



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Economic and Monetary Affairs

2013/0265(COD)

28.1.2014

AMENDMENTS 29 - 318

Draft report
Pablo Zalba Bidegain
(PE522.956v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on interchange fees for card-based payment transactions

Proposal for a regulation
(COM(2013)0550 – C7-0241/2013 – 2013/0265(COD))

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PE524.782v04-00

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United in diversity

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Amendment 29
Auke Zijlstra

Draft legislative resolution
Paragraph 1

Draft legislative resolution

1. *Adopts its position at first reading hereinafter set out;*

Amendment

1. *Rejects the Commission proposal since it violates Article 5 of the Protocol on the application of the principles of subsidiarity and proportionality;*

Or. en

Amendment 30
Auke Zijlstra

Draft legislative resolution
Paragraph 2

Draft legislative resolution

2. Calls on the Commission to *refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;*

Amendment

2. Calls on the Commission to *withdraw its proposal and to carry out a sound impact assessment that may justify it with regard to the principles of subsidiarity and proportionality;*

Or. en

Amendment 31
Jean-Paul Gauzès

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Preparation of legislation is under way in several Member States²¹ to regulate interchange fees, covering a number of issues, including caps on interchange fees

Amendment

(7) Preparation of legislation is under way in several Member States²¹ to regulate interchange fees, covering a number of issues, including caps on interchange fees

at various levels, merchant fees, the Honour All Cards rules or steering measures. The existing administrative decisions in some Member States vary significantly. ***In view of the harmfulness of interchange fees to retailers and consumers***, a further introduction of regulatory measures at national level aimed at addressing the level or divergencies of these fees is anticipated. Such national measures would be likely to lead to significant barriers to the completion of the internal market in the area of cards, internet and mobile payments based on cards and would therefore hinder the freedom to provide services.

²¹ Italy, Hungary, Poland and the United Kingdom .

at various levels, merchant fees, the Honour All Cards rules or steering measures. The existing administrative decisions in some Member States vary significantly. ***To make the levels of interchange fees more consistent***, a further introduction of regulatory measures at national level aimed at addressing the level or divergencies of these fees is anticipated. Such national measures would be likely to lead to significant barriers to the completion of the internal market in the area of cards, internet and mobile payments based on cards and would therefore hinder the freedom to provide services.

²¹ Italy, Hungary, Poland and the United Kingdom.

Or. fr

Amendment 32 **Jean-Paul Gauzès**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

(8) Payment cards are the most frequently used electronic payment instrument for retail purchases. ***However, integration of the Union payment card market is far from complete as many payment solutions cannot develop beyond their national borders or new pan-Union providers are prevented from entering the market. The lack of market integration currently results in higher prices and less choice in payment services for consumers and retailers, and more limited opportunities to take advantage of the internal market. There is therefore a need to remove obstacles to the efficient functioning of***

Amendment

(8) Payment cards are the most frequently used electronic payment instrument for retail purchases. ***Active cooperation among national and international networks has meant that, since 1987, European consumers have been able to use their payment cards throughout Europe as easily as in their countries of origin.*** To take ***full*** advantage of the internal market, there is a need to remove obstacles to the ***integration of new card-payment options***, including mobile and internet payments that are based on card transactions.

the card market, including mobile and internet payments that are based on card transactions *which still pose barriers to the deployment of a fully integrated market*.

Or. fr

Amendment 33
Mojca Kleva Kekuš

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) To enable the internal market to function effectively, the use of electronic payments should be promoted and facilitated to the benefit of retailers and consumers. Cards and other electronic payments can be used in a more versatile manner, including possibilities to pay online in order to take advantage of the internal market and e-commerce, whilst electronic payments also provide retailers with potentially secure payments. Card and card based payments instead of cash use could therefore be beneficial for retailers and consumers, provided the fees for the use of the payment systems are set at an economically efficient level, whilst contributing to innovation and market entry of new operators.

Amendment

(9) To enable the internal market to function effectively, the use of electronic payments should be promoted and facilitated to the benefit of retailers and consumers. Cards and other electronic payments can be used in a more versatile manner, including possibilities to pay online in order to take advantage of the internal market and e-commerce, whilst electronic payments also provide retailers with potentially secure payments. Card and card based payments instead of cash use could therefore be beneficial for retailers and consumers, provided the fees for the use of the payment systems are set at an economically efficient level, whilst contributing to *fair competition*, innovation and market entry of new operators.

Or. en

Amendment 34
Jean-Paul Gauzès

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) ***One of the key practices hindering the functioning of the internal market in card and card-based payments is the widespread existence of interchange fees, which are in most Member States not subject to any legislation. Interchange fees are inter-bank fees usually applied between the card-acquiring payment service providers and the card-issuing payment service providers belonging to a certain card scheme. Interchange fees are a main part of the fees charged to merchants by acquiring payment service providers for every card transaction. Merchants in turn incorporate these card costs in the general prices of goods and services. Competition between card schemes appears in practice to be largely aimed at convincing as many issuing payment service providers (e.g. banks) as possible to issue their cards, which usually leads to higher rather than lower interchange fees on the market, in contrast with the usual price disciplining effect of competition in a market economy. Regulating interchange fees would improve the functioning of the internal market.***

Amendment

(10) ***In most Member States, interchange fees are subject not to any legislation but rather to decisions by the national competition authorities. Interchange fees are inter-bank fees usually applied between the card-acquiring payment service providers and the card-issuing payment service providers belonging to a certain card scheme. Interchange fees are a main part of the fees charged to merchants by acquiring payment service providers for every card transaction. Merchants in turn incorporate these card costs, like all their other costs, in the general prices of goods and services. Consistent application of the competition rules to interchange fees would improve the functioning of the internal market.***

Or. fr

Amendment 35
Markus Ferber

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) One of the key practices hindering the functioning of the internal market in card and card-based payments is the widespread existence of interchange fees, which are in most Member States not subject to any

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legislation. Interchange fees are inter-bank fees usually applied between the card-acquiring payment service providers and the card-issuing payment service providers belonging to a certain card scheme. Interchange fees are a main part of the fees charged to merchants by acquiring payment service providers for every card transaction. Merchants in turn incorporate these card costs in the general prices of goods and services. Competition between card schemes appears in practice to be largely aimed at convincing as many issuing payment service providers (e.g. banks) as possible to issue their cards, which usually leads to higher rather than lower interchange fees on the market, in contrast with the usual price disciplining effect of competition in a market economy. Regulating interchange fees would improve the functioning of the internal market.

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Or. de

Amendment 36
Jean-Paul Gauzès

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The currently existing wide variety of interchange fees and their level prevent the emergence of 'new' pan Union players on the basis of business models with lower interchange fees, to the detriment of potential economies of scale and scope and their resulting efficiencies. This has a negative impact on retailers and consumers and prevents innovation. As Pan-Union players would have to offer issuing banks as a minimum the highest level of interchange fee prevailing in the market

Amendment

(11) The currently existing wide variety of interchange fees and their level prevent the emergence of 'new' pan Union players on the basis of business models with lower interchange fees, to the detriment of potential economies of scale and scope and their resulting efficiencies. This has a negative impact on retailers and consumers and prevents innovation. As Pan-Union players would have to offer issuing banks as a minimum the highest level of interchange fee prevailing in the market

they want to enter it also results in persisting market fragmentation. Existing domestic schemes with lower or no interchange fees may also be forced to exit the market because of the pressure from banks to obtain higher interchange fees revenues. As a result, consumers and merchants face restricted choice, higher prices and lower quality of payment services while their ability to use pan-Union payment solutions is restricted. In addition, retailers cannot overcome the fee differences by making use of card acceptance services offered by banks in other Member States. Specific rules applied by the payment schemes require the application of the interchange fee of the 'Point of Sale' (country of the retailer) for each payment transaction. This prevents **acquiring banks** from successfully offering their services on a **cross border** basis. It also prevents retailers from reducing their payment costs to the benefit of consumers.

they want to enter it also results in persisting market fragmentation. Existing domestic schemes with lower or no interchange fees may also be forced to exit the market because of the pressure from banks to obtain higher interchange fees revenues. As a result, consumers and merchants face restricted choice, higher prices and lower quality of payment services while their ability to use pan-Union payment solutions is restricted. In addition, retailers cannot overcome the fee differences by making use of card acceptance services offered by banks in other Member States. Specific rules applied by the **international card** payment schemes require, **on the basis of their territorial licensing policies**, the application of the interchange fee of the 'Point of Sale' (country of the retailer) for each payment transaction. This prevents **acquirers** from successfully offering their services on a **cross-border** basis. It **can also prevent** retailers from reducing their payment costs to the benefit of consumers.

Or. fr

Amendment 37

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The currently existing wide variety of interchange fees and their level prevent the emergence of 'new' pan Union players on the basis of business models with lower interchange fees, to the detriment of potential economies of scale and scope and their resulting efficiencies. This has a negative impact on retailers and consumers and prevents innovation. As Pan-Union

Amendment

(11) The currently existing wide variety of interchange fees and their level prevent the emergence of 'new' pan Union players on the basis of business models with lower **or no** interchange fees, to the detriment of potential economies of scale and scope and their resulting efficiencies. This has a negative impact on retailers and consumers and prevents innovation. As Pan-Union

players would have to offer issuing banks as a minimum the highest level of interchange fee prevailing in the market they want to enter it also results in persisting market fragmentation. Existing domestic schemes with lower or no interchange fees may also be forced to exit the market because of the pressure from banks to obtain higher interchange fees revenues. As a result, consumers and merchants face restricted choice, higher prices and lower quality of payment services while their ability to use pan-Union payment solutions is restricted. In addition, retailers cannot overcome the fee differences by making use of card acceptance services offered by banks in other Member States. Specific rules applied by the payment schemes require the application of the interchange fee of the ‘Point of Sale’ (country of the retailer) for each payment transaction. This prevents acquiring banks from successfully offering their services on a cross border basis. It also prevents retailers from reducing their payment costs to the benefit of consumers.

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Or. en

Amendment 38
Jean-Paul Gauzès

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) This Regulation ***follows a gradual approach. As a first step, it is necessary to take measures to facilitate*** cross-border issuing and acquiring of payment card transactions. ***Allowing merchants to*** choose an acquirer outside their own Member State (***‘cross border*** acquiring) ***and imposing*** a maximum level of ***cross border*** interchange fees for ***cross border***

Amendment

(15) This Regulation ***applies equally to*** cross-border ***and to national*** issuing and acquiring of payment card transactions. ***If merchants can*** choose an acquirer outside their own Member State (***‘cross-border*** acquiring), ***which will be facilitated by the imposition of*** a maximum level of ***cross-border*** interchange fees for acquired transactions ***and the prohibition of***

acquired transactions *should* provide the necessary legal clarity. ***In addition, licences for issuing or acquiring of payment instruments should be valid without geographic restrictions within the Union. These measures would facilitate the smooth functioning of an internal market for card, internet and mobile payments, to the benefit of consumers and retailers.***

territorial licensing, it should be possible to provide the necessary legal clarity and to prevent distortions of competition between payment-card systems.

Or. fr

Amendment 39
Sari Essayah

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) ***This Regulation follows a gradual approach. As a first step***, it is necessary to take measures to facilitate cross-border issuing and acquiring of payment card transactions. Allowing merchants to choose an acquirer outside their own Member State (‘cross border acquiring’) and imposing ***a*** maximum level of ***cross border*** interchange fees for cross border acquired transactions should provide the necessary legal clarity. In addition, licences for issuing or acquiring of payment instruments should be valid without geographic restrictions within the Union. ***These measures would facilitate the smooth functioning of an internal market for card, internet and mobile payments, to the benefit of consumers and retailers.***

Amendment

(15) ***In order to facilitate the smooth functioning of an internal market for card, internet and mobile payments, to the benefit of consumers and retailers***, it is necessary to take measures to facilitate cross-border issuing and acquiring of payment card transactions. Allowing merchants to choose an acquirer outside their own Member State (‘cross border acquiring’) and imposing ***the same*** maximum level of interchange fees for ***both domestically and*** cross border acquired transactions should provide the necessary legal clarity. In addition, licences for issuing or acquiring of payment instruments should be valid without geographic restrictions within the Union.

Or. en

Justification

Having different timelines for cross-border and domestic implementation would put smaller

merchants in an inferior position compared to larger merchants with access to cross-border connections.

Amendment 40
Sari Essayah

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) As a consequence of unilateral undertakings and commitments accepted in the framework of competition proceedings, many cross-border card payment transactions in the Union are already carried out respecting the maximum interchanges fees *applicable to the first phase of this Regulation*. Therefore, *the provisions relating to those transactions should enter into force quickly, creating opportunities for retailers to seek cheaper acquiring services cross-border, and incentivising domestic banking communities or schemes to lower their acquiring fees.*

Amendment

(16) As a consequence of unilateral undertakings and commitments accepted in the framework of competition proceedings, many cross-border card payment transactions in the Union are already carried out respecting the maximum interchanges fees. *They should be further developed by new provisions in order to create opportunities for retailers to use cheaper acquiring services. A transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements.* Therefore, *after a six months period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all cross-border and domestic payments.*

Or. en

Amendment 41
Jean-Paul Gauzès

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) As a consequence of unilateral

Amendment

(16) As a consequence of unilateral

undertakings and commitments accepted in the framework of competition proceedings, many cross-border card payment transactions in the Union are already carried out respecting the maximum interchanges fees applicable *to the first phase of this Regulation*. Therefore, the provisions relating to those transactions should enter into force *quickly, creating opportunities for retailers to seek cheaper acquiring services cross-border, and incentivising domestic banking communities or schemes to lower their acquiring fees*.

undertakings and commitments accepted in the framework of competition proceedings, many cross-border card payment transactions in the Union are already carried out respecting the maximum interchanges fees applicable. Therefore, *all* the provisions relating to those transactions *and to national transactions* should enter into force *simultaneously and within a reasonable period of time, taking account of the difficulty and complexity of the migration of payment-card systems, which this Regulation necessitates*.

Or. fr

Amendment 42
Sari Essayah

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a two year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

deleted

Or. en

Amendment 43
Marianne Thyssen

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a two year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the *caps* on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a two year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the *rules* on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments. *In view of the trend in the past ten years, it is likely that the issue and use of consumer debit cards will continue to increase, with the result that, after the transitional period, the aim of encouraging the issue and use of debit cards will no longer justify retaining interchange payments for debit cards.*

Or. nl

Amendment 44
Burkhard Balz

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a *two* year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements *and to take account of the significant differences in payment habits in Member States.* Therefore, after a *five* year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange

domestic payments.

fees for consumer card transactions should be extended to cover all, cross-border and domestic payments. ***The transitional period of five years should allow the interchange fees on domestic payments to converge from the current average in a Member State to the maximum cap.***

Or. en

Amendment 45

Pablo Arias Echeverría

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a ***two year*** period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the ***caps*** on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a ***six month*** period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the ***rules*** on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. en

Amendment 46

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment

Amendment

(17) For domestic transactions, a ***short*** transition period is necessary to provide

services providers and schemes with time to adapt to the new requirements. Therefore, after a *two year* period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

payment services providers and schemes with time to adapt to the new requirements. Therefore, after a *six months* period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. en

Amendment 47
Jürgen Klute

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period *is* necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a *two year* period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period *may be* necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a *six months* period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. en

Amendment 48
Olle Ludvigsson

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a **two year period** following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a **period of twelve months** following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. en

Amendment 49
Werner Langen

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a **two** year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a **one** year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. de

Amendment 50
Wolf Klinz

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a **two** year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after a **one** year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. en

Amendment 51
Sophia in 't Veld, Olle Schmidt

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after **a two** year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Amendment

(17) For domestic transactions, a transition period is necessary to provide payment services providers and schemes with time to adapt to the new requirements. Therefore, after **one** year period following the entry into force of this Regulation and in order to provide for a completion of an internal market for card-based payments, the caps on interchange fees for consumer card transactions should be extended to cover all, cross-border and domestic payments.

