payer, whereby either* the payer can be *directly* involved in the payment initiation, or the payment *order is transmitted* by the *third party payment service provider* to the account servicing payment service provider

Or. en

Amendment 265 Diogo Feio

Proposal for a directive
Article 4 – paragraph 1 – point 32

Text proposed by the Commission

32. 'payment initiation service' means **a payment service enabling access to a payment account** provided by a third party payment service provider, **where the payer can be actively involved in the payment initiation or the third party payment service provider's software, or where payment instruments can be used** by the payer **or the payee to transmit the payer's credentials to the account servicing** payment service provider;

Amendment

32. 'payment initiation service' means **a** service provided by a third party payment service provider **to initiate a payment order, upon request** by the payer, **with respect to a payment account held at another** payment service provider.

Or. en

Amendment 266
Jean-Paul Gauzès

Proposal for a directive
Article 4 – paragraph 1 – point 32

Text proposed by the Commission

32. 'payment initiation service' means a payment service **enabling access to a payment account** provided by a third party payment service provider, where the payer **can be** actively involved in the payment initiation or the third party payment service provider's software, or where payment instruments can be used by the payer or the payee to transmit the **payer's credentials** to the account servicing payment service provider;

Amendment

32. 'payment initiation service' means a payment service provided by a third party payment service provider, **with the aim of initiating payment orders at the request and on behalf of a user of payment services**, where **either** the payer **is** actively involved in the payment initiation or the third party payment service provider's software **is used**, or where payment instruments can be used by the payer or the payee to transmit the **payment order** to the account servicing payment service provider;

Or. fr

Amendment 267
Slawomir Nitras

Proposal for a directive
Article 4 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘payment initiation service’ means a payment service enabling access to a payment account provided by a third party payment service provider, where the payer can be actively involved in the payment initiation or the third party payment service provider’s software, or where payment instruments can be used by the payer or the payee to transmit the payer’s **credentials** to the account servicing payment service provider;

Amendment

(32) ‘payment initiation service’ means a payment service enabling access to a payment account ***maintained by an entity as referred to in point 10 above and*** provided by a third party payment service provider, where the payer can be actively involved in the payment initiation or the third party payment service provider’s software, or where payment instruments can be used by the payer or the payee to transmit the payer’s ***consent to the execution of the payment order*** to the account servicing payment service provider ***in the form specified in a contract between the payment service provider maintaining the account and the third party payment service provider;***

Or. pl

Amendment 268
Olle Ludvigsson

Proposal for a directive
Article 4 – paragraph 1 – point 32

Text proposed by the Commission

32. ‘payment initiation service’ means a payment service ***enabling access to a payment account*** provided by a third party payment service provider, where the payer can be actively involved in the payment initiation or the third party payment service provider’s software, or where payment instruments can be used by the payer or the payee to transmit the payer’s credentials to the account servicing payment service

Amendment

32. ‘payment initiation service’ means a payment service, provided by a third party payment service provider, ***enabling access to a payer’s payment account in a procedure*** where the payer can be actively involved in the payment initiation or the third party payment service provider’s software, or where payment instruments can be used by the payer or the payee to transmit the payer’s credentials to the

provider;

account servicing payment service provider;

Or. en

Amendment 269
Diogo Feio

Proposal for a directive
Article 4 – paragraph 1 – point 33

Text proposed by the Commission

33. ‘account information service’ means a **payment** service **where consolidated and user-friendly** information **is provided to a payment service user** on one or several payment accounts held by the payment service user with one or several **account servicing** payment service providers;

Amendment

33. ‘account information service’ means a service **provided by a third party payment service provider to provide** consolidated information on one or several payment accounts held by the payment service user with one or several **other** payment service providers;

Or. en

Amendment 270
Ashley Fox

Proposal for a directive
Article 4 – paragraph 1 – point 33

Text proposed by the Commission

33. ‘account information service’ means a **payment** service where **consolidated and user-friendly** information is provided **to a** payment service user on one or several payment accounts held by the payment service user with one or several account servicing payment service providers;

Amendment

33. ‘account information service’ means a service where **aggregated** information is provided **at the request of the** payment service user on **the current balance of** one or several payment accounts held by the payment service user with one or several account servicing payment service providers;

Or. en

Justification

Clarifies the scope of the services, in line with recital 26.

Amendment 271

Olle Ludvigsson

Proposal for a directive

Article 4 – paragraph 1 – point 33

Text proposed by the Commission

33. ‘account information service’ means a payment service where consolidated and user-friendly information is provided to a payment service user on one or several payment accounts held by the payment service user with one or several account servicing payment service providers;

Amendment

33. ‘account information service’ means a payment service ***provided by a third party payment service provider*** where consolidated and user-friendly information is provided to a payment service user on one or several payment accounts held by the payment service user with one or several account servicing payment service providers;

Or. en

Amendment 272

Nils Torvalds

Proposal for a directive

Article 4 – paragraph 1 – point 33

Text proposed by the Commission

33. ‘account information service’ means a payment service where consolidated and user-friendly information is provided to a payment service user on one or several payment accounts held by the payment service user with one or several account servicing payment service providers;

Amendment

33. ‘account information service’ means a payment service ***provided by a third party payment service provider***, where consolidated and user-friendly information is provided to a payment service user on one or several payment accounts held by the payment service user with one or several account servicing payment service providers;

Or. en

Justification

Clarification

Amendment 273

Sharon Bowles

Proposal for a directive

Article 4 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

38a. ‘Personalised Security Credentials’ means the information - generally confidential - provided by a customer or Payment Service Provider for the purposes of authentication. Credentials can also mean the physical tool containing the information (e.g. one-time-password, generator, smart card) or something that the user memorises or represents (such as biometric characteristics).

