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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing technical requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009 (COM(2010)0775 – C7-0434/2010 – 2010/0373(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Sari Essayah

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing technical requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009 (COM(2010)0775 – C7-0434/2010 – 2010/0373(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0775),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0434/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank¹,
 - having regard to the opinion of the European Economic and Social Committee of 5 May 2011²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0292/2011),
1. Adopts its position at first reading hereinafter set out;
 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;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Title 1 – title

¹ OJ C 155, 25.5.2011, p.1.

² Not yet published in the Official Journal.

Text proposed by the Commission

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing technical requirements for credit transfers and direct debits in *euros* and amending Regulation (EC) No 924/2009

Amendment

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing technical **and business** requirements for credit transfers and direct debits in *euro* and amending Regulation (EC) No 924/2009

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The creation of an integrated market for electronic payments in *euros*, with no **basic** distinction between national and cross-border payments is necessary for the proper functioning of the *Internal Market*. To this end, the Single Euro Payments Area (hereinafter ‘SEPA’) project aims to develop common Union-wide payment **instruments** to replace current national payment **instruments**. As a result of the introduction of open, common payment standards, rules and practices, and through integrated payment processing, SEPA should provide Union citizens and businesses with secure, competitively priced, user-friendly, and reliable payment services in *euros*. **Completing** SEPA should **also create** favourable conditions for increased competition in payment services and for the unhindered development and swift, Union-wide implementation of payments-related innovations. Consequently, **as a result of** improved economies of scale, increased operating efficiency and strengthened competition, electronic payment services in *euros* **should create** a best-of-breed basis **downward price pressure**. The effects of this should be significant, in particular in Member States where payments are,

Amendment

(1) The creation of an integrated market for electronic payments in *euro*, with no distinction between national and cross-border payments is necessary for the proper functioning of the *internal market*. To this end, the Single Euro Payments Area (hereinafter “SEPA”) project aims to develop common Union-wide payment **services** to replace current national payment **services**. As a result of the introduction of open, common payment standards, rules and practices, and through integrated payment processing, SEPA should provide Union citizens and businesses with secure, competitively priced, user-friendly, and reliable payment services in *euro*. SEPA **should be completed in a way that facilitates access for new market entrants and the development of new products, and creates** favourable conditions for increased competition in payment services and for the unhindered development and swift, Union-wide implementation of payments-related innovations. Consequently, improved economies of scale, increased operating efficiency and strengthened competition **should lead to downward price pressure in** electronic payment services in *euro* **on** a best-of-breed basis.

comparatively speaking, relatively expensive. The transition to SEPA should therefore not be accompanied by overall price increases for payment service users in general and for consumers, in particular.

The effects of this should be significant, in particular in Member States where payments are, *compared to other Member States*, relatively expensive. The transition to SEPA should therefore not be accompanied by overall price increases for payment service users in general and for consumers, in particular. ***Instead, where the payment service user is a consumer, the principle of not levying higher charges should be encouraged. The Commission is invited to continue to monitor price developments in the payment sector and should provide an annual analysis thereof.***

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001¹⁹ also provides a number of facilitating measures for the success of SEPA such as the extension of the principle of equal charges to cross-border direct debits.

Amendment

(4) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 also provides a number of facilitating measures for the success of SEPA such as the extension of the principle of equal charges to cross-border direct debits ***and reachability for direct debits.***

Amendment 4

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In addition, self-regulatory efforts of the European banking sector through the SEPA initiative have not proven sufficient to drive forward concerted migration to Union-wide schemes for credit transfers

Amendment

(5) In addition, self-regulatory efforts of the European banking sector through the SEPA initiative have not proven sufficient to drive forward concerted migration to Union-wide schemes for credit transfers

and direct debits on both the supply and demand sides. Moreover, this self-regulatory process has not been subject to appropriate governance mechanisms, which may partly explain the slow uptake on the demand side. ***Only rapid and comprehensive migration to Union-wide credit transfers and direct debits will generate the full benefits of an integrated payments market, so that the high costs of running both 'legacy' and SEPA products in parallel can be eliminated.***

and direct debits on both the supply and demand sides. ***In particular, consumer and other user interests have not been taken into account in a sufficient and transparent way.*** Moreover, this self-regulatory process has not been subject to appropriate governance mechanisms, which may partly explain the slow uptake on the demand side. ***While the recent establishment of the SEPA Council represents a significant improvement to the governance of the SEPA project, fundamentally and formally governance still remains very much in the hands of the European Payments Council (EPC). The Commission is therefore invited to make a proposal to further improve the governance of SEPA before the end of 2012. It is of crucial importance that until these new governance arrangements are in place, the composition of the EPC should become more balanced so that the voice of all relevant stakeholders is heard and there should be an expanded role for the SEPA Council allowing for improved interaction between those two bodies.***