Or. en

Amendment 52
Sari Essayah

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) **'consumer'** debit card transactions and card based payment transaction should have a maximum interchange fee of **0,20%** and all (cross-border and domestic) **consumer** credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.30%**.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) debit card transactions and card based payment transaction should have a maximum interchange fee of **the lower amount of 7 eurocents or 0.1% of the transaction value** and all (cross-border and domestic) credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **the lower amount of 14 eurocents or 0.15% of the transaction value**.

Or. en

Amendment 53
Sophia in 't Veld

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) **'consumer'** debit card transactions and card based payment transaction should **have a maximum** interchange fee of **0,20%** and all (cross-border and domestic) **consumer** credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.30%**.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) debit card transactions and card based payment transaction should **not have** interchange fee and all (cross-border and domestic) credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.10%**.

Or. en

Amendment 54
Jürgen Klute

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should **have a maximum** interchange fee **of 0,20%** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.30%**.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should **not apply any** interchange fee and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.20%**.

Or. en

Amendment 55
Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have **a maximum** interchange fee **of 0,20%** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.30%**.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have **no** interchange fee **in line with the impact assessment** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.30%**.

Or. en

Amendment 56
Wolf Klinz

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have a maximum interchange fee of **0,20%** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.30%**.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have a maximum interchange fee of **0,25%** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of **0.40% based on a yearly weighted average**.

Or. en

Amendment 57
Sylvie Goulard

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit **card** transactions and card based payment transaction should have a maximum interchange fee of 0,20% and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of 0.30%.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit transactions **by card** and card based payment transaction should have a maximum interchange fee of 0,20% and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of 0.30%.

Or. en

Amendment 58
Burkhard Balz

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have a maximum interchange fee of 0,20% and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of 0.30%.

Amendment

(18) In order to facilitate cross border acquiring, ***after an appropriate transitional period***, all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have a maximum interchange fee of 0,20% and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of 0.30%.

Or. en

Amendment 59
Corien Wortmann-Kool

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have a maximum interchange fee of ***0,20%*** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of 0.30%.

Amendment

(18) In order to facilitate cross border acquiring all (cross-border and domestic) ‘consumer’ debit card transactions and card based payment transaction should have a maximum interchange fee of ***0,0%*** and all (cross-border and domestic) consumer credit card transactions and card based payment transactions based on those should have a maximum interchange fee of 0.30%.

Or. en

Amendment 60
Bas Eickhout
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The impact assessment shows that a prohibition of interchange fees for debit card transactions would be beneficial for card acceptance, card usage, development of the single market and generate more benefits to merchants and consumers than a cap set at any higher level. Moreover it would avoid that national systems with very low or zero interchange fees for debit transaction would be negatively affected by a higher cap due to cross border expansion or new market entrants increasing fee levels to the level of the cap. A ban on interchange fees for debit card transactions also addresses the threat of exporting the interchange fee model to new, innovative payment services such as mobile and online systems.

Or. en

Amendment 61
Sari Essayah

Proposal for a regulation
Recital 19

Text proposed by the Commission

Amendment

(19) Those caps are based on the so-called ‘Merchant Indifference Test’ developed in economic literature, which identifies the fee level a merchant would be willing to pay if he were to compare the cost of the customer’s use of a payment card with those of non-card (cash) payments (taking into account the fee for service paid to

(19) Those caps are introduced to stimulate the use of efficient payment instruments through a promotion of those that provide higher transactional benefits, while at the same time preventing disproportionate merchant fees, which would impose hidden costs on other consumers. Excessive merchant fees might

*acquiring banks, i.e. the merchant service charge coming on top of the interchange fee). It thereby stimulates the use of efficient payment instruments through a promotion of **those cards** that provide higher transactional benefits, while at the same time preventing disproportionate merchant fees, which would impose hidden costs on other consumers. Excessive merchant fees might otherwise arise due to the collective interchange fee arrangements, as merchants are reluctant to turn down costly payment instruments for fear of losing business. **Experience has shown that those levels are proportionate, as they do not call into question the operation of international card schemes and payment service providers.** They also provide benefits for retailers and consumers and provide legal certainty.*

otherwise arise due to the collective interchange fee arrangements, as merchants are reluctant to turn down costly payment instruments for fear of losing business. They also provide benefits for retailers and consumers and provide legal certainty.

Or. en

Justification

The merchant indifference test would bring just indifference but the use of debit cards needs to be incentivised. The MIF should be the same for across all customer categories as consumers should not cross-subsidise company cards which would be the outcome when company cards would probably carry higher MIFs than consumer cards. A higher MIF for credit card transactions results in debit card users cross-subsidising credit card users, so the difference should be reduced.

Amendment 62

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) **Those caps are** based on the so-called 'Merchant Indifference Test' developed in economic literature, which identifies the fee level a merchant would be willing to

Amendment

(19) **The cap for consumer credit card transactions is** based on the so-called 'Merchant Indifference Test' developed in economic literature, which identifies the

pay if he were to compare the cost of the customer's use of a payment card with those of non-card (cash) payments (taking into account the fee for service paid to acquiring banks, i.e. the merchant service charge coming on top of the interchange fee). It thereby stimulates the use of efficient payment instruments through a promotion of those cards that provide higher transactional benefits, while at the same time preventing disproportionate merchant fees, which would impose hidden costs on other consumers. Excessive merchant fees might otherwise arise due to the collective interchange fee arrangements, as merchants are reluctant to turn down costly payment instruments for fear of losing business. Experience has shown that those levels are proportionate, as they do not call into question the operation of international card schemes and payment service providers. They also provide benefits for retailers and consumers and provide legal certainty.

fee level a merchant would be willing to pay if he were to compare the cost of the customer's use of a payment card with those of non-card (cash) payments (taking into account the fee for service paid to acquiring banks, i.e. the merchant service charge coming on top of the interchange fee). It thereby stimulates the use of efficient payment instruments through a promotion of those cards that provide higher transactional benefits, while at the same time preventing disproportionate merchant fees, which would impose hidden costs on other consumers. Excessive merchant fees might otherwise arise due to the collective interchange fee arrangements, as merchants are reluctant to turn down costly payment instruments for fear of losing business. Experience has shown that those levels are proportionate, as they do not call into question the operation of international card schemes and payment service providers. They also provide benefits for retailers and consumers and provide legal certainty.

Or. en

Amendment 63
Sari Essayah

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In line with the basic principles of the single market, acquirers should be able to provide their services to merchants throughout the Union with the MIFs they apply in their home market, but they should not apply higher ones cross-border.

Or. en

Amendment 64
Sari Essayah

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) This Regulation should cover all transactions where the payer's payment service provider **and** the payee's payment service provider **are** established in the Union.

Amendment

(20) This Regulation should cover all transactions where the payer's payment service provider **or** the payee's payment service provider **is** established in the Union.

Or. en

Justification

There are no good reasons why merchants in the EU would need to collect higher MIFs for tourist cards than EU cards and thereby cross-subsidise tourist purchases in the EU. This would call for reciprocity in the other direction also, and would be important from the point of view of level-playing-field in the e-commerce where international boundaries disappear.

Amendment 65
Jürgen Klute

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Payment card transactions are generally carried out on the basis of two main business models, so-called three party payment card schemes (cardholder – acquiring and issuing scheme - merchant) and four party payment card schemes (card holder- issuing bank- acquiring bank- merchant). Many four payment card party schemes are using an explicit interchange fee, mostly multilateral. Interchange fees (fees paid by acquiring banks to incentivise card issuing and card use) are implicit in three party payment

Amendment

deleted

card schemes. To acknowledge the existence of implicit interchange fees and contribute to the creation of a level playing field, three party payment card schemes using payment service providers as issuers or acquirers should be considered as four party payment card schemes and should follow the same rules, whilst transparency and other measures related to business rules should apply to all providers.

Or. en

Amendment 66
Sari Essayah

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Payment card transactions are generally carried out on the basis of two main business models, so-called three party payment card schemes (cardholder – acquiring and issuing scheme - merchant) and four party payment card schemes (card holder- issuing bank- acquiring bank-merchant). Many four payment card party schemes are using an explicit interchange fee, mostly multilateral. Interchange fees (fees paid by acquiring banks to incentivise card issuing and card use) are implicit in three party payment card schemes. To acknowledge the existence of implicit interchange fees and contribute to the creation of a level playing field, three party payment card schemes using payment service providers as issuers or acquirers should be considered as four party payment card schemes and should follow the same rules, whilst transparency and other measures related to business rules should apply to all providers.

Amendment

(22) Payment card transactions are generally carried out on the basis of two main business models, so-called three party payment card schemes (cardholder – acquiring and issuing scheme - merchant) and four party payment card schemes (card holder- issuing bank- acquiring bank-merchant). Many four payment card party schemes are using an explicit interchange fee, mostly multilateral. Interchange fees (fees paid by acquiring banks to incentivise card issuing and card use) are implicit in three party payment card schemes. To acknowledge the existence of implicit interchange fees and contribute to the creation of a level playing field, three party payment card schemes using payment service providers as issuers or acquirers should be considered as four party payment card schemes and should follow the same rules, whilst transparency and other measures related to business rules should apply to all providers. ***Three party schemes should accept transactions made***

using their cards from any acquirer based on general card transaction standards and acquiring rules comparable to the merchant rules for the specific three party schemes and with interchange caps in accordance with this Regulation.

Or. en

Justification

Enforcing general acquiring on three party schemes will make them act as four party schemes in relation to MIF caps and will increase competition regarding acquiring services.

Amendment 67

Pablo Arias Echeverría

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) It is important to ensure that the provisions concerning the interchange fees to be paid or received by payment service providers are not circumvented by alternative flows of fees to issuing payment services providers. To avoid this, the ‘net compensation’ of fees paid and received by the issuing payment service provider from a payment card scheme should be considered as the interchange fee. When calculating the interchange fee, for the purpose of checking whether circumvention is taking place the total amount of payments or incentives received by an issuing payment services provider from a payment card scheme with respect to the regulated transactions less the fees paid by the issuing payment services provider to the scheme should be taken into account. Payments, incentives and fees **considered could be** direct (i.e. volume-based or transaction-specific) or indirect (including marketing incentives, bonuses,

Amendment

(23) It is important to ensure that the provisions concerning the interchange fees to be paid or received by payment service providers are not circumvented by alternative flows of fees to issuing payment services providers. To avoid this, the ‘net compensation’ of fees paid and received by the issuing payment service provider from a payment card scheme should be considered as the interchange fee. When calculating the interchange fee, for the purpose of checking whether circumvention is taking place the total amount of payments or incentives received by an issuing payment services provider from a payment card scheme with respect to the regulated transactions less the fees paid by the issuing payment services provider to the scheme **and the monetary incentives or equivalent received by a cardholder from a payment card scheme** should be taken into account. **All** payments, incentives and fees, **whether**

rebates for meeting certain transaction volumes).

direct (i.e. volume-based or transaction-specific) or indirect (including marketing incentives, bonuses, rebates for meeting certain transaction volumes), ***in addition to any monetary or other incentives directed at the cardholder, shall be considered under this assessment. For the purposes of this Regulation, the estimated corresponding amount of direct or indirect incentives or equivalent should not be spread over more than a one-year period and should not be amortised for inflation or other purposes.***

Or. en

Amendment 68
Slawomir Nitras

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) It is important to ensure that the provisions concerning the interchange fees to be paid or received by payment service providers are not circumvented by alternative flows of fees to issuing payment services providers. To avoid this, the "net compensation" of fees paid and received by the issuing payment service provider from a payment card scheme should be considered as the interchange fee. When calculating the interchange fee, for the purpose of checking whether circumvention is taking place the total amount of payments or incentives received by an issuing payment services provider from a payment card scheme with respect to the regulated transactions less the fees paid by the issuing payment services provider to the scheme should be taken into account. Payments, incentives and fees considered could be direct (i.e. volume-based or transaction-specific) or indirect

Amendment

(23) It is important to ensure that the provisions concerning the interchange fees to be paid or received by payment service providers are not circumvented by alternative flows of fees to issuing payment services providers. To avoid this, the "net compensation" of fees paid and received by the issuing payment service provider from a payment card scheme should be considered as the interchange fee. When calculating the interchange fee, for the purpose of checking whether circumvention is taking place the total amount of payments or incentives received by an issuing payment services provider from a payment card scheme with respect to the regulated transactions less the fees paid by the issuing payment services provider to the scheme should be taken into account. Payments, incentives and fees considered could be direct (i.e. volume-based or transaction-specific) or indirect

(including marketing incentives, bonuses, rebates for meeting certain transaction volumes).

(including marketing incentives, bonuses, rebates for meeting certain transaction volumes). ***In checking whether circumvention of the provisions of the regulation regulating the maximum amount of interchange fees is taking place, card issuers' profits resulting from special programmes carried out jointly by payment card issuers and payment card schemes and revenue from processing, licensing and other fees providing revenue to card organisations should, in particular, be taken into account.***

Or. pl

Amendment 69
Sari Essayah

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) It is important to ensure that the provisions concerning the interchange fees to be paid or received by payment service providers are not circumvented by alternative flows of fees to issuing payment services providers. To avoid this, the 'net compensation' of fees paid and received by the issuing payment service provider from a payment card scheme should be considered as the interchange fee. When calculating the interchange fee, for the purpose of checking whether circumvention is taking place the total amount of payments or incentives received by an issuing payment services provider from a payment card scheme with respect to the regulated transactions less the fees paid by the issuing payment services provider to the scheme should be taken into account. Payments, incentives and fees considered could be direct (i.e. volume-based or transaction-specific) or indirect

Amendment

(23) It is important to ensure that the provisions concerning the interchange fees to be paid or received by payment service providers are not circumvented by alternative flows of fees to issuing payment services providers. To avoid this, the 'net compensation' of fees paid and received by the issuing payment service provider ***including possible authorisation charges*** from a payment card scheme should be considered as the interchange fee. When calculating the interchange fee, for the purpose of checking whether circumvention is taking place the total amount of payments or incentives received by an issuing payment services provider from a payment card scheme with respect to the regulated transactions less the fees paid by the issuing payment services provider to the scheme should be taken into account. Payments, incentives and fees considered could be direct (i.e. volume-

(including marketing incentives, bonuses, rebates for meeting certain transaction volumes).

based or transaction-specific) or indirect (including marketing incentives, bonuses, rebates for meeting certain transaction volumes).

Or. en

Justification

As issuers have lately increased separate authorisation charges and requirements, hence when these are explicitly mentioned the situation will be corrected.

Amendment 70
Sari Essayah

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) A separation of scheme and infrastructure should allow all processors to compete for customers of the schemes. As the cost of processing is a significant part of the total cost of card acceptance, it is important for this part of the value chain to be opened to effective competition. On the basis of the separation of scheme and infrastructure, card schemes and processing entities should be independent in terms of legal form, organisation and decision making process. They should not discriminate, for instance by providing each other with preferential treatment or privileged information which is not available to their competitors on their respective market segment, imposing excessive information requirements on their competitor in their respective market segment, cross-subsidizing their respective activities or having shared governance arrangements. Such discriminatory practises contribute to market fragmentation, negatively impact market entry by new players and prevent pan-

Amendment

(25) A separation of scheme and infrastructure should allow all processors to compete for customers of the schemes. As the cost of processing is a significant part of the total cost of card acceptance, it is important for this part of the value chain to be opened to effective competition. On the basis of the separation of scheme and infrastructure, card schemes and processing entities should be independent in terms of legal form, organisation and decision making process. They should not discriminate, for instance by providing each other with preferential treatment or privileged information which is not available to their competitors on their respective market segment, imposing excessive information requirements on their competitor in their respective market segment, cross-subsidizing their respective activities or having shared governance arrangements. Such discriminatory practises contribute to market fragmentation, negatively impact market entry by new players and prevent pan-

Union players from emerging, hence hindering the completion of the internal market in cards, internet and mobile payments, to the detriment of retailers, companies and consumers.