Or. en

Justification

Definition of Personalised Security Credentials in line with ECB secure Pay definition

Amendment 274

Ashley Fox

Proposal for a directive

Article 4 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

38a. ‘personalised security credentials’ means the information – generally confidential – provided by a customer or PSP for the purposes of authentication. Credentials can also mean the physical tool containing the information (e.g. one-

time-password generator, smart card), or something the user memorises or represents (such as biometric characteristics);

Or. en

Amendment 275
Diogo Feio

Proposal for a directive
Article 4 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

38a. ‘credit card transaction’ means a card payment transaction where the transaction is settled more than 2 working days after the transaction has been cleared;

Or. en

Amendment 276
Sophia in 't Veld

Proposal for a directive
Article 4 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

38a. ‘mobile wallets’ means a technical enabler that aggregates payment instruments available to the payer;

Or. en

Amendment 277
Sylvie Goulard

Proposal for a directive
Article 4 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

38a. ‘independent ATM deployer’ means a payment service provider which is not a party to the framework contract and which enables cash withdrawals and other payment services to the payer by means of automated teller machines;

Or. en

Amendment 278
Sylvie Goulard

Proposal for a directive
Article 4 – paragraph 1 – point 38 b (new)

Text proposed by the Commission

Amendment

38b. ‘automated teller machine’ or ‘ATM’ means an electronic telecommunications device that enables a payer to withdraw cash and perform other payment transactions without the need for a cashier;

Or. en

Amendment 279
Sylvie Goulard

Proposal for a directive
Article 4 – paragraph 1 – point 38 c (new)

Text proposed by the Commission

Amendment

38c. ‘ATM interchange fee’ means a fee paid by the payment service provider where the payer holds a payment account or prepaid funds to remunerate the services that an ATM deployer provides to the account holder or owner of prepaid funds, such as cash withdrawals in any

currency.

Or. en

Amendment 280

Ashley Fox

Proposal for a directive

Article 5 – paragraph 1 – point g

Text proposed by the Commission

(g) a description of the process in place to monitor, track and restrict access to sensitive payment data, ***and logical and physical critical resources***;

Amendment

(g) a description of the process in place to monitor, track and restrict access to sensitive payment data;

Or. en

Justification

Reference to logical and physical critical resources can be removed as lifted from the NIS directive.

Amendment 281

Ashley Fox

Proposal for a directive

Article 5 – paragraph 1 – point k

Text proposed by the Commission

(k) ***a description of the internal control mechanisms which the applicant has established in order to comply with*** obligations in relation to money laundering and terrorist financing under Directive 2005/60/EC of the European Parliament and of the Council⁴⁵ and Regulation (EC) No 1781/2006 of the European Parliament and of the Council⁴⁶;

Amendment

(k) ***for payment institutions subject to the*** obligations in relation to money laundering and terrorist financing under Directive 2005/60/EC of the European Parliament and of the Council⁴⁵ and Regulation (EC) No 1781/2006 of the European Parliament and of the Council ***a description of the internal control mechanisms which the applicant has established in order to comply with those obligations***⁴⁶;

⁴⁵ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p.15)

⁴⁶ Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p.1).

⁴⁵ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p.15)

⁴⁶ Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p.1).

Or. en

Justification

To avoid ambiguity that all firms may not need to undertake AML checks.

Amendment 282

Sylvie Goulard

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

The security control and mitigation measures referred to in point (j) shall indicate how they ensure a high level of technical security, including for the software and IT systems used by the applicant or the undertakings it sub-contracts to for the whole or part of its operations. Those measures shall also include the security measures laid down in Article 86(1). Those measures shall **take into account the guidelines** on security measures of the European Banking Authority (EBA) referred to in Article 86(2) **when in place**.

Amendment

The security control and mitigation measures referred to in point (j) shall indicate how they ensure a high level of technical security, including for the software and IT systems used by the applicant or the undertakings it sub-contracts to for the whole or part of its operations. Those measures shall also include the security measures laid down in Article 86(1). Those measures shall **comply with the implementing technical standards** on security measures of the European Banking Authority (EBA) referred to in Article 86(2).

Or. en

Justification

Necessary to create a level playing field regarding security and control measures

Amendment 283

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The payment institution's own funds shall amount to at least the sum of the following elements multiplied by the scaling factor k defined in paragraph 2, where payment volume (PV) represents one twelfth of the total amount of payment transactions executed by the payment institution in the preceding year:

Amendment

The payment institution's own funds shall amount to at least the sum of the following elements multiplied by the scaling factor k defined in paragraph 2, where payment volume (PV) represents one twelfth of the total amount of payment transactions executed *or initiated* by the payment institution in the preceding year:

Or. en

Amendment 284

Diogo Feio

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Member States or competent authorities shall require a payment institution which provides any *payment services and, insofar as it at the same time is engaged in other business activities referred to* in Article 17(1)(c) to safeguard all funds which have been received from the payment service users or through another payment service provider for the execution of payment transactions, in either of the following ways:

Amendment

1. The Member States or competent authorities shall require a payment institution which provides any *of the payment services listed in Annex I, including those listed* in Article 17(1)(c) to safeguard all funds which have been received from the payment service users or through another payment service provider for the execution of payment transactions, in either of the following ways:

Amendment 285

Ashley Fox

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Member States or competent authorities shall require a payment institution which provides any payment services ***and, insofar as it at the same time is engaged in other business activities referred to*** in Article 17(1)(c) to safeguard all funds which have been received from the payment service users or through another payment service provider for the execution of payment transactions, in either of the following ways:

Amendment

1. The Member States or competent authorities shall require a payment institution which provides any payment services ***listed in Annex 1 including those listed*** in Article 17(1)(c) to safeguard all funds which have been received from the payment service users or through another payment service provider for the execution of payment transactions, in either of the following ways:

Or. en

Justification

Commission text reads that safeguarding is only required if the activities listed in Article 17(1)(c) are provided by the firm; that is only hybrid firms must safeguard.

Amendment 286

Sharon Bowles

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Member States or competent authorities shall require a payment institution which provides any payment ***services and, insofar as it at the same time is engaged in other business activities*** referred to in Article 17(1)(c) to safeguard all funds which have been received from

Amendment

1. The Member States or competent authorities shall require a payment institution which provides any payment ***service listed in Annex 1 or carries out a business activity*** referred to in Article 17(1)(c) to safeguard all funds which have been received from the payment service

the payment service users or through another payment service provider for the execution of payment transactions, in either of the following ways:

users or through another payment service provider for the execution of payment transactions, in either of the following ways:

Or. en

Justification

Reworded to clarify that payment institutions which provide payment services or business activities as in Article 17 are obliged to safeguard all funds.

Amendment 287

Markus Ferber

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Member States or competent authorities shall require a payment institution which provides any payment services and, insofar as it at the same time is engaged in other business activities referred to in Article 17(1)(c) to safeguard all funds which have been received from the payment service users or through another payment service provider for the execution of payment transactions, in either of the following ways:

1. *Does not affect the English version.*

Or. de

Justification

Translation error: the German translation failed to render the word 'either' which appears in the English version.