Union players from emerging, hence hindering the completion of the internal market in cards, internet and mobile payments, to the detriment of retailers, companies and consumers. ***In addition to typical four party scheme transactions, processing entities should also be able to process three party scheme transactions so that merchants and acquirers could accept all kinds of cards.***

Or. en

Amendment 71
Slawomir Nitras

Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Member States should retain the possibility of waiving application of the rule requiring strict and total separation of payment card schemes and processing entities for newly established card schemes. Applying this rule to new schemes would impose high business costs on them from the outset which are disproportionate to their market position in relation to existing major card schemes. Preferences for newly established card organisations should help to promote competition in the non-cash payments market more effectively.

Or. pl

Amendment 72
Bas Eickhout
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

(28) In accordance with Article 55 of the proposal COM (2013)547 the payee can steer the payer towards the use of a specific payment instrument. However, no charges should be requested by the payee for the use of payment instruments of which interchange fees are regulated within the scope of this Regulation, as in such situations the advantages of surcharging become limited while creating complexity in the market.

(28) Surcharging has neither proved to be an efficient steering mechanism for merchants to negotiate lower fees, nor has it generated downward pressure on interchange fees. Overall, surcharging has been detrimental to consumers and should therefore be prohibited.

Or. en

Justification

We suggest to amend Article 55 of the proposal COM (2013)547 (PSD2) accordingly.

Amendment 73

Sari Essayah

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

(28) In accordance with Article 55 of the proposal COM (2013)547 the payee can steer the payer towards the use of a specific payment instrument. However, no charges should be requested by the payee for the use of payment instruments of which interchange fees are regulated within the scope of this Regulation, **as in such situations the advantages of surcharging become limited while creating complexity in the market.**

(28) In accordance with Article 55 of the proposal COM (2013)547 the payee can steer the payer towards the use of a specific payment instrument. However, no **extra** charges should be requested by the payee for the use of **debit card** payment instruments of which interchange fees are regulated within the scope of this Regulation, **but rebates are allowed.**

Or. en

Justification

Credit cards should not be exempted from surcharging. The clarification on rebates is needed in order to ensure that merchants may incentivise the use of debit cards.

Amendment 74

Wolf Klinz

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' - element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a payment card system, since it prevents that payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit consumers through reduced merchants' costs. Merchants accepting

deleted

debit cards would then not be forced also to accept credit cards, and those accepting credit cards would not be forced to accept commercial cards. However, to protect the consumer and his ability to use the payment cards as often as possible, merchants should be obliged to accept all cards that are subject to the same regulated interchange fee. Such a limitation would also result in a more competitive environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards.

Or. en

Amendment 75
Werner Langen

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' – element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a

deleted

payment card system, since it prevents that payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit consumers through reduced merchants' costs. Merchants accepting debit cards would then not be forced also to accept credit cards, and those accepting credit cards would not be forced to accept commercial cards. However, to protect the consumer and his ability to use the payment cards as often as possible, merchants should be obliged to accept all cards that are subject to the same regulated interchange fee. Such a limitation would also result in a more competitive environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards.

Or. de

Amendment 76

Ashley Fox

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same

deleted

brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' – element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a payment card system, since it prevents that payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit consumers through reduced merchants' costs. Merchants accepting debit cards would then not be forced also to accept credit cards, and those accepting credit cards would not be forced to accept commercial cards. However, to protect the consumer and his ability to use the payment cards as often as possible, merchants should be obliged to accept all cards that are subject to the same regulated interchange fee. Such a limitation would also result in a more competitive environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards.

Or. en

Amendment 77
Marianne Thyssen

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' – element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a payment card system, since it prevents that payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit consumers through reduced merchants' costs. ***Merchants accepting debit cards would then not be forced also to accept credit cards, and those accepting credit cards would not be forced to accept commercial cards. However, to protect the consumer and his ability to use the payment cards as often as possible, merchants should be obliged to accept all cards that are subject to the***

Amendment

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' – element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a payment card system, since it prevents that payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit ***all*** consumers through reduced merchants' costs. ***Consumers who do not own or use a costly payment card must not be compelled to cross-subsidise the use of such costly payment cards by those consumers who have the opportunity to use them and benefit from the related reward programmes.*** Such a limitation would also result in a more competitive

same regulated interchange fee. Such a limitation would also result in a more competitive environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards.

environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards. ***Consumers would benefit from a lower retail price due to the reduction in merchants' costs. Moreover, merchants must not prevent consumers from rejecting an automatic preferential selection installed by the merchant in his equipment and opting for their own preferred payment instrument among the categories of payment cards or equivalent payment instruments accepted by the merchant.***

Or. nl

Justification

This amendment makes it clear that a merchant who accepts payment card A with an interchange payment below the cap imposed is required to accept payment card B only if exactly the same interchange payment applies to it. It is not enough, therefore, that both payment cards should entail an interchange payment below the imposed cap. This also enables the merchant to stimulate competition among the regulated caps by refusing a given payment card.

Amendment 78 **Pablo Arias Echeverría**

Proposal for a regulation **Recital 29**

Text proposed by the Commission

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' –

Amendment

(29) The Honour all Cards Rule is a twofold obligation imposed by issuing payment services providers and payment card schemes on payees to, on the one hand, accept all the cards of the same brand ('Honour all Products' - element), irrespective of the different costs of these cards, and on the other hand irrespective of the individual issuing bank which has issued the card ('Honour all Issuers' –

element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a payment card system, since it prevents *that* payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit consumers through reduced merchants' costs. Merchants accepting debit cards would then not be forced also to accept credit cards, and those accepting credit cards would not be forced to accept commercial cards. However, to protect the consumer and his ability to use the payment cards as often as possible, merchants should be obliged to accept all cards that are subject to the same regulated interchange fee. Such a limitation would also result in a more competitive environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards.

element). It is in the interest of the consumer that for the same category of cards the payee cannot discriminate between issuers or cardholders, and payments schemes and payment service providers can impose such obligation on them. Therefore, although the 'Honour all Issuers' element of the Honour all Cards Rule is a justifiable rule within a payment card system, since it prevents payees from discriminating between the individual banks which have issued a card, the 'Honour all Products' element is essentially a tying practice that has the effect of tying acceptance of low fee cards to acceptance of high fee cards. A removal of the 'Honour all Products' element of the Honour All Cards Rule would allow merchants to limit the choice of payment cards they offer to low(er) cost payment cards only, which would also benefit *all* consumers through reduced merchants' costs. Merchants accepting debit cards would then not be forced also to accept credit cards, and those accepting credit cards would not be forced to accept commercial cards. ***Failing this, all consumers including those not able to afford expensive cards or paying with cash or cheaper cards would cross-subsidise the use of expensive cards by better off consumers. Retailers including small retailers could also, if forced to accept the most expensive cards, decide not to accept card-based payments but turn to cash.*** However, to protect the consumer and his ability to use the payment cards as often as possible, merchants should be obliged to accept all cards that are subject to the same regulated interchange fee. Such a limitation would also result in a more competitive environment for cards with interchange fees not regulated under this Regulation, as merchants would gain more negotiating power as regards the conditions under which they accept such cards. ***These cost-savings would in turn benefit all***

Amendment 79
Werner Langen

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) ***For the effective functioning of the limitations to the Honour All Cards Rule certain information is indispensable.*** ***First***, payees should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable visibly and electronically on the device. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale. ***It is necessary that any limitation on the use of a given brand to be announced by the payee to the payer at the same time and under the same conditions as the information that a given brand is accepted.***

Amendment

(30) Payees should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable visibly and electronically on the device. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale.

Amendment 80
Ashley Fox

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) ***For the effective functioning of the limitations to the Honour All Cards Rule certain information is indispensable.*** ***First***, payees should have the means to identify the different categories of cards.

Amendment

(30) Payees should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable ***electronically and for newly issued card based payment instruments***

Therefore, the various categories should be identifiable ***visibly and electronically*** on the device. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale. ***It is necessary that any limitation on the use of a given brand to be announced by the payee to the payer at the same time and under the same conditions as the information that a given brand is accepted.***

also visibly on the device. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale.

Or. en

Amendment 81
Marianne Thyssen

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) For the effective functioning of the limitations to the Honour All Cards Rule certain information is indispensable. First, payees should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable visibly and electronically on the device. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale. It is necessary that any limitation on the use of a given brand to be announced by the payee to the payer at the same time and under the same conditions as the information that a given brand is accepted.

Amendment

(30) For the effective functioning of the limitations to the Honour All Cards Rule certain information is indispensable. First, payees ***and payers*** should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable visibly and electronically, ***either*** on the device ***or on the payment terminal***. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale. It is necessary that any limitation on the use of a given brand to be announced by the payee to the payer, ***at the latest*** at the same time and under the same conditions as the information that a given brand is accepted.

Or. nl

Justification

It is important that payers should be able, by means of visual identification or in a similar

manner, to identify the category of cards or card-based payment instruments which they have at their disposal so that they can anticipate their degree of acceptance. The identification may take place on the equipment itself or on the payment terminal. It is important that the payer should be informed about the categories of payment instruments which are not accepted at the latest at the same time as being informed which payment instruments are accepted.

Amendment 82

Pablo Arias Echeverría

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) For the effective functioning of the limitations to the Honour All Cards Rule certain information is indispensable. First, payees should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable visibly and electronically on the device. Secondly, also the payer should be informed about the acceptance of his payment instrument(s) at a given point of sale. It is necessary that any limitation on the use of a given brand to be announced by the payee to the payer at the same time and under the same conditions as the information that a given brand is accepted.

Amendment

(30) For the effective functioning of the limitations to the Honour All Cards Rule certain information is indispensable. First, payees **and payers** should have the means to identify the different categories of cards. Therefore, the various categories should be identifiable visibly and electronically on the device **or the terminal as appropriate**. Secondly, also the payer should be **clearly and comprehensively informed in an understandable manner** about the acceptance of his payment instrument(s) at a given point of sale. It is necessary that any limitation on the use of a given brand to be announced by the payee to the payer at the same time and under the same conditions as the information that a given brand is accepted.

Or. en

Amendment 83

Marianne Thyssen

Proposal for a regulation

Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) A payment is an agreement between

the payer and the payee. In order for competition between brands to be effective, it is important that the choice of payment application should be made by users, not imposed by the upstream market, comprising payment card systems, payment service providers or processors. This does not prevent payers and payees from setting an automatic choice of application, where technically feasible, provided that this choice can be changed for each transaction. If the payee selects an application supported by both, the user must be able to reject it and opt for his own preferred application.

Or. nl

Amendment 84
Burkhard Balz

Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) The regulation of interchange fees is not applicable to three part schemes as payer and payee have the same payment service provider. Payment cards relying on four part schemes and payment cards relying on three part schemes are, however, perceived by consumers as substitutes and could be used for the same types of transactions. The Commission should therefore ensure that appropriate and comparable regulation for three party schemes is introduced in due time.

Or. en

Amendment 85
Mojca Kleva Kekuš

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down uniform technical and business requirements for **payment** card **transactions** carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are established therein.

Amendment

1. This Regulation lays down uniform technical and business requirements for card **based payment transaction** carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are established therein.

Or. en

Amendment 86
Alfredo Pallone

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down uniform technical and business requirements for payment card transactions carried out within the Union, where **both** the payer's payment service provider **and** the payee's payment service provider are established therein.

Amendment

1. This Regulation lays down uniform technical and business requirements for payment card **and digital wallet** transactions carried out within the Union, where the payer's payment service provider, **the payer**, the payee's payment service provider **and the payee** are established therein.

Or. en

Amendment 87
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down uniform technical and business requirements for

Amendment

1. This Regulation lays down uniform technical and business requirements for

payment card transactions carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are established therein.

card **based payment** transactions carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are established therein.

Or. en

Justification

The wording should be redrafted in line with Commission's principle of technological neutrality, as indicated in the Digital Agenda and in Recital 21.

Amendment 88
Pablo Arias Echeverría

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down uniform technical and business requirements for payment card transactions carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are **established** therein.

Amendment

1. This Regulation lays down uniform technical and business requirements for payment card **based payment** transactions carried out within the Union, where both the **payee and the** payer's payment service provider and the payee's payment service provider are **located** therein.

Or. en

Justification

The Regulation of interchange fees should cover all cards which are used inside the European Union. Therefore, one-leg transactions, where cards are issued outside the Union but used within the EU should also be covered and interchange fees charged at the same rate as all other transactions. This is in line with the policy of the proposals on the Payment Services Directive.

Amendment 89
Sampo Terho

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down uniform technical and business requirements for payment card transactions carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are established therein.

Amendment

1. This Regulation lays down uniform technical and business requirements for payment card **and digital wallet** transactions carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are established therein.

Or. en

Amendment 90
Sari Essayah

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down uniform technical and business requirements for payment card transactions carried out within the Union, where **both** the payer's payment service provider **and** the payee's payment service provider are established therein.

Amendment

1. This Regulation lays down uniform technical and business requirements for payment card transactions carried out within the Union, where the payer's payment service provider **or** the payee's payment service provider are established therein.

Or. en

Justification

In the open Internet-environment where cards are frequently used the MIF requirements on EU cards and transactions need to be universal.

Amendment 91
Olle Ludvigsson

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation does not apply to payment instruments that can be used only within a limited network designed to address precise needs through payment instruments only to be used in a limited way, because they allow the specific instrument holder to acquire goods or services only in the premises of the issuer, within a limited network of service providers under a direct commercial agreement with a professional issuer, or because they can be used only to acquire a **limited** range of goods or services.

Amendment

2. This Regulation does not apply to payment instruments that can be used only within a limited network designed to address precise needs through payment instruments only to be used in a limited way, because they allow the specific instrument holder to acquire goods or services only in the premises of the issuer, within a limited network of service providers under a 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 92
Jürgen Klute

Proposal for a regulation
Article 1 – paragraph 3 – introductory part

Text proposed by the Commission

3. Chapter II does not apply to the following:

Amendment

3. **Unless Member States establish otherwise**, Chapter II does not apply to the following:

Or. en

Amendment 93
Sari Essayah

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

Text proposed by the Commission

(a) transactions with commercial cards,

Amendment

deleted

Or. en

Justification

Company cards need to be included, because otherwise consumers would cross-subsidise company cards.

Amendment 94

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 1 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) transactions with commercial cards, deleted

Or. en

Amendment 95

Sophia in 't Veld, Olle Schmidt

Proposal for a regulation

Article 1 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) transactions with commercial cards, deleted

Or. en

Amendment 96

Pablo Arias Echeverría

Proposal for a regulation

Article 1 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) transactions with commercial cards, deleted

Or. en

Amendment 97
Alfredo Pallone

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

Text proposed by the Commission

Amendment

(a) ***transactions with*** commercial cards,

(a) commercial cards,

Or. en

Amendment 98
Ashley Fox

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

Text proposed by the Commission

Amendment

(b) cash withdrawals at automatic teller machines and

(b) cash withdrawals at automatic teller machines and ***cash disbursements at the counter of payment service providers' premises, and***

Or. en

Justification

To accurately exempt cash withdrawal which can also be done at the counter in the branches of PSPs.

Amendment 99
Sari Essayah

Proposal for a regulation
Article 1 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) ***transactions with cards issued by three***

deleted

party payment card schemes.

Or. en

Justification

Three party schemes need to be opened to any acquirer and thus to act similarly to four party schemes with interchange fees.

Amendment 100
Jürgen Klute

Proposal for a regulation
Article 1 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) transactions with cards issued by three party payment card schemes. *deleted*

Or. en

Amendment 101
Pablo Arias Echeverría

Proposal for a regulation
Article 1 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) transactions with cards issued by three party payment card schemes. *deleted*

Or. en

Justification

There is no economic justification for omitting commercial cards or 3-party schemes from the proposed caps. The mechanics of all these payments, and therefore the actual costs, should not be different. From the point of view of the retailer, there is no difference in the service provided. The definition of ‘interchange fee’ in Article 2 should be wide enough to cover fees applied by 3-party schemes

Amendment 102
Alfredo Pallone

Proposal for a regulation
Article 1 – paragraph 3 – point c

Text proposed by the Commission

(c) **transactions with** cards issued by three party payment card schemes.

Amendment

(c) cards issued by three party payment card schemes.

Or. en

Amendment 103
Sophia in 't Veld, Olle Schmidt

Proposal for a regulation
Article 1 – paragraph 3 – point c

Text proposed by the Commission

(c) transactions with cards issued by three party payment card schemes.

Amendment

(c) transactions with cards issued by three party payment card schemes ***if their volume does not exceed a threshold set by the European Commission***

Or. en

Amendment 104
Marino Baldini

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

Text proposed by the Commission

Amendment

Member States may decide to apply this Regulation to transactions under points (a), (b) and (c) of this paragraph.

Or. en

Amendment 105
Mojca Kleva Kekuš

Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may decide to apply this Regulation to transactions under points (a), (b) and (c) of this paragraph.

Or. en

Amendment 106
Jürgen Klute

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. Article 7 does not apply to three party payment card schemes.

deleted

Or. en

Amendment 107
Emilie Turunen, Anne E. Jensen

Proposal for a regulation
Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Article 6 and 7 shall not apply to domestic debit card schemes that operate with an average interchange fee or net compensation model which is verifiably below the threshold value in article 3 and 4.

Justification

Cost-efficient domestic debit card schemes that already today operate with an interchange fee level below the threshold proposed by the Commission (0.2 %) can be exempted from the business rules articles 6 and 7 if national authorities decide to opt out. The Commission's impact assessment accompanying the Regulation on Multilateral Interchange Fees (p. 206) indicates that this exemption would be relevant to only a limited number of Member States.

Amendment 108
Claudio Morganti

Proposal for a regulation
Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation does not apply to three party payment card schemes or four party payment card schemes that:

- a) hold less than a 5% share of the market for the provision of network services for card payments in the EU; or***
- b) processed card based payment transactions of less than EUR 102.5 billion in its previous financial year.***

Amendment 109
Claudio Morganti

Proposal for a regulation
Article 1 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. For the purposes of calculating the thresholds in Article 1(4a)(a) and Article 1(4a)(b), all three party payment card schemes and/or four party payment card schemes controlled or operated by

undertakings belonging to the same group shall be aggregated.

Or. en

Amendment 110

Slawomir Nitras

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'issuer' means a payment service provider contracting directly or indirectly with a payer to initiate, process and settle the payer's payment transactions;

Amendment

(2) 'issuer' means a payment service provider contracting directly or indirectly with a payer to initiate, process and settle the payer's payment transactions, ***where the provider makes funds available to the payer through the use of a card as a payment instrument;***

Or. pl

Amendment 111

Slawomir Nitras

Proposal for a regulation

Article 2 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

(3a) 'payment card' means a card (debit or credit) authorising cash payments to be made or enabling payment orders to be submitted through a merchant or an acquirer, and which the merchant accepts for the purpose of receiving the funds owed to him;

Or. pl

Amendment 112
Sari Essayah

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘debit card transaction’ means ***an*** card payment transaction ***included with prepaid cards linked to a current or deposit access account to which a transaction is debited in less than or 48 hours after the transaction has been authorised/initiated.***

Amendment

(4) ‘debit card transaction’ means ***a*** card payment transaction ***which is debited directly and finally from the card holder's payment account within the next days.***

Or. en

Amendment 113
Jean-Paul Gauzès

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'debit card transaction' means ***an card payment transaction included with prepaid cards linked to a current or deposit access account to which a transaction is debited in less than or 48 hours after the transaction has been authorised/initiated;***

Amendment

(4) ‘debit card transaction’ means ***a transaction carried out with a debit card. A debit card is a card all the payment transactions on which are debited immediately. Prepaid cards are debit cards;***

Or. fr

Amendment 114
Slawomir Nitras

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'debit card transaction' means ***an*** card

Amendment

(4) 'debit card transaction' means ***a*** card

payment transaction included with prepaid cards linked to a current or deposit access account *to which a transaction is debited in less than or 48 hours after the transaction has been authorised/initiated.*

payment transaction included with prepaid cards linked to a current or deposit access account *and using funds previously deposited in the account.*

Or. pl

Amendment 115

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘debit card transaction’ means an card payment transaction included with prepaid cards linked to a current or deposit access account to which a transaction is debited in less than or **48 hours** after the transaction has been authorised/initiated.

Amendment

(4) ‘debit card transaction’ means an card payment transaction included with prepaid cards linked to a current or deposit access account to which **each** transaction is **individually** debited in less than or **2 business days** after the transaction has been authorised/initiated.

Or. en

Justification

This amendment is based on a contribution by the German Confederation of Consumer Protection Organisations (VZBV).

Amendment 116

Pablo Zalba Bidegain

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘debit card transaction’ means **an** card payment transaction **included with** prepaid cards linked to a current or deposit access

Amendment

(4) ‘debit card transaction’ means **a** card payment transaction **including** prepaid cards linked to a current or deposit access

account to which a transaction is debited in less than *or 48 hours* after the *transaction has been authorised/initiated*.

account to which a transaction is debited in less than *two business days* after the *receipt of the payment order by the issuer*.

Or. en

Amendment 117
Ashley Fox

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘debit card transaction’ means *an* card payment transaction *included with prepaid cards linked to a current or deposit access* account to which *a transaction is debited* in less than or 48 hours after the transaction has been *authorised/initiated*.

(4) ‘debit card transaction’ means *a* card payment transaction *executed with a debit card and debited on the payment* account to which *the card is linked* in less than or 48 hours after the transaction has been *cleared*.

Or. en

Justification

As drafted, it is impossible to know the nature of the transaction at the time of the transaction.

Amendment 118
Sylvie Goulard

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘debit card *transaction*’ means an card payment transaction included with prepaid cards linked to a current or deposit access account to which a transaction is debited *in less than or 48 hours* after the transaction has been *authorised/initiated*.

(4) ‘debit *transaction by* card’ means an card payment transaction included with prepaid cards linked to a current or deposit access account to which a transaction is debited *immediately* after the transaction has been *cleared*.

Or. en

Amendment 119
Pablo Arias Echeverría

Proposal for a regulation
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘debit card transaction’ means **an** card payment transaction **included with** prepaid cards linked to a current or deposit access account to which a transaction is debited in less than **or 48 hours** after the **transaction has been authorised/initiated**.

Amendment

(4) ‘debit card transaction’ means **a** card payment transaction **including** prepaid cards linked to a current or deposit access account to which a transaction is debited in less than **two business days** after the **receipt of the payment order by the issuer**.

Or. en

Justification

The definitions of debit and credit card are based on the withdrawal of funds from the payer's account. Under the current definitions some debit transactions settled more than 48 hours after the transaction has been initiated, may be considered credit transactions because of the closure of the settlement system at the week-end. The amendment is in line with Article 74 of PSD2 which states that the payee's payment service provider's account is credited at the latest at the end of the first business day after the receipt of the payment order (article 69 PSD).

Amendment 120
Sari Essayah

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘credit card transaction’ means an card payment transaction **where the transaction is settled more than 48 hours after the transaction has been authorised/initiated**;

Amendment

(5) ‘credit card transaction’ means an card payment transaction **which is first debited from or registered on card holder's intermediary credit account and later debited from or paid by individually or in batches by the card holder through the use of another payment account or payment instrument**;

Amendment 121
Jean-Paul Gauzès

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'credit card transaction' means *an card payment transaction where the transaction is settled more than 48 hours after the transaction has been authorised/initiated*;

Amendment

(5) 'credit card transaction' means *a transaction carried out with a credit card. A credit card is a card enabling its user to carry out payment transactions which are not debited immediately*;

Or. fr

Amendment 122
Slawomir Nitras

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'credit card transaction' means *an card payment transaction where the transaction is settled more than 48 hours after the transaction has been authorised/initiated*;

Amendment

(5) 'credit card transaction' means *a card payment transaction where the funds used have previously been made available by the payment card issuer in the form of credit*;

Or. pl

Amendment 123
Bas Eickhout
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'credit card transaction' means an card payment transaction where the transaction is settled more than **48 hours** after the transaction has been authorised/initiated;

Amendment

(5) 'credit card transaction' means an card payment transaction where the transaction is settled more than **2 business days** after the transaction has been authorised/initiated **and to which a number of payment transactions is pooled to one amount and debited from a current or deposit account;**

Or. en

Justification

This amendment is based on a contribution by the German Confederation of Consumer Protection Organisations (VZBV).

Amendment 124
Pablo Zalba Bidegain

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'credit card transaction' means **an** card payment transaction where **the** transaction is **settled** more than **48 hours** after the **transaction has been authorised/initiated;**

Amendment

(5) 'credit card transaction' means **a** card payment transaction where **a** transaction is **debited in** more than **two business days** after the **receipt of the payment order by the issuer;**

Or. en

Amendment 125
Sylvie Goulard

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'credit **card** transaction' means an card

Amendment

(5) 'credit transaction **by card**' means an

payment transaction where the transaction is settled *more than 48 hours after the transaction has been authorised/initiated*;

card payment transaction where the transaction is settled *in full by the end of a specified period, or settled in part, with the balance taken as extended credit*;

Or. en

Amendment 126
Ashley Fox

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) 'credit card transaction' means *an* card payment transaction *where the transaction is settled* more than 48 hours after the transaction has been *authorised/initiated*;

(5) 'credit card transaction' means *a* card payment transaction *executed with a credit card and debited on the payment account to which the card is linked* more than 48 hours after the transaction has been *cleared*;

Or. en

Justification

Explicitly linked to type of card.

Amendment 127
Pablo Arias Echeverría

Proposal for a regulation
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) 'credit card transaction' means *an* card payment transaction where *the* transaction is *settled* more than *48 hours* after the *transaction has been authorised/initiated*;

(5) 'credit card transaction' means *a* card payment transaction where *a* transaction is *debited in* more than *two business days* after the *receipt of the payment order by the issuer*.

Or. en

Justification

The definitions of debit and credit card are based on the withdrawal of funds from the payer's account. Under the current definitions some debit transactions, which are settled more than 48 hours after the transaction has been initiated, may be considered credit transactions because of the closure of the settlement system at the week-end. The amendment is in line with Article 74 of PSD2 which states that the payee's payment service provider's account is credited at the latest at the end of the first business day after the receipt of the payment order (article 69 PSD).

Amendment 128 **Pablo Arias Echeverría**

Proposal for a regulation **Article 2 – paragraph 1 – point 6**

Text proposed by the Commission

Amendment

(6) 'commercial card' means any payment cards issued to undertakings or public sector entities that are limited in use for business expenses of employees or civil servants or cards issued to self-employed natural persons engaged in a business activity that are limited in use for business expenses of those self-employed natural persons or their employees; **deleted**

Or. en

Justification

There is no economic justification for omitting commercial cards from the proposed caps. From the point of view of the retailer, the cost is exactly the same.

Amendment 129 **Śławomir Nitras**

Proposal for a regulation **Article 2 – paragraph 1 – point 6**

Text proposed by the Commission

Amendment

(6) 'commercial card' means any payment

(6) 'commercial card' means any payment

cards issued to undertakings or public sector entities that are limited in use for business expenses of employees or civil servants or cards issued to self-employed natural persons engaged in a business activity ***that are limited in use for business expenses of those self-employed natural persons or their employees;***

cards issued to undertakings or public sector entities that are limited in use for business expenses of employees or civil servants or ***payment*** cards issued to self-employed natural persons engaged in a business activity ***where the issuing of the card by the payment card issuer is linked to the payment card user or another person obtaining additional economic benefits, in particular, insurance, rebates or bonuses, which increase the costs of processing a transaction carried out with the commercial card;***

Or. pl

Amendment 130
Markus Ferber

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. 'commercial card' means any payment cards issued to undertakings or public sector entities that are limited in use for business expenses of employees or civil servants or cards issued to ***self-employed*** natural persons engaged in a business activity that are ***limited in use*** for business expenses of those ***self-employed*** natural persons or their employees;

Amendment

6. 'commercial card' means any payment cards issued to undertakings or public sector entities that are limited in use for business expenses of employees or civil servants or cards issued to natural persons engaged in a business activity that are ***intended to pay*** for business expenses of those natural persons or their employees;

Or. de

Justification

Takes account of the fact that in many Member States commercial cards are not customary and that what are in effect commercial cards are issued in the name of natural persons. The extended definition is to prevent discrimination because of that fact.

Amendment 131
Slawomir Nitras

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'cross-border payment transaction' means a card payment or card-based payment transaction initiated by a payer or by a payee where the *payer's payment service provider and the payee's payment service provider are established in different Member States or where the* payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Amendment

(8) 'cross-border payment transaction' means a card payment or card-based payment transaction initiated by a payer or by a payee where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Or. pl

Amendment 132
Burkhard Balz

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) 'cross-border payment transaction' means a card payment or card-based payment transaction initiated by a payer or by a payee where the *payer's payment service provider and the payee's payment service provider are established in different Member States or where the* payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Amendment

(8) 'cross-border payment transaction' means a card payment or card-based payment transaction initiated by a payer or by a payee where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Or. en

Amendment 133
Nils Torvalds

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee ***where the payer's payment service provider and the payee's payment service provider are established in different Member States*** or where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Amendment

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Or. en

Justification

Clarification of the definition so that it only covers pure cross-border transactions, i.e. where the card is issued in another Member state than that of the Point of Sale.

Amendment 134
Jean-Paul Gauzès

Proposal for a regulation
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payer's payment service provider ***and the payee's payment service provider are*** established in different ***Member States*** or where the payment card is issued by an issuing payment service provider established in a different Member State than that of the

Amendment

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payer's payment service provider ***or the point of sale is*** established in ***a different Member State than the payee's payment service provider*** or where the payment card is issued by an issuing payment service provider established in a different Member State

point of sale;

than that of the point of sale;

Or. en

Amendment 135

Sylvie Goulard

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payer's payment service provider **and the payee's payment service provider are** established in different Member **States** or where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

Amendment

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payer's payment service provider **or the point of sale is** established in **a** different Member **State than the payee's payment service provider** or where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale

Or. en

Justification

To cover all situations of cross-border payments

Amendment 136

Pablo Arias Echeverría

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payer's payment service provider and the payee's payment

Amendment

(8) ‘cross-border payment transaction’ means a card payment or card-based payment transaction initiated by a payer or by a payee where the payer's payment service provider and the payee's payment

service provider are established in different Member States or where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale;

service provider are established in different Member States or where the payment card is issued by an issuing payment service provider established in a different Member State than that of the point of sale, ***including when a payee is using the services of an acquirer located in another Member State;***

Or. en

Justification

This amendment specifies that cross-border payment transactions do not cover only the situations where a cardholders is using is card in another Member State but also cross border acquiring services to payees.