Amendment 288

Markus Ferber

Proposal for a directive
Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) funds shall not be commingled at any time with the funds of any natural or legal person other than payment service users on whose behalf the funds are held and, where they are still held by the payment institution and not yet delivered to the payee or transferred to another payment service provider by the end of the business day following the day when the funds have been received, they shall be deposited in a separate account in a credit institution or invested in secure, liquid low-risk assets as defined by the competent authorities of the home Member State; and they shall be insulated in accordance with national law in the interest of the payment service users against the claims of other creditors of the payment institution, in particular in the event of insolvency;

Amendment

(a) funds shall not be commingled at any time with the funds of any natural or legal person other than payment service users on whose behalf the funds are held and, where they are still held by the payment institution and not yet delivered to the payee or transferred to another payment service provider by the end of the business day following the day when the funds have been received, they shall **thereafter** be deposited in a separate account in a credit institution or invested in secure, liquid low-risk assets as defined by the competent authorities of the home Member State; and they shall be insulated in accordance with national law in the interest of the payment service users against the claims of other creditors of the payment institution, in particular in the event of insolvency;

Or. de

Justification

Clarification of the order of events.

Amendment 289
Sharon Bowles

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. A payment institution which under the national law of its home Member State is required to have a registered office, shall have its head office in the same Member State as its registered office.

Amendment

3. A payment institution which under the national law of its home Member State is required to have a registered office, shall have its head office in the same Member State as its registered office **and in which it actually carries out its business**

operations.

Or. en

Justification

Related to Recital 13 of current MIFID text.

Amendment 290

Ashley Fox

Proposal for a directive

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authorities may withdraw an authorisation issued to a payment institution only where the institution falls within the following *cases*:

Amendment

1. The competent authorities may withdraw an authorisation issued to a payment institution only where the institution falls within the following *case*:

Or. en

Justification

To clarify that any one of the conditions would allow a competent authority to withdraw an authorisation (i.e. the conditions are not cumulative).

Amendment 291

Ashley Fox

Proposal for a directive

Article 12 – paragraph 1 – point d

Text proposed by the Commission

(d) would constitute a threat to the stability of or the trust in the payment system by continuing its payment services business;

Amendment

(d) would constitute a threat to the stability of or the trust in the payment system by continuing its payment services business;
or

Or. en

Amendment 292
Sophia in 't Veld

Proposal for a directive
Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

EBA shall develop draft regulatory technical standards setting technical requirements regarding access to the information contained in the public registers referred to in Article 13 at the Union level. EBA shall submit those draft regulatory technical standards to the Commission by [...within two years of the date of entry into force of this Directive].

Amendment

EBA shall develop draft regulatory technical standards setting technical requirements regarding access to the information contained in the public registers referred to in Article 13 at the Union level ***after consulting an advisory panel set up for the purposes of implementation of this Directive and representing i.a non-banking actors***. EBA shall submit those draft regulatory technical standards to the Commission by [...within two years of the date of entry into force of this Directive].

Or. en

Amendment 293
Ashley Fox

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. When payment institutions engage in the provision of one or more of the payment services, they may hold only payment accounts used exclusively for payment transactions. Member States shall ensure that access to those ***payment accounts is proportionate***.

Amendment

2. When payment institutions engage in the provision of one or more of the payment services, they may hold only payment accounts ***and safeguarding accounts*** used exclusively for payment transactions. ***For payment institutions and their agents to be able to provide payment services, they require access to payment accounts***. Member States shall ensure that ***the rules on access of payment institutions to payment and safeguarding accounts shall be objective, non-discriminatory and***

proportionate and that those rules do not inhibit access more than is necessary to protect against specific risks such as the risk of the conditions established by Chapter II of Directive 2005/60 not being satisfied.

Or. en

Justification

As currently drafted it remains unclear to banks and regulators how they are supposed to apply this Article. It is therefore essential that further clarity is provided – balancing Anti - Money Laundering concerns against the desire to promote competition and growth in payments.

Amendment 294
Olle Ludvigsson

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. When payment institutions engage in the provision of one or more of the payment services, ***they may hold only*** payment accounts used exclusively for payment transactions. Member States shall ensure that access to ***those*** payment ***accounts is proportionate***.

Amendment

2. When payment institutions engage in the provision of one or more of the payment services ***covered by this Directive, they shall hold*** payment accounts used exclusively for payment transactions. Member States shall ensure that ***all payment institutions are granted non-discriminatory*** access to ***payment accounts. The access shall be extensive enough for the payment institution to be able to provide its services in an unobstructed and efficient way.***

Or. en

Justification

Payment accounts are a vital part of basic infrastructure in society. While actors providing accounts should of course be able to do so on a commercial basis, there has to be some core restrictions on how they run their business. It is not acceptable if they use their gateway

power to block other actors by denying access or demanding excessive fees. Since there have been a number of such incidents, there is a need to clarify that all PSPs must be granted non-discriminatory access to accounts.

Amendment 295
Sophia in 't Veld

Proposal for a directive
Article 22 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) to require the payment institution to provide any information needed to monitor compliance;

Amendment

(a) to require the payment institution to provide any information needed to monitor compliance ***by means of formal decision, specifying the legal basis and the purpose of the request, what information is required and the time limit by which the information should be provided.***

Or. en

Amendment 296
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Any request for information or documents made by competent authorities of the Member States shall be motivated by formal decision, specifying the legal basis of the decision, the purpose of the request, what information is required and the time-limit of the provision and the retention of the information or the document.

Or. en

Justification

This proposal is based on the opinion of the European Data Protection Supervisor (EDPS)

Amendment 297

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 25 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the different Member States shall cooperate with each other and, where appropriate, with the European Central Bank and the national central banks of the Member States, EBA and other relevant competent authorities designated under Union or national legislation applicable to payment service providers.

Amendment

1. The competent authorities of the different Member States shall cooperate with each other and, where appropriate, with the European Central Bank and the national central banks of the Member States, EBA and other relevant competent authorities designated under Union or national legislation applicable to payment service providers. ***In case these authorities are processing personal data, they should specify for which precise purpose and mention the appropriate Union legal basis.***

Or. en

Justification

Based on an opinion of the EDPS.

Amendment 298

Sven Giegold

on behalf of the Greens/EFA Group

Proposal for a directive

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The EBA shall have the mandate to start and promote binding mediation to

settle disputes between competent authorities arising out of the exchange of information

Or. en

Justification

This amendment is based on a contribution by the European Banking Authority (EBA).

Amendment 299

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

In order to carry out the controls and take the necessary steps provided for in Article 22 in respect of the agent, branch or entity to which activities are outsourced of a payment institution located in the territory of another ***Member State, the competent authorities of the home Member State shall cooperate with the competent authorities of the host*** Member State.