Amendment 137
Claudio Morganti

Proposal for a regulation
Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) 'group' means a group of undertakings, which consists of a parent undertaking, its subsidiaries and the entities in which the parent undertaking or its subsidiaries have a holding as well as undertakings linked to each other by a relationship referred to in Article 12(1) of Directive 83/349/EEC;

Or. en

Amendment 138
Alfredo Pallone

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) 'interchange fee' means a fee paid **for each transaction** directly or indirectly (i.e. through a third party) between the payment service providers of the payer and of the payee involved in a payment card or a payment card-based transaction;

Amendment

(9) 'interchange fee' means a fee paid directly or indirectly (i.e. through a third party) between the payment service providers of the payer and of the payee involved in a payment card or a payment card-based transaction. ***An interchange fee can either be explicit in a four party card scheme (the fee is paid by one legal entity to another legal entity) or implicit in a three party scheme (internal transfer between the acquiring business and the issuing business of one and the same legal entity). It also includes a fee paid or rebate offered between the payment service provider of the payer and a co-brand partner or an agent.***

Or. en

Amendment 139
Jean-Paul Gauzès

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) 'interchange fee' means a fee paid for each transaction directly or indirectly (i.e. through a third party) between the payment service providers of the payer and of the payee involved in a payment card or a payment card-based transaction;

Amendment

(9) 'interchange fee' means a fee paid for each transaction directly or indirectly (i.e. through a third party) between the payment service providers of the payer and of the payee involved in a payment card or a payment card-based transaction, ***in return for the services provided by the payment service provider of the payer to that of the payee. These services include security, payment guarantees and processing fees;***

Or. fr

Amendment 140
Pablo Arias Echeverría

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘interchange fee’ means a fee paid for each transaction directly or indirectly (i.e. through a third party) between the payment service providers of the payer and of the payee involved in a payment card or a payment card-based transaction;

Amendment

(9) ‘interchange fee’ means a fee paid for each transaction directly or indirectly (i.e. through a third party) between the payment service providers of the payer and of the payee involved in a payment card or a payment card-based transaction, **and includes fees applied by 3-party schemes by way of any internal transfer between the acquiring side and the issuing side of the same legal entity;**

Or. en

Justification

The fees charged by 3-party schemes should also be covered in the caps proposed by the Regulation as there is no economic justification for omitting them. Equal competition and the interests of payment users are best served by including all types of payment card in the caps.

Amendment 141
Jean-Paul Gauzès

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘merchant service charge’ means a fee paid by the payee to the acquirer **for each transaction comprising the interchange fee, the payment scheme and processing fee and the acquirer margin;**

Amendment

(10) ‘merchant service charge’ means a fee paid by the payee to the acquirer, **and negotiated freely between them, in return for services provided by the acquirer so as to enable the payee to accept payment-card transactions;**

Or. fr

Amendment 142
Ashley Fox

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘merchant service charge’ means a fee paid by the payee to the acquirer for *each transaction comprising the interchange fee, the payment scheme and processing fee and the acquirer margin*;

Amendment

(10) ‘merchant service charge’ means a fee paid by the payee to the acquirer for *enabling the acceptance of card payments*;

Or. en

Justification

List of elements as drafted is arbitrary.

Amendment 143
Jürgen Klute

Proposal for a regulation
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘payment *card* scheme’ means a single set of rules, practices, standards and/or implementation guidelines for the execution of payment transactions across the Union and within Member States, and which is separated from any infrastructure or payment system that supports its operation;

Amendment

(13) ‘payment scheme’ means a single set of rules, practices, standards and/or implementation guidelines for the execution of payment transactions across the Union and within Member States, and which is separated from any infrastructure or payment system that supports its operation;

Or. en

Amendment 144
Sampo Terho

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘three party payment card scheme’ means a payment card scheme ***in which payments are made from a payment account held by the scheme on behalf of the cardholder to a payment account held by the scheme on behalf of the payee, and card based transactions based on the same structure. When a three party payment card scheme licenses other payment service providers for the issuance and/or the acquiring of payment cards, it is considered as a four party payment card scheme;***

Amendment

(15) ‘three party payment card scheme’ means

(a) a payment card scheme 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; or

(b) a payment card scheme 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 scheme, and

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

Or. en

Amendment 145
Alfredo Pallone

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘three party payment card scheme’ means a payment card scheme in which payments are made from a payment account held by the scheme on behalf of the **cardholder** to a payment account held by the scheme on behalf of the payee, and card based transactions based on the same structure. When a three party payment card scheme licenses other payment service providers for the issuance and/or the acquiring of payment cards, it is considered as a four party payment card scheme;

Amendment

(15) ‘three party payment card scheme’ means a payment card scheme in which payments are made from a payment account held by the scheme on behalf of the **payer** to a payment account held by the scheme on behalf of the payee, and card based transactions based on the same structure. When a three party payment card scheme licenses other payment service providers for the issuance and/or the acquiring of payment cards, **or issues or distributes payment cards with a co-brand partner or through an agent**, it is considered as a four party payment card scheme;

Or. en

Amendment 146

Sari Essayah

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘three party payment card scheme’ means a payment card scheme in which payments **are** made from a payment account held by the scheme on behalf of the cardholder to a payment account held by the scheme on behalf of the payee, and card based transactions based on the same structure. When a three party payment card scheme licenses other payment service providers for the issuance and/or the acquiring of payment cards, it is considered as a four party payment card scheme;

Amendment

(15) ‘three party payment card scheme’ means a payment card scheme in which payments **can be** made from a payment account held by the scheme on behalf of the cardholder to a payment account held by the scheme on behalf of the payee, and card based transactions based on the same structure. When a three party payment card scheme licenses other payment service providers for the issuance and/or the acquiring of payment cards, it is considered as a four party payment card scheme;

Or. en

Justification

This change is necessary when three party schemes are opened for independent acquirers.

Amendment 147

Slawomir Nitras

Proposal for a regulation

Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) ‘newly established payment card scheme’ means a card scheme established no more than two years from the submission of an application for exemption from the relevant provisions of Article 7;

Or. pl

Justification

Member States should retain the possibility of waiving application of the rule requiring separation of card schemes and processing entities for newly established card schemes. Applying this rule to new schemes would impose high costs on them from the outset which are disproportionate to their market position in relation to existing card schemes. Preferences for newly established card organisations should help to promote competition in the non-cash payments market more effectively.

Amendment 148

Jean-Paul Gauzès

Proposal for a regulation

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

(16) '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 ***in its behalf***, in order to initiate a

(16) 'payment instrument' means any 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 ***by its third-party payment services provider***, in order to

payment order;

initiate a payment order;

Or. fr

Amendment 149
Ashley Fox

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘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 in not a credit transfer or a direct debit as defined by Article 2 of Regulation (EU) No 260/2012.*** ;

Amendment

(17) ‘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 ***transaction to be processed as a card payment*** ;

Or. en

Justification

Not all payments that do not qualify as CTs or DDs can be defined as card payments.

Amendment 150
Ashley Fox

Proposal for a regulation
Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) 'payment card' means a set of codes and/or data, identifying a payment instrument, which are retained into a physical or non-physical device or procedure; ownership of the physical device or procedure is separated from the ownership of card data and/or code; the

credentials to access the card can be separated from the card data and/or code;

Or. en

Justification

Consistency with SEPA end-date.

Amendment 151
Alfredo Pallone

Proposal for a regulation
Article 2 – paragraph 1 – point 25 a (new)

Text proposed by the Commission

Amendment

(25a) 'digital wallet' means a service allowing the wallet holder to access, manage and use identification and payment instruments in order to initiate payments. This service may reside on a device owned by the wallet holder e.g., a mobile phone or a PC or may be remotely hosted on a server (or a combination thereof) but is anyway under the control of the holder. The merchant with whom the digital wallet contracts is referred to as the 'sub-merchant'.

Or. en

Amendment 152
Sampo Terho

Proposal for a regulation
Article 2 – paragraph 1 – point 25 a (new)

Text proposed by the Commission

Amendment

(25a) 'digital wallet' means a service allowing the wallet holder to access, manage and use identification and

payment instruments in order to initiate payments. This service may reside on a device owned by the wallet holder e.g., a mobile phone or a PC or may be remotely hosted on a server (or a combination thereof) but is anyway under the control of the holder. The merchant with whom the digital wallet contracts is referred to as the 'sub-merchant'.

Or. en

Amendment 153
Jürgen Klute

Proposal for a regulation
Article 2 – paragraph 1 – point 25 a (new)

Text proposed by the Commission

Amendment

(25a) 'Account servicing payment service provider' means a payment service provider providing and maintaining payment accounts for a payer.

Or. en

Amendment 154
Jürgen Klute

Proposal for a regulation
Article 2 – paragraph 1 – point 25 b (new)

Text proposed by the Commission

Amendment

(25b) 'Debit card payment scheme with minimum European geographical coverage' means a payment scheme for debit cards with a geographical coverage (i.e. effective acceptance) in at least four Member States.

Or. en

Amendment 155
Sampo Terho

Proposal for a regulation
Article 2 – paragraph 1 – point 25 b (new)

Text proposed by the Commission

Amendment

(25b) 'average', in relation to interchange fees, means the total amount of credit card or debit card interchange fees paid, divided by the total amount of related transactions over the same time period.

Or. en

Amendment 156
Ashley Fox

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Interchange fees for cross-border consumer debit or credit card transactions

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or

effect of more than 0,3 % of the value of the transaction.

Or. en

Justification

Simultaneous application of measures.

Amendment 157
Sylvie Goulard

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Amendment

Interchange fees for cross-border consumer debit or credit *card transactions*

Interchange fees for cross-border consumer debit or credit *transaction by card*

Or. en

Amendment 158
Sari Essayah

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Amendment

Interchange fees for *cross-border consumer* debit or credit card transactions

Interchange fees for debit or credit card transactions

Or. en

Justification

There should be same interchange fees for consumer and commercial and all other kinds of debit and credit card transactions.

Amendment 159
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Interchange fees for cross-border
consumer debit or credit card transactions

Amendment

Interchange fees for cross-border consumer
debit or credit card **based payment**
transactions

Or. en

Justification

This title needs to be clarified to be in line with Commission's principle of technological neutrality, as indicated in the Digital Agenda and in Recital 21.

Amendment 160
Jean-Paul Gauzès

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two **months** after the entry into force of this Regulation, **payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0.2% of the value of the transaction.**

Amendment

1. With effect from two **years** after the entry into force of this Regulation, **the interchange fee applied on the weighted yearly average of all debit card transactions effected between issuers and acquirers shall not be more than 0.2%.**

Or. fr

Amendment 161
Werner Langen

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

(1) ***With effect from*** two months after the entry into force of this Regulation, ***payment services providers shall not offer or request for cross-border debit card transactions a*** per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***of more than*** 0,2 % of the value of the transaction.

Amendment

(1) ***Starting*** two months after the entry into force of this Regulation, ***the*** per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***offered or requested by payment service providers for cross-border debit card transactions shall be gradually reduced so that that after five years interchange fees do not exceed*** 0,2 % of the value of the transaction. ***To that end, interchange fees shall start at a level not exceeding 0.7% of the value of the transaction and shall be reduced by 0.1 percentage points per year, so that the final target value is reached after five years.***

Or. de

Amendment 162
Fabrizio Bertot

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction, ***plus a fixed value to be set no higher than 0,06 euro, calculated as the 0,2% of the maximum of the low value transaction as defined in the Article 56 of the [PSD2] (2013/0264).***

Amendment 163
Sari Essayah

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from **two** months after the entry into force of this Regulation, payment services providers shall not offer or request for **cross-border** debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2** % of the value of the transaction.

Amendment

1. With effect from **six** months after the entry into force of this Regulation, payment services providers shall not offer or request for debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **the lower amount of 7 eurocents or 0,1** % of the value of the transaction.

Or. en

Justification

In order to enhance the use of cards the MIF should be lower than the outcome of the merchant indifference test. The entry into force should be postponed with some months in order to give sufficient time for technical changes.

Amendment 164
Jürgen Klute

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect **of more than**

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect.

0,2 % of the value of the transaction.

Or. en

Amendment 165

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***of more than 0,2 % of the value of the transaction.***

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect.

Or. en

Justification

The Commission's impact assessment shows that a prohibition of IFs would be beneficial for card acceptance, card usage, development of the single market and generate more benefits to merchants and consumers than a 0,2% cap. There is no justification to postpone this regulatory step. Moreover it would avoid that national systems with very low or zero IFs for debit transaction would be negatively affected by a cap.

Amendment 166

Sophia in 't Veld

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer

or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect *of more than 0,2 % of the value of the transaction.*

or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect.

Or. en

Amendment 167
Sampo Terho

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card **transactions** a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border **transactions with a** debit card a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of, **on average**, more than 0,2 % of the value of the transaction.

Or. en

Amendment 168
Wolf Klinz

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2** % of the value of the transaction.

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,25 % based on a yearly weighted**

average of the value of the transaction.

Or. en

Amendment 169

Sylvie Goulard

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit *card* transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit transactions *by card* a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Or. en

Amendment 170

Nils Torvalds

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two *months* after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment

1. With effect from two *years* after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Or. en

Justification

There should be a level playing field between domestic and cross-border acquiring. Introducing interchange fee caps on cross-border acquired domestic transactions 22 months before the same caps are introduced for domestically acquired domestic transactions will distort the competition during this interim period.

Amendment 171 **Ślawomir Nitras**

Proposal for a regulation **Article 3 – paragraph 1**

Text proposed by the Commission

1. With effect from two **months** after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit **card** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment

1. With effect from two **years** after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit **card-based** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Or. pl

Amendment 172 **Ildikó Gáll-Pelcz**

Proposal for a regulation **Article 3 – paragraph 1**

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card **based payment** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction.

Amendment 173
Corien Wortmann-Kool

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2** % of the value of the transaction.

Amendment

1. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border debit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,0** % of the value of the transaction.

Or. en

Amendment 174
Nils Torvalds

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment

deleted

Or. en

Justification

There is no need to cap credit card interchange fees since debit card interchange becomes regulated, the Honour All Cards Rule is banned, and all EU citizens' access to a basic payment account with basic payment instrument will be guaranteed through the Directive on access to payment account with basic features.

Amendment 175 **Jean-Paul Gauzès**

Proposal for a regulation **Article 3 – paragraph 2**

Text proposed by the Commission

2. With effect from two **months** after the entry into force of this Regulation, **payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.**

Amendment

2. With effect from two **years** after the entry into force of this Regulation, **the interchange fee applied on the weighted yearly average of all credit card transactions effected between issuers and acquirers shall not be more than 0.3%.**

Or. fr

Amendment 176 **Werner Langen**

Proposal for a regulation **Article 3 – paragraph 2**

Text proposed by the Commission

(2) **With effect from** two months after the entry into force of this Regulation, **payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.**

Amendment

(2) **Starting** two months after the entry into force of this Regulation, **the per transaction interchange fee or other agreed remuneration with an equivalent object or effect offered or requested by payment service providers for cross-border credit card transactions shall be gradually reduced so that after five years interchange fees do not exceed 0,3 % of**

the value of the transaction. *To that end, interchange fees shall start at a level not exceeding 0.8% of the value of the transaction and shall be reduced by 0.1 percentage points per year, so that the final target value is reached after five years.*

Or. de

Amendment 177
Fabrizio Bertot

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction, *plus a fixed value to be set no higher than 0,09 euro, calculated as the 0,3% of the maximum of the low value transaction as defined in the Article 56 of the [PSD2] (2013/0264).*

Or. en

Amendment 178
Sari Essayah

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from *two* months after the entry into force of this Regulation,

Amendment

2. With effect from *six* months after the entry into force of this Regulation,

payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction.

payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than ***the lower amount of 14 eurocents or 0,15*** % of the value of the transaction.

Or. en

Amendment 179
Sampo Terho

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card ***transactions*** a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border ***transactions with a*** credit card a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of, ***on average***, more than 0,3 % of the value of the transaction.

Or. en

Amendment 180
Bas Eickhout
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange

fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction. **Member States may introduce a lower cap.**

Or. en

Amendment 181
Wolf Klinz

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,40 % based on a yearly weighted average** of the value of the transaction.