Amendment

The competent authorities of the host Member State shall carry out the controls and take the necessary steps provided for in Article 22 in respect of the agent, branch or entity to which activities are outsourced of a payment institution located in the territory of another Member State.

Or. en

Justification

Supervision of the ongoing activities of PSPs should be performed by the host state competent authorities as they are better situated to perform this task. The host state authorities should be able to act directly where a PSP does not comply with its duties and responsibilities. The proposal is based on input from BEUC.

Amendment 300

Sharon Bowles

Proposal for a directive

Article 26 – paragraph 1 – point 1 (new)

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Text proposed by the Commission

Amendment

Member States shall not impose any additional requirements on an EU payment institution wishing to provide payment services in a host Member State which are not applicable to payment institutions authorised by the host Member State.

Or. en

Justification

Aim to ensure a level playing field across Europe

Amendment 301

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 26 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

By way of cooperation in accordance with paragraphs 1 and 2, the competent authorities of the home Member State shall notify the competent authorities of the host Member State whenever they intend to carry out an on-site inspection in the territory of the latter. *deleted*

Or. en

Justification

Supervision should be performed by the host state competent authorities as they are better situated to perform this task. The host state authorities should be able to act directly where a PSP does not comply with its duties and responsibilities.

Amendment 302

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 26 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, the competent authorities of the home Member State may delegate to the competent authorities of the host Member State the task of carrying out on-site inspections of the institution concerned.

Amendment

deleted

Or. en

Amendment 303

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 26 – paragraph 3

Text proposed by the Commission

3. The competent authorities shall provide each other with all essential and/or relevant information, in particular in the case of infringements or suspected infringements by an agent, a branch or an entity to which activities are outsourced. In this regard, the competent authorities shall communicate, upon request, all relevant information and, on their own initiative, all essential information.

Amendment

3. The competent authorities shall provide each other with all essential and/or relevant information, in particular in the case of infringements or suspected infringements by an agent, a branch or an entity to which activities are outsourced. In this regard, the competent authorities shall communicate, upon request, all relevant information and, on their own initiative, all essential information. ***In case of retention of personal data, the storage of personal data by competent authorities shall not exceed ten years. In any event, the storage of personal data shall comply with Directive 95/46/EC.***

Or. en

Justification

Based on the opinion of EDPS

Amendment 304

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 26 – paragraph 5

Text proposed by the Commission

5. EBA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010 on the elements to be taken into consideration when deciding whether the activity the payment institution notified intends to provide in another Member State under paragraph 1 of this Article would amount to the exercise of the right of establishment or freedom to provide services. Those guidelines shall be issued by [...within **two years** of the date of entry into force of this Directive].

Amendment

5. EBA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010 on the elements to be taken into consideration when deciding whether the activity the payment institution notified intends to provide in another Member State under paragraph 1 of this Article would amount to the exercise of the right of establishment or freedom to provide services. Those guidelines shall be issued by [...within **12 months** of the date of entry into force of this Directive].

Or. en

Amendment 305

Olle Ludvigsson

Proposal for a directive

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) the average of the preceding 12 months' total amount of payment transactions executed by the person concerned, including any agent for which it assumes full responsibility, does not exceed EUR 1 million per month. That requirement shall be assessed on the projected total amount

Amendment

(a) the average of the preceding 12 months' total amount of payment transactions executed **and/or initiated** by the person concerned, including any agent for which it assumes full responsibility, does not exceed EUR 1 million per month. That requirement shall be assessed on the

of payment transactions in its business plan, unless an adjustment to that plan is required by the competent authorities;

projected total amount of payment transactions in its business plan, unless an adjustment to that plan is required by the competent authorities;

Or. en

Amendment 306
Ashley Fox

Proposal for a directive
Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The natural or legal person does not intend to provide the services listed under point 7 of Annex 1

Or. en

Justification

All active TPPs need to comply with the minimum criteria necessary to obtain a license as a payment institution.

Amendment 307
Sari Essayah

Proposal for a directive
Article 29 – title

Text proposed by the Commission

Amendment

Access to payment systems

Access to payment systems ***and credit institutions' account services***

Or. en

Amendment 308
Slawomir Nitras

Proposal for a directive
Article 29 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

**(a) payment systems designated under
Directive 98/26/EC;** **deleted**

Or. pl

Justification

At present PSPs are not given equal access to payment systems. The current rules do not appear to be generating greater competition in the payment services sector (payment institutions and electronic money institutions as against banks). Thought should be given to allowing new providers to apply to participate in such systems, as full participation will enable them to maintain payment accounts; otherwise, non-bank providers will not be able to compete with banks.

Amendment 309

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive
Article 29 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

**(b) payment systems composed exclusively
of payment service providers belonging to
a group composed of entities linked by
capital where one of the linked entities
enjoys effective control over the other
linked entities.** **deleted**

Or. en

Amendment 310

Diogo Feio

Proposal for a directive
Article 29 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) payment systems where a sole payment service provider (whether as a single entity or as a group):

- acts or can act as the payment service provider for both the payer and the payee and is exclusively responsible for the management of the system, and

- licenses other payment service providers to participate in the system and the latter have no right to negotiate fees between or amongst themselves in relation to the system although they may establish their own pricing in relation to payers and payees.

Or. en

**Amendment 311
Claudio Morganti**

**Proposal for a directive
Article 29 – paragraph 2 – subparagraph 1 – point b a (new)**

Text proposed by the Commission

Amendment

(ba) payment systems where a sole payment service provider (whether as a single entity or as a group):

- acts or can act as the payment service provider for both the payer and the payee and is exclusively responsible for the management of the system, and

- licenses other payment service providers to participate in the system and the latter have no right to negotiate fees between or amongst themselves in relation to the system although they may establish their own pricing in relation to payers and payees.

Or. en

Amendment 312
Sari Essayah

Proposal for a directive
Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that payment institutions and electronic money institutions have necessary access to credit institutions' payment and deposit account services without discrimination for payment purposes and to safeguard customer funds in their possession.

Or. en

Justification

Banks should not refuse to open accounts for non-bank payment service providers in order to reduce their access possibilities to interbank payment services.

Amendment 313
Ashley Fox

Proposal for a directive
Article 30 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall require that, before taking up an activity referred to in Article 3(k) for which the ***volume*** of payment transactions calculated in accordance with Article 27(1)(a) exceeds the threshold referred to therein, service providers notify their intention to the competent authorities and submit a request for recognition as a limited network.

Member States shall require that, before taking up an activity referred to in Article 3(k) for which the ***value*** of payment transactions calculated in accordance with Article 27(1)(a) exceeds the threshold referred to therein, service providers notify their intention to the competent authorities and submit a request for recognition as a limited network.

Or. en

Justification

Consistency with Article 27(1)

Amendment 314
Sophia in 't Veld

Proposal for a directive
Article 31 – paragraph 2 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Member States shall ensure that individuals are provided with appropriate information about the processing of personal data in accordance with national provisions implementing Articles 10 and 11 of Directive 95/46/EC and to Article 11 of Regulation EC n. 45/2001.

Or. en

Amendment 315
Jürgen Klute

Proposal for a directive
Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the payment service provider may impose charges for information in accordance with paragraph 2, they shall be ***appropriate*** and in line with the payment service provider's actual costs.

3. Where the payment service provider may impose charges for information in accordance with paragraph 2, they shall be ***reasonable*** and in line with the payment service provider's actual costs.

Or. en

Amendment 316
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that consumers who switch their payment account, upon request can receive the transactions carried out on the former payment account recorded on a durable medium from the transferring payment service provider for a reasonable fee.

Or. en

Justification

If switching payment account to a different PSP the account statements at the former PSP might be needed for various purposes, e.g. applying for credit, renting a dwelling, providing supporting information for income tax control. Due to the development of online bank accounts, consumers might only access electronic bank statements and do not always have the possibility to download several years of transactions.

Amendment 317
Jürgen Klute

Proposal for a directive
Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that consumers, who switch their payment account, receive upon request and for a reasonable fee from the transferring payment service provider the transactions carried out on the former payment account recorded on a durable medium.

Or. en

Amendment 318
Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive
Article 34 – paragraph 1

Text proposed by the Commission

Member States **may stipulate that** the burden of proof **shall** lie with the payment service provider to prove that it has complied with the information requirements set out in this Title.

Amendment

Member States **shall state** the burden of proof **to** lie with the payment service provider to prove that it has complied with the information requirements set out in this Title.

Or. en

Justification

The professional part offering a service to the market should be the one securing its operation to comply with legal obligations.

Amendment 319
Olle Ludvigsson

Proposal for a directive
Article 34 – paragraph 1

Text proposed by the Commission

Member States **may** stipulate that the burden of proof shall lie with the payment service provider to prove that it has complied with the information requirements set out in this Title.

Amendment

Member States **shall** stipulate that the burden of proof shall lie with the payment service provider to prove that it has complied with the information requirements set out in this Title.

Or. en

Justification

The reasonable approach here is to make clear that the burden of proof consistently lies with the PSP. While it is easy and straightforward for a PSP to account for what it has and has not done in terms of information, it is often difficult or impossible for a payment service user to prove that he has not received the information he had the right to get. In particular if the user is a consumer, it is unrealistic to place the burden on the user.

Amendment 320

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

1. In cases of payment instruments which, according to the framework contract, concern only *individual* payment transactions that do not exceed **EUR 30** or that either have a spending limit of **EUR 150** or store funds that do not exceed EUR 150 at any time:

Amendment

1. In cases of payment instruments which, according to the framework contract, concern only *single* payment transactions that do not exceed **a total of EUR 10 per month** or that either have a spending limit of **EUR 100 per month** or store funds that do not exceed EUR 150 at any time:

Or. en

Amendment 321

Diogo Feio

Proposal for a directive

Article 37 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall require that, where a payment order is initiated by a third party payment service provider, it makes available to the payment service user the information and conditions referred to in Article 38. The information and conditions shall be given in a clear and understandable form and in an official language of the Member State where the payment service is offered or in any other language agreed between the parties.

Or. en

Amendment 322

Olle Ludvigsson

Proposal for a directive
Article 38 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that for payment initiation services, the third party payment service provider shall provide the payer with information about the service offered and contact information to the third party payment service provider.

Amendment

2. Member States shall ensure that for payment initiation services, the third party payment service provider shall provide the payer with ***clear and comprehensive*** information about the service offered and contact information to the third party payment service provider.

Or. en

Amendment 323
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

Where a third party payment service provider, at the request of the payer, initiates a payment order, it shall provide or make available to the payer and, where applicable, the payee, immediately after initiation, the following data:

Amendment

Where a third party payment service provider, at the request of the payer, initiates a payment order, it shall provide or make available to the payer and, where applicable, the payee, immediately after initiation, the following data ***in a clear and non-ambiguous manner***:

Or. en

Amendment 324
Ashley Fox

Proposal for a directive
Article 39 – paragraph 1 – point a

Text proposed by the Commission

(a) a confirmation of the ***successful***

Amendment

(a) a confirmation of the initiation of the

initiation of the payment order with the payer's account servicing payment service provider;

payment order with the payer's account servicing payment service provider;

Or. en

Justification

TPP can only inform about initiation, it does not know if the initiation was successful or not.

Amendment 325

Ashley Fox

Proposal for a directive

Article 39 – paragraph 1 – point d

Text proposed by the Commission

(d) where applicable, the amount of any charges for the payment transaction **and, where applicable, a breakdown thereof.**

Amendment

(d) where applicable, the amount of any charges **payable to the third party payment provider** for the payment transaction, **such charges to be individually itemised.**

Or. en

Justification

A TPP will only be able to detail its own charges; not charges levied by the AS PSP.

Amendment 326

Diogo Feio

Proposal for a directive

Article 39 – paragraph 1 – point d

Text proposed by the Commission

(d) where applicable, the amount of any charges **for the** payment transaction and, where applicable, a breakdown thereof.

Amendment

(d) where applicable, the amount of any charges **payable to the third party payment service provider for the** transaction and, where applicable, a breakdown thereof.

Amendment 327
Ashley Fox

Proposal for a directive
Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In line with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the consent of the payer should be required to make these data available to the payee.

Or. en

Justification

Clarify that data protection requirements have to be respected.

Amendment 328
Jean-Paul Gauzès

Proposal for a directive
Article 40

Text proposed by the Commission

Amendment

Where a payment order is initiated by the third party payment service ***provider's own system***, it shall in case of fraud or dispute make available to the payer and the account servicing payment service provider the reference of the ***transactions*** and the authorisation information.

Where a payment order is initiated by the third party payment service ***provider***, it shall in case of fraud or dispute make available to the payer and the account servicing payment service provider ***evidence that the order has been initiated, in particular*** the reference of the ***orders*** and the authorisation information.

Or. fr

Amendment 329
Ashley Fox

Proposal for a directive
Article 40

Text proposed by the Commission

Where a payment order is initiated by the third party payment service ***provider's own system***, it shall ***in case of fraud or dispute*** make available to the payer and the account servicing payment service provider the reference of the transactions and the authorisation information.