Or. en

Amendment 182
Slawomir Nitras

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two **months** after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit **card** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment

2. With effect from two **years** after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit **card-based** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment 183

Sylvie Goulard

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit **card** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit transactions **by card** a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Or. en

Amendment 184

Ildikó Gáll-Pelcz

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card **based payment** transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction.

Or. en

Amendment 185
Jürgen Klute

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2** % of the value of the transaction.

Or. en

Amendment 186
Sophia in 't Veld

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction.

Amendment

2. With effect from two months after the entry into force of this Regulation, payment services providers shall not offer or request for cross-border credit card transactions a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,1** % of the value of the transaction.

Or. en

Amendment 187
Slawomir Nitras

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

Text proposed by the Commission

Amendment

2a. Any provisions in contracts or other types of agreement which rule out the applicability of paragraphs 2 or 3, or which include interchange fees higher than those provided for in paragraphs 1 or 2, shall not be permitted. In the event that a contract or other type of agreement rules out the application of paragraphs 1 or 2, or the setting of an interchange fee in a contract or other type of agreement that is higher than those provided for in paragraphs 1 or 2, the maximum rate provided for in paragraphs 1 or 2 shall be applied.

Or. pl

Amendment 188
Marino Baldini

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

Text proposed by the Commission

Amendment

2a. Member States shall be able to maintain or introduce lower caps or measures of equivalent object or effect through national legislation.

Or. en

Amendment 189
Sari Essayah

Proposal for a regulation
Article 4

Text proposed by the Commission

Amendment

Article 4

deleted

Interchange fees for all consumer debit or credit card transactions

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Or. en

**Amendment 190
Alfredo Pallone**

**Proposal for a regulation
Article 4**

Text proposed by the Commission

Amendment

Article 4

deleted

Interchange fees for all consumer debit or credit card transactions

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange

fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Or. en

Amendment 191
Sampo Terho, Matteo Salvini

Proposal for a regulation
Article 4

Text proposed by the Commission

Amendment

Article 4

deleted

Interchange fees for all consumer debit or credit card transactions

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Or. en

Amendment 192
Sylvie Goulard

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Interchange fees for all consumer debit or credit card **transactions**

Interchange fees for all consumer debit or credit **transactions by** card

Or. en

Amendment 193
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Interchange fees for all consumer debit or credit card transactions

Interchange fees for all consumer debit or credit card **based payment** transactions

Or. en

Amendment 194
Burkhard Balz

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. With effect from **two** years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

1. With effect from **five** years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

The transitional period of five years shall be used to provide for a gradual reduction of the interchange fees, starting with the current average of interchange fees applied to debit card based transactions in a Member State and ensuring the compliance with the maximum cap of

0,2% after the expiry of the transitional period.

The competent authorities concerned shall, in consultation with EBA, determine the current average of interchange fees applied to debit card based transactions and shall define the requirements for a gradual reduction within the transitional period.

Or. en

Amendment 195
Jean-Paul Gauzès

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request *a per transaction* interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of *the transaction for any debit card based transactions*.

Amendment

1. With effect from two years after the entry into force of this Regulation, *card* payment service providers shall not offer or request, *for any debit-card-based transactions, an* interchange fee or other agreed remuneration with an equivalent object or effect of more than 0.2%, *based on a yearly weighted average*, of the value of *such transactions. Within that average, the interchange levels may not exceed 0.5%. Transactions involving small amounts may be subject to specific interchange fees.*

Or. fr

Amendment 196
Werner Langen

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

(1) ***With effect from two years*** after the entry into force of this Regulation, ***payment service providers shall not offer or request a*** per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***of more than 0,2 %*** of the value of the transaction ***for any debit card based transactions.***

Amendment

(1) ***Starting one year*** after the entry into force of this Regulation, ***the*** per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***offered or requested by payment service providers for debit card transactions shall be gradually reduced so that that after five years interchange fees do not exceed 0,2 %*** of the value of the transaction. ***To that end, interchange fees shall start at a level not exceeding 0.7% of the value of the transaction and shall be reduced by 0.1 percentage points per year, so that the final target value is reached after five years.***

Or. de

Amendment 197

Fabrizio Bertot

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions, ***plus a fixed value to be set no higher than 0,06 euro, calculated as the 0,2% of the maximum of the low value transaction as defined in the Article 56 of the [PSD2] (2013/0264).***

Or. en

Amendment 198
Jürgen Klute

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect **of more than 0,2 % of the value of the transaction for any debit card based transactions.**

Amendment

1. With effect from **six months** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect.

Or. en

Amendment 199
Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect **of more than 0,2 % of the value of the transaction** for any debit card based transactions.

Amendment

1. With effect from **six months** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect for any debit card based transactions.

Or. en

Justification

The Commission's impact assessment shows that a prohibition of IFs would be beneficial for card acceptance, card usage, development of the single market and generate more benefits to merchants and consumers than a 0,2% cap. There is no justification to postpone this regulatory step. Moreover it would avoid that national systems with very low or zero IFs for

debit transaction would be negatively affected by a cap.

Amendment 200

Wolf Klinz

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2 %** of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,25 % based on a yearly weighted average** of the value of the transaction for any debit card based transactions.

Or. en

Amendment 201

Sophia in 't Veld

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect **of more than 0,2 % of the value of the transaction** for any debit card based transactions.

Amendment

1. With effect from **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect for any debit card based transactions.

Or. en

Amendment 202
Marianne Thyssen

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect **of more than 0,2 % of the value of the transaction** for any debit card based transactions.

Amendment

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect for any debit card based transactions.

Or. nl

Justification

The adoption of the Directive on access to payment accounts will soon give all consumers access to a debit card, so that the argument often adduced in favour of MIFs that these interchange payments are necessary in order to encourage the issue of such cards will no longer apply.

Amendment 203
Ashley Fox

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect **from two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2 %** of the value of the transaction for any debit card based transactions.

Amendment

1. With effect **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **[XX]** % of the value of the transaction for any debit card based transactions.

Or. en

Justification

This amendment supports simultaneous implementation of the MIF cap for cross-border and domestic transactions. In the absence of proper evidence-based justifications, no figure has been included.

Amendment 204

Nils Torvalds

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request ***a per transaction*** interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request ***an*** interchange fee or other agreed remuneration with an equivalent object or effect of ***on average*** more than 0,2 % of the value of the transaction for any debit card based transactions.

Or. en

Amendment 205

Pablo Arias Echeverría

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from ***two years*** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from ***six months*** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Or. en

Amendment 206
Olle Schmidt

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Or. en

Amendment 207
Sylvie Goulard

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of **the** transaction for any **debit** card based transactions.

Amendment

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of **debit** transaction for any card based transactions.

Or. en

Amendment 208
Olle Ludvigsson

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from **twelve months** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,2 % of the value of the transaction for any debit card based transactions.

Or. en

Justification

A level playing field in the internal market should be created as soon as possible. Since the adjustment of interchange fees is not problematic from a technical or administrative point of view, a phasing-in period of 12 months should be sufficient.

Amendment 209

Corien Wortmann-Kool

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2** % of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,0** % of the value of the transaction for any debit card based transactions.

Or. en

Amendment 210

Danuta Jazłowiecka

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,2 %** of the value of the transaction for any debit card based transactions.

Amendment

1. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0.7 %** of the value of the transaction for any debit card based transactions.

Or. pl

Justification

A drastic reduction in fees would lead to the costs being passed on to SMEs and consumers. Interchange fees are an intrinsic element of the banking system as a whole. An analysis of the rules governing interchange must take account of potential changes in conditions offered by banks (fee and commission levels), of acquirers and of other contractual conditions between a merchant, an acquirer and a bank (e.g. waiting time for businesses to receive funds from card payments). The average EU interchange fee is 0.7%, and this level should apply.

Amendment 211
Nils Torvalds

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Amendment

deleted

Or. en

Justification

There is no need to cap credit card interchange fees since debit card interchange becomes regulated, the Honour All Cards Rule is banned, and all EU citizens' access to a basic payment account with basic payment instrument will be guaranteed through the Directive on access to payment account with basic features.

Amendment 212 **Burkhard Balz**

Proposal for a regulation **Article 4 – paragraph 2**

Text proposed by the Commission

2. With effect from **two** years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from **five** years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

The transitional period of five years shall be used to provide for a gradual reduction of the interchange fees, starting with the current average of interchange fees applied to credit card based transactions in a Member State and ensuring the compliance with the maximum cap of 0,3% after the expiry of the transitional period.

The competent authorities concerned shall, in consultation with EBA, determine the current average of interchange fees applied to credit card based transactions and shall define the requirements for a gradual reduction within the transitional period.

Or. en

Amendment 213
Jean-Paul Gauzès

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request ***a per transaction*** interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of ***the transaction for any credit card based transactions***.

Amendment

2. With effect from two years after the entry into force of this Regulation, ***card*** payment service providers shall not offer or request, ***for any credit-card-based transactions, an*** interchange fee or other agreed remuneration with an equivalent object or effect of more than 0.3%, ***based on a yearly weighted average***, of the value of ***such transactions***. ***Within that average, the interchange levels may not exceed 0.5%. Transactions involving small amounts may be subject to specific interchange fees.***

Or. fr

Amendment 214
Werner Langen

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

(2) ***With effect from two years*** after the entry into force of this Regulation, ***payment service providers shall not offer or request a*** per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***of more than*** 0,3 % of the value of the transaction ***for any credit card based transactions***.

Amendment

(2) ***Starting one year*** after the entry into force of this Regulation, ***the*** per transaction interchange fee or other agreed remuneration with an equivalent object or effect ***offered or requested by payment services providers for credit card transactions shall be gradually reduced so that that after five years interchange fees do not exceed*** 0,3 % of the value of the transaction. ***To that end, interchange fees shall start at a level not exceeding 0,8% of the value of the transaction and shall be reduced by 0.1 percentage points per year, so that the final target value is reached***

after five years.

Or. de

Amendment 215
Fabrizio Bertot

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions, ***plus a fixed value to be set no higher than 0,09 euro, calculated as the 0,3% of the maximum of the low value transaction as defined in the Article 56 of the [PSD2] (2013/0264).***

Or. en

Amendment 216
Bas Eickhout
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from ***two*** years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from ***six months*** years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions. ***Member***

States may introduce a lower cap.

Or. en

Justification

Experience of regulation in other countries has shown that implementation can be much faster than two years. It is not justified that the current situation of ineffective competition persists two years after the entry in force of this regulation

Amendment 217

Wolf Klinz

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3 %** of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,40 % based on a yearly weighted average** of the value of the transaction for any credit card based transactions.

Or. en

Amendment 218

Jürgen Klute

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an

Amendment

2. With effect from **six months** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an

equivalent object or effect of more than **0,3** % of the value of the transaction for any credit card based transactions.

equivalent object or effect of more than **0,2** % of the value of the transaction for any credit card based transactions.

Or. en

Amendment 219
Sophia in 't Veld

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,1** % of the value of the transaction for any credit card based transactions.

Or. en

Amendment 220
Olle Ludvigsson

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from **twelve months** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction for any credit card based transactions.

Or. en

Justification

A level playing field in the internal market should be created as soon as possible. Since the adjustment of interchange fees is not problematic from a technical or administrative point of view, a phasing-in period of 12 months should be sufficient.

Amendment 221

Ashley Fox

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. With effect **from two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3** % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **[XX]** % of the value of the transaction for any credit card based transactions.

Or. en

Justification

This amendment supports simultaneous implementation of the MIF cap for cross-border and domestic transactions. In the absence of proper evidence-based justifications, no figure has been included.

Amendment 222

Pablo Arias Echeverría

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an

Amendment

2. With effect from **six months** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an

equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Or. en

Amendment 223
Olle Schmidt

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from **two years** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from **one year** after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any credit card based transactions.

Or. en

Amendment 224
Sylvie Goulard

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the transaction for any **credit** card based transactions.

Amendment

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than 0,3 % of the value of the **credit** transaction for any card based transactions.

Or. en

Amendment 225
Danuta Jazlowiecka

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of more than **0,3 %** of the value of the transaction for any credit card based transactions.

Amendment

2. With effect from two years after the entry into force of this Regulation, payment service providers shall not offer or request a per transaction interchange fee or other agreed remuneration with an equivalent object or effect of, **on average**, more than **0.7 %** of the value of the transaction for any debit card based transactions.

Or. pl

Justification

A drastic reduction in fees would lead to the costs being passed on to SMEs and consumers. Interchange fees are an intrinsic element of the banking system as a whole. An analysis of the rules governing interchange must take account of potential changes in conditions offered by banks (fee and commission levels), of acquirers and of other contractual conditions between a merchant, an acquirer and a bank (e.g. waiting time for businesses to receive funds from card payments). The average EU interchange fee is 0.7%, and this level should apply.

Amendment 226
Slawomir Nitras

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Any provisions in contracts or other types of agreement which rule out the applicability of paragraphs 1 or 2, or which include interchange fees higher than those provided for in paragraphs 1 or 2, shall not be permitted. In the event that a contract or other type of agreement

rules out the application of paragraphs 1 or 2, or the setting of an interchange fee in a contract or other type of agreement that is higher than those provided for in paragraphs 1 or 2, the maximum rate provided for in paragraphs 1 or 2 shall be applied.

Or. pl

Amendment 227

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Every year after the entry into force of this Regulation, the European Banking Authority shall provide a report on the profits derived from interchange fees disaggregated by Member State and distinguishing between cross border and domestic transactions.

Or. en

Amendment 228

Marino Baldini

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall be able to maintain or introduce lower caps or measures of equivalent object or effect through national legislation.

Or. en

Amendment 229
Fabrizio Bertot

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

For the purposes of the application of the caps referred to in Article 3 and Article 4, **any net** compensation received by an issuing bank from a payment card scheme in relation to payment transactions or related activities shall be ***treated as part of the interchange fee.***

Amendment

For the purposes of the application of the caps referred to in Article 3 and Article 4, compensation received by an issuing bank from a payment card scheme in relation to payment transactions or related activities shall be ***lower than previous year fees paid to this scheme from the same issuer. This request can be temporally waived for new emerging schemes or initiatives aiming to access to the European card payment market.***

Or. en

Amendment 230
Pablo Arias Echeverría

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing bank from a payment card scheme in relation to payment transactions or related activities shall be treated as part of the interchange fee.

Amendment

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing bank from a payment card scheme in relation to payment transactions or related activities ***and the monetary incentives or equivalent received by a cardholder from a card scheme*** shall be treated as part of the interchange fee. ***These amounts shall not be amortised or spread over more than a one year period for assessing the net compensation.***

Or. en

Justification

This Article aims to prevent the possible circumvention of the caps through direct and indirect incentives received by an issuing bank. The amendment further specifies what should be taken into account in assessing these incentives. Schemes should not try to circumvent the caps through the provision of incentives to cardholders directly which by-pass the issuing bank – thus giving issuing banks cost relief per card-holder. Furthermore, the amount of direct or indirect incentives or equivalent should not be amortised or spread over more than a year, for the purposes of calculation.

Amendment 231

Sari Essayah

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing bank from a payment card scheme in relation to payment transactions or related activities shall be treated as part of the interchange fee.

Amendment

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing bank from ***an acquirer directly or via*** a payment card scheme, ***payment processor or other operator*** in relation to payment transactions or related activities shall be treated as part of the interchange fee.

Or. en

Amendment 232

Pablo Zalba Bidegain

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing ***bank from a payment card scheme*** in relation to payment transactions ***or related activities*** shall be treated as part of

Amendment

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing payment ***service provider*** in relation to payment transactions shall be treated as part of the interchange fee.

the interchange fee.