Amendment

Where a payment order is initiated by the third party payment service ***provider***, it shall make available to the payer and the account servicing payment service provider the reference of the transactions and the authorisation information.

Or. en

Justification

Irrespective of the procedure used, TPPs should always communicate this information to the payer and the AS PSP.

Amendment 330
Jean-Paul Gauzès

Proposal for a directive
Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Immediately after receipt of the payment order, the payer's payment service provider shall provide or make available to the payer, in the same way as provided for in Article 37(1), the following data:

Amendment

Immediately after receipt of the payment order, the payer's payment service provider shall provide or make available to the payer, in the same way as provided for in Article 37(1), the following data ***if they are available to him in person***:

Or. fr

Amendment 331
Diogo Feio

Proposal for a directive
Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

Immediately after receipt of the payment order, the **payer's** payment service provider shall provide or make available to the payer, in the same way as provided for in Article 37(1), the following data:

Amendment

Immediately after receipt of the payment order, the **account servicing** payment service provider shall provide or make available to the payer, in the same way as provided for in Article 37(1), the following data **with regard to its own services**:

Or. en

Amendment 332
Jean-Paul Gauzès

Proposal for a directive
Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The payer shall immediately take note of the data received from or made available by his payment service provider.

Or. fr

Amendment 333
Jean-Paul Gauzès

Proposal for a directive
Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Immediately after the execution of the payment transaction, the payee's payment service provider shall provide or make available to the payee, in the same way as provided for in Article 37(1), all of the following data:

Immediately after the execution of the payment transaction, the payee's payment service provider shall provide or make available to the payee, in the same way as provided for in Article 37(1), all of the following data **if they are available to him in person**:

Amendment 334
Jean-Paul Gauzès

Proposal for a directive
Article 42 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The payee shall immediately take note of the data received from or made available by his payment service provider.

Or. fr

Amendment 335
Jean-Paul Gauzès

Proposal for a directive
Article 45 – paragraph 1 – point 2 – point c

Text proposed by the Commission

Amendment

(c) the form of and procedure for giving consent to initiate or execute a payment transaction and withdrawal of such consent in accordance with Articles 57 and 71;

(c) the form of and procedure for giving consent to initiate **a payment order** or execute a payment transaction and withdrawal of such consent in accordance with Articles 57 and 71;

Or. fr

Amendment 336
Slawomir Nitras

Proposal for a directive
Article 45 – paragraph 1 – point 2 – point e

Text proposed by the Commission

Amendment

(e) the maximum execution time for the payment services to be provided;

(e) the maximum **foreseeable** execution time for the payment services to be

provided;

Or. pl

Amendment 337
Ashley Fox

Proposal for a directive
Article 45 – paragraph 1 – point 6 – point a

Text proposed by the Commission

(a) if agreed, information that the payment service user will be deemed to have accepted changes in the conditions in accordance with Article 47, unless he notifies the payment service provider that he does not accept them before the date of their proposed date of entry into force;

Amendment

(a) if agreed, information that the payment service user will be deemed to have accepted changes in the conditions in accordance with Article 47, unless he notifies the payment service provider that he does not accept them before the date of their proposed date of entry into force, ***such notification being ineffective where the change is clearly and unambiguously more favourable to payment service users;***

Or. en

Amendment 338
Jean-Paul Basset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 48 – paragraph 2

Text proposed by the Commission

2. Termination of a framework contract ***concluded for a fixed period exceeding 12 months or for an indefinite period*** shall be free of charge for the payment service user ***after the expiry of 12 months. In all other cases charges for the termination shall be appropriate and in line with costs.***

Amendment

2. Termination of a framework contract shall be free of charge for the payment service user.

Or. en

Justification

Account closure fees are a barrier to account switching. PSPs should not charge consumers fees for termination of a framework contract. In some Member States the PSPs cannot charge fees on consumers for the switching service. UK and Austrian switching service currently imposes no fees on consumers to utilise its service, and within the UK there is no fee on consumers who close their accounts within first 12 months after opening. In Italy consumers do not pay fees for account closure.

Amendment 339

Jürgen Klute

Proposal for a directive

Article 48 – paragraph 2

Text proposed by the Commission

2. Termination of a framework contract concluded for a fixed period ***exceeding 12 months*** or for an indefinite period shall be free of charge for the payment service user ***after the expiry of 12 months. In all other cases charges for the termination shall be appropriate and in line with costs.***

Amendment

2. Termination of a framework contract concluded for a fixed period or for an indefinite period shall be free of charge for the payment service user.

Or. en

Amendment 340

Olle Ludvigsson

Proposal for a directive

Article 48 – paragraph 2

Text proposed by the Commission

2. Termination of a framework contract concluded for a fixed period exceeding ***12 months*** or for an indefinite period shall be free of charge for the payment service user after the expiry of ***12 months***. In all other cases charges for the termination shall be appropriate and in line with costs.

Amendment

2. Termination of a framework contract concluded for a fixed period exceeding ***6 months*** or for an indefinite period shall be free of charge for the payment service user after the expiry of ***6 months***. In all other cases charges for the termination shall be appropriate and in line with costs.

Or. en

Justification

The application of charges for the termination of a framework contract induces the user not to change PSP and thereby reduces competition in the market. There are no strong arguments in favour of making a dissatisfied user wait a whole year before being able to switch PSP for free. 6 months should be perfectly enough as a maximum timeframe for termination charges.

Amendment 341

Jean-Paul Basset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 50 – paragraph 1 – point a

Text proposed by the Commission

(a) a reference enabling the payer to identify each payment transaction **and, where appropriate, information relating to** the payee;

Amendment

(a) a reference enabling the payer to identify each payment transaction **relating to the name and address of** the payee;

Or. en

Justification

There are cases of internet scams where the key information such as address of the payee is not communicated to the consumer. For example fraudulent Internet companies outside the Union. Norwegian ADR bodies have great problems identifying addresses to fraudulent companies and are therefore unable to enforce their ruling. This is clearly a case of consumer detriment.

Amendment 342

Jürgen Klute

Proposal for a directive

Article 50 – paragraph 2

Text proposed by the Commission

2. A framework contract **may** include a condition that the information referred to in paragraph 1 is to be provided or made available periodically at least once a month and in an agreed manner which allows the

Amendment

2. A framework contract **shall** include a condition that the information referred to in paragraph 1 is to be provided or made available periodically at least once a month, **free of charge** and in an agreed

payer to store and reproduce information unchanged.

manner which allows the payer to store and reproduce information unchanged.

Or. en

Amendment 343
Jean-Paul Gauzès

Proposal for a directive
Article 50 – paragraph 3

Text proposed by the Commission

3. However, Member States may require payment service providers to provide information on paper once a month free of charge.

Amendment

3. However, Member States may require payment service providers to provide ***or make available*** information on paper once a month free of charge.

The payer shall immediately take note of the information received from or made available by his payment service provider.

Or. fr

Amendment 344
Slawomir Nitras

Proposal for a directive
Article 50 – paragraph 3

Text proposed by the Commission

3. However, Member States may require payment service providers to provide information on paper once a month free of charge.

Amendment

3. However, Member States may require payment service providers to provide information on paper ***or another durable medium*** once a month free of charge.

Or. pl

Amendment 345
Jürgen Klute

Proposal for a directive
Article 51 – paragraph 1 – point a

Text proposed by the Commission

(a) the reference enabling the payee to identify the payment transaction and, **where appropriate**, the payer, and any information transferred with the payment transaction;

Amendment

(a) the reference enabling the payee to identify the payment transaction and the payer, and any information transferred with the payment transaction;

Or. en

Amendment 346
Jean-Paul Gauzès

Proposal for a directive
Article 51 – paragraph 3

Text proposed by the Commission

3. However, Member States may require payment service providers to provide information on paper once a month free of charge.

Amendment

3. However, Member States may require payment service providers to provide **or make available** information on paper once a month free of charge.

The payee shall immediately take note of the information received from or made available by his payment service provider.

Or. fr

Amendment 347
Slawomir Nitras

Proposal for a directive
Article 51 – paragraph 3

Text proposed by the Commission

3. However, Member States may require payment service providers to provide information on paper once a month free of charge.

Amendment

3. However, Member States may require payment service providers to provide information on paper **or another durable medium** once a month free of charge.

Amendment 348
Sylvie Goulard

Proposal for a directive
Article 52 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where a currency conversion service is offered prior to the initiation of the payment transaction and where that currency conversion service is offered at the point of sale or by the payee, the party offering the currency conversion service to the payer shall disclose to the payer all charges as well as the exchange rate to be used for converting the payment transaction.

Amendment

Where a currency conversion service is offered prior to the initiation of the payment transaction and where that currency conversion service is offered at **an ATM**, the point of sale or by the payee, the party offering the currency conversion service to the payer shall disclose to the payer all charges as well as the exchange rate to be used for converting the payment transaction.

Or. en

Amendment 349
Jürgen Klute

Proposal for a directive
Article 53 – paragraph 1

Text proposed by the Commission

1. Where, for the use of a given payment instrument, the payee **requests a charge or** offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction.

Amendment

1. Where, for the use of a given payment instrument, the payee offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction.

Or. en

Amendment 350
Udo Bullmann, Peter Simon

Proposal for a directive
Article 53 – paragraph 1

Text proposed by the Commission

1. Where, for the use of a given payment instrument, the payee **requests a charge or** offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction.

Amendment

1. Where, for the use of a given payment instrument, the payee offers a reduction, the payee shall inform the payer thereof prior to the initiation of the payment transaction.

Or. en

Amendment 351
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 53 – paragraph 2

Text proposed by the Commission

2. Where, for the use of a given payment instrument, a payment service provider or a third party requests a charge, he shall inform the payment service user thereof prior to the initiation of the payment transaction.

Amendment

deleted

Or. en

Justification

Surcharges were introduced by the PSD to allow merchants to steer consumers towards using more efficient and cheap means of payments (from a merchant perspective), to renegotiate lower fees and put downward pressure on MIF. The tool failed its objectives and has been to the detriment of consumers. Excessive surcharge has become an important revenue source for some businesses. UK consumers spent £300 million on payment surcharges during 2009 in the airline sector only.

Amendment 352
Jürgen Klute

Proposal for a directive
Article 53 – paragraph 2

Text proposed by the Commission

Amendment

2. Where, for the use of a given payment instrument, a payment service provider or a third party requests a charge, he shall inform the payment service user thereof prior to the initiation of the payment transaction.

deleted

Or. en

Amendment 353
Udo Bullmann, Peter Simon

Proposal for a directive
Article 53 – paragraph 2

Text proposed by the Commission

Amendment

2. Where, for the use of a given payment instrument, a payment service provider or a third party requests a charge, he shall inform the payment service user thereof prior to the initiation of the payment transaction.

deleted

Or. en

Amendment 354
Jürgen Klute

Proposal for a directive
Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a payment service provider is entitled to pass on third party costs to the payer, the payer is not obliged to pay for them unless their full amount was made known prior to the initiation of the

payment transaction.

Or. en

Amendment 355
Udo Bullmann, Peter Simon

Proposal for a directive
Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a payment service provider is entitled to pass on third party costs, the payer shall not be obliged to pay for them if prior to initiating this payment information on the full amount was not given.

Or. en

Amendment 356
Auke Zijlstra

Proposal for a directive
Article 53 a (new)

Text proposed by the Commission

Amendment

Article 53 a

Prohibition of IBAN readability

For security reasons, no IBAN readability shall be introduced by this Directive.

Or. en

Amendment 357
Markus Ferber

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Amendment

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs. ***Upon inquiry, the payment service provider must disclose the actual cost of the payment transaction.***

Or. de

Amendment 358
Jürgen Klute

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Amendment

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs. ***Upon request the actual costs have to be substantiated by the payment service provider.***

Or. en

Amendment 359
Udo Bullmann, Peter Simon

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Amendment

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs. ***Upon request payment service providers shall disclose their actual costs.***

Or. en

Amendment 360
Olle Ludvigsson

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in **Articles 70(1), 71(5) and 79(2)**. Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Amendment

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in **Articles 71(5) and 79(4)**. Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Or. en

Amendment 361
Slawomir Nitras

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(2). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Amendment

1. The payment service provider may not charge the payment service user for fulfilment of its information obligations or corrective and preventive measures under this Title, unless otherwise specified in Articles 70(1), 71(5) and 79(4). Those charges shall be agreed between the payment service user and the payment service provider and shall be appropriate and in line with the payment service provider's actual costs.

Or. pl

Amendment 362
Jürgen Klute

Proposal for a directive
Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If a payment transaction involves a currency conversion into another EU currency, Member States shall require that the payee pays the charges levied by his payment service provider, and the payer pays the charges levied by his payment service provider and the necessary charges for currency conversion. If the payer issues a payment order in the target currency the receiving payment service provider shall be required in accordance to Art. 72 to credit the full amount of payment to the payee or indicate charges separately.