Or. en

Amendment 233

Jürgen Klute

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing bank from a payment *card* scheme in relation to payment transactions or related activities shall be treated as part of the interchange fee.

Amendment

For the purposes of the application of the caps referred to in Article 3 and Article 4, any net compensation received by an issuing bank from a payment scheme in relation to payment transactions or related activities shall be treated as part of the interchange fee.

Or. en

Amendment 234

Marino Baldini

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Competent authorities shall prevent any attempts by the payment service providers to circumvent the rules established by this Regulation, including non-EU issuance of payment cards.

Or. en

Amendment 235

Jürgen Klute

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Competent authorities shall prevent any attempts by the payment service providers to circumvent the rules established by this Regulation, including non-EU issuance of payment cards.

Or. en

Amendment 236
Mojca Kleva Kekuš

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Competent authorities shall prevent any attempts by the payment service providers to circumvent the rules established by this Regulation, including non-EU issuance of payment cards.

Or. en

Amendment 237
Alfredo Pallone

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

1. Three party payment card schemes operate with implicit interchange fees which should be subject to same rules that apply to the explicit interchange fees as

referred to in Articles 3, 4 and 5.

2. In order to ensure compliance with this requirement, three party payment card schemes shall:

a. keep separate accounts for the activities associated with acquiring consumer cards and the activities associated with issuing consumer cards in the same manner as would be the case if these activities were carried out by legally independent companies;

b. make transparent their internal transfer prices to ensure compliance with the caps on implicit interchange fees and to prevent cross-subsidy.

Or. en

Amendment 238
Danuta Jazlowiecka

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Hidden interchange fees

1. Three party payment card schemes impose hidden interchange fees which should be subject to a cap in the same way as the open interchange fees referred to in Articles 3 and 4 are.

2. In order to ensure compliance with this requirement, three party payment card schemes shall keep separate accounts for business activities connected with consumer card acquiring and for business activities connected with consumer card issuing. This should be done in the same way as it would were these activities carried out by legally separate entities, enabling the identification of all cost and

revenue elements – as well as the basis for their calculation and a detailed explanation of the methods used – related to the schemes’ issuing and acquiring activities, including a detailed breakdown of fixed assets and structural costs.

Or. pl

Justification

Regulations must affect market participants equally. It is impermissible that some payment systems receive preferential treatment at the expense of others. It is vital to include three party payment systems in the regulations. As a rule, three party payment systems are more costly to the merchant than four party systems. Merchants and consumers must not face pressure from acquirers and banks to use their costly systems. The lack of regulation covering three party systems will lead to their being given preferential treatment by banks, given the greater earning opportunities that they offer.

Amendment 239

Sylvie Goulard

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any restriction on the provision of payment-related services in payment card schemes rules shall be prohibited, unless it is non-discriminatory and objectively necessary to operate the payment scheme.

Or. en

Amendment 240

Sari Essayah

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The interchange fee of the country of the acquirer shall apply to cross border transactions

Or. en

Amendment 241
Pablo Arias Echeverría

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

For cross-border transactions, the interchange fee applicable is the interchange fee of the country of the acquirer.

Or. en

Justification

To allow the single market to operate most effectively, it is necessary to ensure that the interchange fee applied for all transactions is that of the member state in which the acquirer is situated. This will facilitate competition below capped rates where these are applicable.

Amendment 242
Ashley Fox

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Payment card schemes and processing **entities** shall be ***independent in terms of legal form, organisation and decision making. They shall not discriminate in***

1. Payment card schemes and processing **activities** shall be ***separated. Payment card schemes offering processing services shall not make the provision of any service they***

any way between their subsidiaries or shareholders on the one hand and users of these schemes and other contractual partners on the other hand and shall not in particular make the provision of any service they offer conditional in any way on the acceptance by their contractual party of any other service they offer.

offer conditional in any way on the acceptance by their contractual party of any other service they offer. They shall not present their prices for payment card scheme and processing activities in a bundled manner, and shall not operate cross-subsidies between those activities.

Or. en

Amendment 243
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Payment card schemes and processing *entities* shall be *independent in terms of legal form, organisation and decision making. They shall not discriminate in any way between their subsidiaries or shareholders on the one hand and users of these schemes and other contractual partners on the other hand and shall not in particular* make the provision of any service they offer conditional in any way on the acceptance by their contractual party of any other service they offer.

Amendment

1. Payment card schemes and processing *activities* shall be *separated. Although payment card schemes may offer additional services such as processing services, they* shall not make the provision of any service they offer conditional in any way on the acceptance by their contractual party of any other service they offer. *They shall not present their prices for payment card scheme and processing activities in a bundled manner, and shall not operate cross-subsidies between those activities.*

Or. en

Amendment 244
Sylvie Goulard

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Payment card schemes shall allow for the possibility that authorisation and

Amendment

2. Payment card schemes *and issuers* shall allow for the possibility that authorisation

clearing messages of single card transactions be separated and processed by different processing entities.

and clearing messages of single card transactions be separated and processed by different processing entities. ***Any scheme rules and rules in licensing agreements or other contracts leading to a restriction on the freedom to choose a processor shall be prohibited.***

Or. en

Amendment 245
Ashley Fox

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. ***Payment card schemes*** shall allow for the possibility that authorisation and clearing messages of single card transactions be separated and processed by different processing entities.

Amendment

2. ***Processing entities*** shall allow for the possibility that authorisation and clearing messages of single card transactions be separated and processed by different processing entities.

Or. en

Amendment 246
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. ***Payment card schemes*** shall allow for the possibility that authorisation and clearing messages of single card transactions be separated and processed by different processing entities.

Amendment

2. ***Processing entities*** shall allow for the possibility that authorisation and clearing messages of single card transactions be separated and processed by different processing entities.

Or. en

Amendment 247
Ashley Fox

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Any territorial discrimination in processing rules operated by *payment card schemes* shall be prohibited.

Amendment

3. Any territorial discrimination in processing rules operated by *processing entities* shall be prohibited.

Or. en

Amendment 248
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Any territorial discrimination in processing rules operated by *payment card schemes* shall be prohibited.

Amendment

3. Any territorial discrimination in processing rules operated by *processing entities* shall be prohibited.

Or. en

Amendment 249
Ashley Fox

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Processing entities within the Union shall ensure that their system is technically interoperable with other systems of processing entities within the Union through the use of standards developed by international or European standardisation bodies. In addition, processing entities shall not adopt or apply business rules that

Amendment

4. *By ... * [one year after the entry into force of this Regulation]* processing entities within the Union shall ensure that their system is technically interoperable with other systems of processing entities within the Union through the use of standards developed by international or European standardisation bodies. In

restrict interoperability with other processing entities within the Union.

addition, processing entities shall not adopt or apply business rules that restrict interoperability with other processing entities within the Union.

Or. en

Justification

More realistic implementation date.

Amendment 250
Slawomir Nitras

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall have the possibility of temporarily exempting newly established card systems – in part or in full – from the application of the provisions of Article 7. This exemption may last for a maximum of seven years.

Or. pl

Justification

Member States should be provided with the possibility of applying exemptions from the principle of separation of card systems and processing entities with regard to newly established card systems. Applying this principle to new systems will force them to bear high costs from the very start that are disproportionate to their market position in relation to those card systems already operating. Preferential treatment for newly established card organisations should contribute towards the more effective building of competition on the non-cash payments market.

Amendment 251
Sari Essayah

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Obligation to accept transactions from any acquirer

Three party schemes and four party issuers shall accept transactions made using cards issued by them also directly from any acquirer following the general business rules and standards as well as the interchange rules laid down by this Regulation.

Three party schemes operating within the Union shall ensure that their system is technically interoperable with other systems of card processing entities within the Union through the use of standards developed by international or European standardisation bodies. Three party processing entities or systems shall not adopt or apply business rules that restrict interoperability with other processing entities within the Union.

Or. en

Justification

Interoperability requirements for three party schemes are necessary, because otherwise merchants need to invest separately for these schemes. Open acquiring will increase transparency of merchant fees and MIFs in this market, since both three and four party schemes would use MIF caps laid down by this Regulation.

Amendment 252

Ashley Fox

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

EBA shall, in close cooperation with the European Retail Payments Board, establish requirements to be complied with by payment systems, payment schemes and processing entities to ensure a fully open and competitive card processing market. Those requirements shall be issued by ... [two years from the date of entry into force of this Regulation] and shall be updated on a regular basis, as appropriate.*

Or. en

Amendment 253

Ashley Fox

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Co-badging and choice of application

- 1. Any schemes rules and rules in licensing agreements that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited.***
- 2. Any difference in treatment of issuers or acquirers in schemes rules and rules in licensing agreements concerning co-badging on a card, telecommunication, digital or IT device shall be objectively justified and non-discriminatory.***
- 3. Payment card schemes shall not impose reporting requirements, obligations to pay fees or other obligations with the same object or effect on card issuing and acquiring payment services providers for transactions carried out with any device on which their brand is present in relation***

to transactions for which their scheme is not used.

4. Any routing principles aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner.

5. Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the payer at the point of sale.

6. Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer when using a co-badged payment instrument.

Or. en

Amendment 254
Sari Essayah

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Any schemes rules and rules in licensing agreements that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited.

Amendment

1. Any schemes rules and rules in licensing agreements that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited, ***when this otherwise would be technically possible. Issuers shall not create technical barriers for co-***

badging when interoperable rules make co-badging possible.

Or. en

Amendment 255
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Any schemes rules and rules in licensing **agreements** that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited.

Amendment

1. Any schemes rules and rules in licensing **agreements or measures of equivalent effect** that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited.

Or. en

Amendment 256
Marianne Thyssen

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Any schemes rules and rules in licensing agreements that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited.

Amendment

1. Any schemes rules and rules in licensing agreements **or equivalent measures** that hinder or prevent an issuer from co-badging two or more different brands of payment instruments on a card, telecommunication, digital or IT device shall be prohibited.

Or. nl

Amendment 257
Jürgen Klute

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any debit card issued by an account servicing payment service provider must be co-badged and contain at least two debit card payment schemes with minimum European geographical coverage. The account servicing payment service provider is obliged to add on the issued debit card at least one debit card payment scheme with minimum European geographical coverage requested by the cardholder, without any discrimination between the available schemes, and also open its ATM network to this debit card payment scheme with minimum European geographical coverage selected by the cardholder.

Or. en

Amendment 258
Mojca Kleva Kekuš

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When entering into a contractual agreement with his payment services provider, the consumer shall be able to decide whether or not he needs two or more different brands of payment instruments on his card, telecommunication digital or IT device. In good time before the contract is signed, the payment service provider shall provide the consumer with clear and objective information on all the payment brands

*available and their characteristics
(functionalities, cost, security).*

Or. en

Amendment 259

Marino Baldini

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When entering into a contractual agreement with his payment services provider, the consumer shall be able to decide whether or not he needs two or more different brands of payment instruments on his card, telecommunication, digital or IT device. In good time before the contract is signed, the payment service provider shall provide the consumer with clear and objective information on all the payment brands available and their characteristics (functionalities, cost, security).

Or. en

Amendment 260

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The issuer shall provide consumers with clear and balanced information on available brands and their key features. Issuers shall be prohibited from requiring consumers to accept more than one brand of payment instruments on a card,

telecommunication, digital or IT device.

Or. en

Amendment 261
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Any difference in treatment of issuers *or* acquirers in schemes rules and rules in licensing agreements concerning co-badging on a card, telecommunication, digital or IT device shall be objectively justified and non-discriminatory.

Amendment

2. Any difference in treatment of issuers acquirers in schemes rules and rules in licensing agreements concerning co-badging *or equivalent co-residing of different brands or applications* on a card, telecommunication, digital or IT device shall be objectively justified and non-discriminatory.

Or. en

Amendment 262
Marianne Thyssen

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Any difference in treatment of issuers or acquirers in schemes rules and rules in licensing agreements concerning co-badging on a card, telecommunication, digital or IT device shall be objectively justified and non-discriminatory.

Amendment

2. Any difference in treatment of issuers or acquirers in schemes rules and rules in licensing agreements concerning co-badging *or equivalent co-residence of different brands or applications* on a card, telecommunication, digital or IT device shall be objectively justified and non-discriminatory.

Or. nl

Amendment 263
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Payment card schemes shall not impose reporting requirements, obligations to pay fees or other obligations with the same object or effect on card issuing and acquiring payment services providers for transactions carried out with any device on which their brand is present in relation to transactions for which their scheme is not used.

Amendment

3. Payment card schemes shall not impose reporting requirements, obligations to pay fees or other obligations with the same object or effect on card issuing and acquiring payment services providers for transactions carried out with any **card, telecommunication, digital or IT** device on which their brand is present in relation to transactions for which their scheme is not used.

Or. en

Amendment 264
Marianne Thyssen

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Payment card schemes shall not impose reporting requirements, obligations to pay fees or other obligations with the same object or effect on card issuing and acquiring payment services providers for transactions carried out with any device on which their brand is present in relation to transactions for which their scheme is not used.

Amendment

3. Payment card schemes shall not impose reporting requirements, obligations to pay fees or other **similar** obligations with the same object or effect on card issuing and acquiring payment services providers for transactions carried out with any device on which their brand is present in relation to transactions for which their scheme is not used.

Or. nl

Amendment 265
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. Any routing principles aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner.

Amendment

4. Any routing principles aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner, ***giving the payee the possibility of refusing certain cards or other payment instruments in accordance with Article 10 of this regulation.***

Or. en

Amendment 266
Marianne Thyssen

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. Any routing principles aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner.

Amendment

4. Any routing principles ***or equivalent measures*** aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand ***or equivalent*** on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner.

Or. nl

Amendment 267
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. Any routing principles aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner.

Amendment

4. Any routing principles aimed at directing transactions through a specific channel or process and other technical and security standards and requirements with respect to the handling of more than one payment card brand ***or equivalent*** on a card, telecommunication, digital or IT device shall be non-discriminatory and shall be applied in a non-discriminatory manner.

Or. en

Amendment 268
Fabrizio Bertot

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the payer at the point of sale.

Amendment

5. Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the payer at the point of sale, ***unless the payment speed is crucial, or the payment itself is done in circumstances where the transaction does not require the cardholder verification (e.g. PIN) or where terminals do not have the keyboard (or equivalent tool) to make the selection. In this last cases, the cardholder' framework agreement will indicate the application that will be selected to conclude the transaction in accordance with the agreement between cardholder and his PSP.***

Or. en

Amendment 269
Marianne Thyssen

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the payer at the point of sale.

Amendment

5. Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the payer at the point of sale. ***Payees may nonetheless refuse certain cards and payment instruments in accordance with Article 10.***

Or. nl

Amendment 270
Jürgen Klute

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue ***shall be determined by the payer*** at the point of sale.

Amendment

5. Where a payment device offers the choice between different brands of payment instruments, ***the payer shall be allowed to determine*** the brand applied to the payment transaction at issue at the point of sale.

Or. en

Amendment 271
Werner Langen

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

(5) Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the *payer* at the point of sale.

Amendment

(5) Where a payment device offers the choice between different brands of payment instruments, the brand applied to the payment transaction at issue shall be determined by the *payee* at the point of sale.

Or. de

Amendment 272
Pablo Zalba Bidegain

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer when using a co-badged payment instrument.

Amendment

6. Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer *and the payee* when using a co-badged payment instrument. *Payees shall not prevent the payer's ability, for the categories of cards or related payment instruments accepted by the payee, to override an automatic priority selection made by the payee in his equipment.*

Or. en

Amendment 273
Marianne Thyssen

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer when using a co-badged payment instrument.

Amendment

6. Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer when using a co-badged payment instrument.

Payees, on the other hand, shall retain the option of installing automatic mechanisms in the equipment used at the point of sale which make a priority selection of a particular brand or application, with the proviso that the payer must always be able to reject this choice in favour of his own preference.