Amendment 363

Jean-Paul Besset

on behalf of the Greens/EFA Group

Proposal for a directive

Article 55 – paragraph 3

Text proposed by the Commission

3. The *payment service provider* shall not *prevent the payee from requesting* from the payer a charge, *offering him a reduction or otherwise steering him towards the use of a given payment instrument. Any charges applied shall, however, not exceed the costs borne by the payee for the use the specific* payment instrument.

Amendment

3. The *payee* shall not ***be authorised to request*** from the payer a charge ***for using any means of payment. The*** payment service provider shall ***not prevent the payee from offering the payer a reduction for the use of a given*** payment instrument ***providing it does not result in a reverse surcharge.***

Or. en

Justification

According to BEUC there is no proof that prices of goods and services have dropped as a result of the implementation of the surcharge. Consequently, surcharge is not an optimal policy tool to improve competition in the payments services sector. In particular, in the case of cards where competition does not work as it should, and direct regulation having an impact on interchange levels and possibly alternative business model is preferable.

Amendment 364

Jürgen Klute

Proposal for a directive

Article 55 – paragraph 3

Text proposed by the Commission

3. The payment service provider shall not prevent the payee from *requesting from* the payer a *charge, offering him a* reduction or otherwise steering him towards the use of a given payment

Amendment

3. ***The payee shall not be authorised to request from the payer a charge for using any means of payment.*** The payment service provider shall not prevent the payee from ***offering*** the payer a reduction or

instrument. *Any charges applied shall, however, not exceed the costs borne by the payee for the use the specific payment instrument.*

otherwise steering him towards the use of a given payment instrument *provided it does not result in a reverse surcharge.*

Or. en

Amendment 365
Claudio Morganti

Proposal for a directive
Article 55 – paragraph 3

Text proposed by the Commission

3. The *payment service provider* shall not *prevent the payee from requesting* from the payer a charge, *offering* him a reduction *or otherwise steering him towards* the use of a given payment instrument. *Any charges applied shall, however, not exceed the costs borne by the payee for the use the specific payment instrument.*

Amendment

3. The *payee* shall not *request* from the payer a charge, *but may offer* him a reduction, *for* the use of a given payment instrument.

Or. en

Amendment 366
Olle Ludvigsson

Proposal for a directive
Article 55 – paragraph 3

Text proposed by the Commission

3. The payment service provider shall not prevent the payee from *requesting from* the payer a *charge, offering him a* reduction *or otherwise steering him towards* the use of a given payment instrument. *Any charges applied shall, however, not exceed the costs borne by the payee for the use the specific payment instrument.*

Amendment

3. The payment service provider shall not prevent the payee from *offering* the payer a reduction *for* the use of a given payment instrument.

Amendment 367
Ashley Fox

Proposal for a directive
Article 55 – paragraph 3

Text proposed by the Commission

3. The payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering him towards the use of a given payment instrument. Any charges applied shall, **however**, not exceed the costs borne by the payee for the use the specific payment instrument.

Amendment

3. The payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering him towards the use of a given **electronic or non-electronic** payment instrument. **However, where Article 19 of Directive 2011/83/EU of the European Parliament and the Council of 25 October 2011 does not apply** any charges applied shall not exceed the costs borne by the payee for the use the specific payment instrument.

Or. en

Justification

To ensure that the ban on excessive surcharging aligns with The Consumer Rights (Payment Surcharges) Regulations 2012 and applies to all payments types covered by the PSD II which will provide further projection and clarity for consumers, particularly those making a payment in Europe, as some member states currently ban surcharging where others do not.

Amendment 368
Sari Essayah

Proposal for a directive
Article 55 – paragraph 3

Text proposed by the Commission

3. The payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering him towards the use of a

Amendment

3. The payment service provider shall not prevent the payee from requesting from the payer a charge, offering him a reduction or otherwise steering him towards the use of a

given payment instrument. Any charges applied shall, however, not exceed the costs borne by the payee for the use the specific payment instrument.

given payment instrument. Any charges applied shall, however, not exceed the *direct transaction related* costs borne by the payee for the use the specific payment instrument.

Or. en

Amendment 369
Slawomir Nitras

Proposal for a directive
Article 55 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The payment service provider may not charge the payment service user for the provision and use of a payment card associated with an account with basic features as referred to in [Directive XXX/2014, COM(2013)0266].

Or. pl

Amendment 370
Jean-Paul Besset
on behalf of the Greens/EFA Group

Proposal for a directive
Article 55 – paragraph 4

Text proposed by the Commission

Amendment

4. However, Member States shall ensure that the payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Regulation (EU) No [XX/XX/XX] [OP please insert number of Regulation once adopted]

deleted

Or. en

Justification

The professional part offering a certain payment instrument to its customers should bear the cost and risks of the preferred payment method or system.

Amendment 371
Jürgen Klute

Proposal for a directive
Article 55 – paragraph 4

Text proposed by the Commission

Amendment

4. However, Member States shall ensure that the payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Regulation (EU) No [XX/XX/XX/] [OP please insert number of Regulation once adopted] **deleted**

Or. en

Amendment 372
Claudio Morganti

Proposal for a directive
Article 55 – paragraph 4

Text proposed by the Commission

Amendment

4. However, Member States shall ensure that the payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Regulation (EU) No [XX/XX/XX/] [OP please insert number of Regulation once adopted] **deleted**

Or. en

Amendment 373
Werner Langen

**Proposal for a directive
Article 55 – paragraph 4**

Text proposed by the Commission

Amendment

4. However, Member States shall ensure that the payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Regulation (EU) No [XX/XX/XX/] [OP please insert number of Regulation once adopted]

deleted

Or. de

**Amendment 374
Marianne Thyssen**

**Proposal for a directive
Article 55 – paragraph 4**

Text proposed by the Commission

Amendment

4. However, Member States shall ensure that the payee shall not request charges for the use of payment instruments for which interchange fees are regulated under Regulation (EU) No [XX/XX/XX/] [OP please insert number of Regulation once adopted]

deleted

Or. nl

Justification

The thresholds mooted in the proposal for an MIF regulation for intra-bank payments are still higher than the intra-bank payment on debit card transactions in some Member States, which could lead to damaging rises in costs. Particularly for merchants operating with very small margins (bakers, etc.), the impossibility of passing on these real costs would be problematic. Paragraph 3 of the same article already affords a guarantee that no higher costs will be charged than the merchant himself bears.