Or. nl

Justification

These amendments specify how co-branding would work in practice, taking account of the need for technological neutrality and of future developments. They also make it clear that the payee can refuse certain brands and applications and instal on his equipment automatic mechanisms which bring about priority selection of a particular brand or application. However, it must always be possible for the payer to reject this choice and select his own preferred payment application among the payment applications accepted by the merchant.

Amendment 274
Werner Langen

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

(6) Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the

Amendment

(6) Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the

choice of application by the *payer* when using a co-badged payment instrument.

choice of application by the *payee* when using a co-badged payment instrument.

Or. de

Amendment 275
Ildikó Gáll-Pelcz

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. Payment card schemes, issuers, acquirers and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer when using a co-badged payment instrument.

Amendment

6. Payment card schemes, issuers, acquirers, *merchants* and payment card handling infrastructure providers shall not insert automatic mechanisms, software or devices on the payment instrument or at equipment applied at the point of sale which limit the choice of application by the payer when using a co-badged payment instrument.

Or. en

Amendment 276
Wolf Klinz

Proposal for a regulation
Article 10

Text proposed by the Commission

Article 10

Honour All Card rules

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or

Amendment

deleted

category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same regulated interchange fee.

2. The restriction of Honour all card rules referred to in paragraph 1 is without prejudice to the possibility for payments schemes and payment service providers to provide that certain cards may not be refused on the basis of the identity of the issuing payment service provider or of the cardholder.

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Or. en

Amendment 277
Werner Langen

Proposal for a regulation
Article 10

Article 10

deleted

Honour All Card rules

(1) Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same regulated interchange fee.

(2) The restriction of Honour all card rules referred to in paragraph 1 is without prejudice to the possibility for payments schemes and payment service providers to provide that certain cards may not be refused on the basis of the identity of the issuing payment service provider or of the cardholder.

(3) Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

(4) Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or

commercial cards or card based payments based on these are chosen by the payer.

Or. de

Amendment 278
Danuta Jazlowiecka

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10

Deleted

Honour All Card rules

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same regulated interchange fee.

2. The restriction of Honour all card rules referred to in paragraph 1 is without prejudice to the possibility for payments schemes and payment service providers to provide that certain cards may not be refused on the basis of the identity of the issuing payment service provider or of the cardholder.

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of

the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Or. pl

Justification

The 'Honour All Cards' rules are a basic principle of consumer-merchant relations. Abolishing the HACR would make sense if there were a lack of rules governing interchange. Merchants would then exert market pressure on card issuers with regard to the costs associated with accepting particular cards. The non-acceptance of a card would serve as feedback on the excessively high cost of processing it. Market regulation in the area of interchange fees eliminates any risk of the merchant bearing high costs. The principle of honouring all cards is a cornerstone of developing non-cash trade.

Amendment 279
Ashley Fox

Proposal for a regulation
Article 10 – title

Text proposed by the Commission

Amendment

Honour All Card rules

Electronic Identification

Or. en

Amendment 280
Ashley Fox

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same regulated interchange fee. *deleted*

Or. en

**Amendment 281
Corien Wortmann-Kool**

**Proposal for a regulation
Article 10 – paragraph 1**

Text proposed by the Commission

Amendment

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same regulated interchange fee. *deleted*

Or. en

Amendment 282
Burkhard Balz

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same regulated interchange fee.

deleted

Or. en

Amendment 283
Pablo Arias Echeverría

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments **issued by one issuing payment service provider within the framework of a payment instruments scheme** to also accept other payment instruments of the same brand and/or category **issued by other issuing payment service providers within the framework of the same scheme**, except if they are subject to the same regulated interchange fee.

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments **based on these** to also accept other payment instruments of the same brand and/or category, except if they are subject to the same regulated interchange fee.

Or. en

Amendment 284
Marianne Thyssen

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same **regulated** interchange fee.

Amendment

1. Payment schemes and payment service providers shall not apply any rule that may oblige payees accepting cards and other payment instruments issued by one issuing payment service provider within the framework of a payment instruments scheme to also accept other payment instruments of the same brand and/or category issued by other issuing payment service providers within the framework of the same scheme, except if they are subject to the same interchange fee **which, moreover, complies with the caps set under this Regulation.**

Or. nl

Justification

This amendment makes it clear that a merchant who accepts payment card A with an interchange payment below the cap imposed is required to accept payment card B only if exactly the same interchange payment applies to it. It is not enough, therefore, that both payment cards should entail an interchange payment below the imposed cap. This also enables the merchant to stimulate competition among the regulated caps by refusing a given payment card.

Amendment 285
Ashley Fox

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. The restriction of Honour all card rules referred to in paragraph 1 is without

Amendment

deleted

prejudice to the possibility for payments schemes and payment service providers to provide that certain cards may not be refused on the basis of the identity of the issuing payment service provider or of the cardholder.

Or. en

Amendment 286
Corien Wortmann-Kool

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The restriction of Honour all card rules referred to in paragraph 1 is without prejudice to the possibility for payments schemes and payment service providers to provide that certain cards may not be refused on the basis of the identity of the issuing payment service provider or of the cardholder. *deleted*

Or. en

Amendment 287
Burkhard Balz

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The restriction of Honour all card rules referred to in paragraph 1 is without prejudice to the possibility for payments schemes and payment service providers to provide that certain cards may not be refused on the basis of the identity of the issuing payment service provider or of the cardholder. *deleted*

Amendment 288

Ashley Fox

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

deleted

Amendment 289

Corien Wortmann-Kool

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of

deleted

the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

Or. en

Amendment 290
Burkhard Balz

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

deleted

Or. en

Amendment 291
Marianne Thyssen

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Merchants deciding not to accept all cards or other payment instruments *of a payment card scheme* shall inform

3. Merchants deciding not to accept all cards *of a payment card scheme* or other payment instruments *based thereon* shall

consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of the shop, at the till *or* on the website or other applicable electronic or mobile medium, *and* shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

inform consumers in a clear and unequivocal manner *at the latest* at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. *In the case of physical trade*, that information shall be displayed prominently at the entrance of the shop *or* at the till. *In the case of electronic trade, the information shall be displayed prominently* on the website or other applicable electronic or mobile medium. *At all events, the information* shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

Or. nl

Amendment 292
Fabrizio Bertot

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be displayed prominently at the entrance of the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

Amendment

3. Merchants deciding not to accept all cards or other payment instruments of a payment card scheme shall inform consumers in a clear and unequivocal manner at the same time as they inform the consumer on the acceptance of other cards and payment instruments of the scheme. That information shall be *either* displayed prominently at the entrance of the shop, at the till or on the website or other applicable electronic or mobile medium, and shall be provided to the payer in good time before he enters into a purchase agreement with the payee.

Or. en

Amendment 293

Sari Essayah

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Amendment

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer, ***when these kind of categories affect the business rules or terms for accepting the cards. At minimum the merchant systems should be able to identify the merchant and interchange fee category of the payment instruments and when this is not possible the default value should be the corresponding instrument with the lowest merchant fee.***

Or. en

Justification

The categorisation is only necessary when it would affect the acceptance terms of the payee.

Amendment 294

Ashley Fox

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Issuing payment service providers shall ensure that their payment instruments are ***visibly and*** electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid,

Amendment

4. ***By ... * [one year after the entry into force of this Regulation]*** issuing payment service providers shall ensure that their payment instruments are electronically, ***and their newly issued card-based***

debit, credit or commercial cards or card based payments based on these are chosen by the payer.

payment instruments also visibly identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer

Or. en

Amendment 295
Mojca Kleva Kekuš

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Amendment

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable ***in 18 months after the entry into force of this Regulation***, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Or. en

Amendment 296
Marianne Thyssen

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen

Amendment

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, ***either in the device or on the payment terminal***, enabling payees ***and payers*** to identify unequivocally which brands and categories of prepaid, debit, credit or

by the payer.

commercial cards or card based payments based on these are chosen by the payer.

Or. nl

Justification

It is important that payers should be able, by means of visual identification or in a similar manner, to identify the category of cards or card-based payment instruments which they have at their disposal so that they can anticipate their degree of acceptance. The identification may take place on the equipment itself or on the payment terminal. It is important that the payer should be informed about the categories of payment instruments which are not accepted at the latest at the same time as being informed which payment instruments are accepted.

Amendment 297

Pablo Arias Echeverría

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Amendment

4. Issuing payment service providers shall ensure that their payment instruments are visibly and electronically identifiable, enabling payees **and payers** to identify unequivocally which brands and categories of prepaid, debit, credit or commercial cards or card based payments based on these are chosen by the payer.

Or. en

Amendment 298

Sari Essayah

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. Paragraphs 1 and 2 are without prejudice to the rules on charges, reductions or other steering set out in

Amendment

deleted

*Article 55 of the proposal COM (2013)547
and in Article 19 of Directive
2011/83/EU²² .*

²² *Directive 2011/83/EU of the European
Parliament and of the Council of 25
October 2011 on consumer rights...*

Or. en

Justification

These are very general rules and there is no need to make the cross-reference to PSD2.

Amendment 299
Olle Ludvigsson

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. Paragraphs 1 and 2 are without prejudice to the rules on charges, reductions or other steering set out in Article 55 of *the* proposal COM (2013)547 and in Article 19 of Directive 2011/83/EU²² .

²² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights...

Amendment

3. Paragraphs 1 and 2 are without prejudice to the rules on charges, reductions or other steering set out in Article 55 of **Directive [the revised Payment Services Directive, on the basis of proposal COM (2013)547] [OP please insert number of Directive once adopted]** and in Article 19 of Directive 2011/83/EU²² .

²² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights...

Or. en

Justification

It is important to clarify that the reference should not be to the rules proposed by the Commission, but to the final text.

Amendment 300
Fabrizio Bertot

Proposal for a regulation
Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

With the payee's prior and explicit consent the information referred to in the first subparagraph may be aggregated by brand, application, payment instrument categories and rates of interchange fees applicable to the transaction.

Amendment

With the payee's prior and explicit consent the information referred to in the first subparagraph may be aggregated by brand, application, payment instrument categories ***or by statistic indicators of payment transactions*** and rates of interchange fees applicable to the transaction.

Or. en

Amendment 301
Fabrizio Bertot

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission

6. Member States shall require the competent authorities to monitor compliance with this Regulation effectively ***and*** take all necessary measures to ensure such compliance.

Amendment

6. Member States shall require the competent authorities to monitor compliance with this Regulation effectively, ***to concede temporally limited waivers motivated by objective evidence and to*** take all necessary measures to ensure such compliance.

Or. en

Amendment 302
Jürgen Klute

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down rules on the sanctions applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are applied. **Such sanctions** shall **be** effective, proportionate and dissuasive.

Amendment

1. Member States shall lay down rules on the sanctions applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are applied. **The European Banking Authority shall issue guidelines to ensure that sanctions are** effective, proportionate and dissuasive.

Or. en

Amendment 303

Marino Baldini

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. EBA shall be in charge of issuing guidelines to ensure sanctions are effective, proportionate and dissuasive.

Or. en

Amendment 304

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. EBA shall be empowered to issue guidelines to ensure sanctions are effective, proportionate and dissuasive.

Or. en

Justification

BEUC input

Amendment 305

Jürgen Klute

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall establish adequate and effective out-of-court complaint and redress procedures for the settlement of disputes arising under this Regulation between payees and their payment service providers. For those purposes, Member States shall designate existing bodies, where appropriate, or establish new bodies.

Amendment

1. Member States shall establish adequate and effective out-of-court complaint and redress procedures for the settlement of disputes arising under this Regulation between payees and their payment service providers. For those purposes, Member States shall designate existing bodies, where appropriate, or establish new bodies. ***Payment service providers shall be required to adhere to at least one alternative dispute resolution body.***

Or. en

Amendment 306

Bas Eickhout

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that payment service providers participate in complaint procedures pursuant to paragraph 1.

Or. en

Amendment 307
Sylvie Goulard

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market.

Amendment

By ...¹ and every three years thereafter, the Commission shall publish a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market. The report shall also assess whether it would be appropriate to make mandatory the co-badging and choice of application referred to in article 8. The assessment should in particular consider:

- a) the level of competition among payment card providers and schemes,***
- b) the effects on costs for the payer and the payee,***
- c) the technical requirements and its implications for all the parties involved,***
- d) the effects of co-badging on user-friendliness, notably for the elderly and the most vulnerable users.***

The report and any accompanying proposals, as appropriate, shall be forwarded to the European Parliament and to the Council

¹ ***Four years after the entry into force of this Regulation***

Or. en

Amendment 308
Burkhard Balz

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and **at** steering mechanisms such as charges, **taking into account** the use and cost of the various means of payments **and** the level of entry of new players **and** new technology on the market.

Amendment

Three years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. ***This report shall include a comprehensive assessment on the impact of the application of this Regulation.*** The Commission's ***assessment and*** report shall look in particular at

- the appropriateness of the levels of interchange fees and steering mechanisms such as charges;
- ***the application of the transitional period for domestic debit card and credit card transactions;***
- the use and cost of the various means of payments;
- ***the development of cardholder fees;***
- the level of entry of new players;
- ***the emergence of*** new technology on the market;
- ***the specificities of internet-based transactions.***

Or. en

Amendment 309
Bas Eickhout
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the ***appropriateness of the levels of interchange fees and*** at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market.

Amendment

Three years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market, ***as well as appropriateness of the levels of interchange fees and assess the gains for consumers of the caps and compare them to potential gains for consumers of an all-encompassing ban on interchange fees.***

If appropriate, the report shall be accompanied by a legislative proposal.

Or. en

Amendment 310
Alfredo Pallone

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market.

Amendment

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees, and at steering mechanisms such as charges, ***and at the impact of this Regulation on consumers (including the increase of fees charges by payer's service provider to the payer any increase and any reduction in retail prices) and small merchants,*** taking into account the use and cost of the various

means of payments and the level of entry of new players and new technology on the market.

Or. en

Amendment 311

Ashley Fox

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments **and** the level of entry of new players and new technology on the market.

Amendment

Two years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges **and the levels of merchant pass-through of the reduction in interchange levels**, taking into account *inter alia* the use and cost of the various means of payments, the level of entry of new players and new technology on the market **and the impact on consumers and merchants**.

Or. en

Amendment 312

Jean-Paul Gauzès

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this

Amendment

Beginning six years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the

Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments ***and the level of entry of new players and new technology on the market.***

application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments.

Or. fr

Amendment 313

Olle Ludvigsson

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players ***and new technology*** on the market.

Amendment

Four years after the entry into force of this Regulation, the Commission shall present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players, ***new technology and innovative business models*** on the market.

Or. en

Amendment 314

Jürgen Klute

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Four years after the entry into force of this Regulation, the Commission shall present

Amendment

Three years after the entry into force of this Regulation, the Commission shall

to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market.

present to the European Parliament and to the Council a report on the application of this Regulation. The Commission's report shall look in particular at the appropriateness of the levels of interchange fees and at steering mechanisms such as charges, taking into account the use and cost of the various means of payments and the level of entry of new players and new technology on the market.

Or. en

Amendment 315
Burkhard Balz

Proposal for a regulation
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The assessment and report by the Commission shall, if appropriate, be followed by legislative measures that may include a revision of the maximum cap for interchange fees.

Or. en

Amendment 316
Jean-Paul Gauzès

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

The business rules concerning cards set out in Chapter III shall apply to new cards issued as of the date on which this

Regulation enters into force.

Or. fr

Amendment 317

Ashley Fox

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force **on the twentieth day** following **that** of its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force **three months** following **the day** of its publication in the Official Journal of the European Union.

Or. en

Justification

20 days is unfeasible for PSPs

Amendment 318

Alfredo Pallone

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force **on the twentieth day** following that of its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force **six months** following that of its publication in the Official Journal of the European Union.

Or. en