Amendment 5

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Rules should therefore be laid down to cover the execution of all credit transfers and direct debit transactions denominated in *euros* within the Union. However, it is not appropriate at this stage to cover card transactions, since common standards for Union card payments are still under development. Money remittance, internally processed payments, large-value payment transactions between payment service providers and payments via mobile phone should not fall under the scope of those rules since these payment services are not

Amendment

(6) Rules should therefore be laid down to cover the execution of all credit transfers and direct debit transactions, ***including transactions initiated through a payment card at the point of sale which result in direct debit from a payment account identified by the basic bank account number (BBAN) or by the international bank account number (IBAN),*** denominated in *euro* within the Union. However, it is not appropriate at this stage to cover card transactions, since common standards for Union card payments are still

comparable to credit transfers and direct debits.

under development. Money remittance, internally processed payments, large-value payment transactions between payment service providers and payments via mobile phone should not fall under the scope of those rules since these payment services are not comparable to credit transfers and direct debits. ***In addition, the rules should not cover payment transactions which customers have specifically requested to be processed through large-value payments systems.***

Amendment 6

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Several payment ***instruments*** currently exist, mostly for payments through the internet, which also use the *international banc account number (IBAN)* and the bank identifier code (BIC) and are based on credit transfers or direct debits but which have additional features. Those ***schemes*** are foreseen to expand beyond their current national borders and could fulfil a consumer demand for innovative, safe and cheap payment ***instruments***. In order not to foreclose such ***schemes*** from the market, the regulation on end dates for direct debit and credit transfer should only apply to the credit transfer or direct debit underlying ***the transaction***.

Amendment

(7) Several payment ***services*** currently exist, mostly for payments through the internet, which also use the IBAN and the bank identifier code (BIC) and are based on credit transfers or direct debits but which have additional features. Those ***services*** are foreseen to expand beyond their current national borders and could fulfil a consumer demand for innovative, safe and cheap payment ***services***. In order not to foreclose such ***services*** from the market, the regulation on end dates for direct debit and credit transfer should only apply to the credit transfer or direct debit underlying ***those transactions***.

Amendment 7

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to make payments easier for all customers, the use of the BIC should

be limited to those cases where truly necessary. Therefore payment service providers should facilitate the development of a well-functioning centralised database for the generation of the unique BIC corresponding to a given IBAN, and solve those cases where for example the underlying conflicting BBAN hierarchy results in a situation in which more than one BIC is attributed to a particular IBAN or in which it is otherwise unclear which BIC to attribute to a particular IBAN.

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) For a credit transfer to be executed, the payee's account must be reachable. Therefore, in order to encourage the successful take-up of *these* payment *instruments*, a reachability obligation should be established Union-wide. To improve transparency, it is furthermore appropriate to consolidate that obligation and the reachability obligation for direct debits already established under Regulation (EC) No 924/2009 in one single act.

Amendment

(8) For a credit transfer to be executed, the payee's account must be reachable. Therefore, in order to encourage the successful take-up of *this* payment *service*, a reachability obligation should be established Union-wide. To improve transparency, it is furthermore appropriate to consolidate that obligation and the reachability obligation for direct debits already established under Regulation (EC) No 924/2009 in one single act.

Amendment 9

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Technical interoperability is a prerequisite for competition. In order to create an integrated market for electronic payments systems in *euros*, it is essential that the processing of credit transfers and direct debits are not hindered by technical

Amendment

(9) Technical interoperability is a prerequisite for competition. In order to create an integrated market for electronic payments systems in *euro*, it is essential that the processing of credit transfers and direct debits are not hindered by technical

obstacles and are carried out under a scheme whose basic rules are adhered to by a majority of payment services providers from a majority of Member States and be the same both for cross-border and for purely national credit transfer and direct debit transactions. Where *more than one such scheme is developed or where* there is more than one payment system for the processing of such payments, these *schemes and* systems should be interoperable so that all users and payment service providers can enjoy the benefits of seamless euro payments across the Union.

obstacles and are carried out under a scheme whose basic rules are adhered to by a majority of payment services providers from a majority of *the* Member States and be the same both for cross-border and for purely national credit transfer and direct debit transactions. Where there is more than one payment system for the processing of such payments, these systems should be interoperable so that all users and payment service providers can enjoy the benefits of seamless euro payments across the Union. *Given the specific characteristics of the business market, whilst any business-to-business direct debit or credit transfer scheme needs to comply with all other provisions in this Regulation, including having the same rules for cross-border and national transactions, the requirement to have participants representing a majority of payment service providers in the majority of Member States need not apply but to the extent that payment service providers providing business-to-business direct debit or credit transfer services need to have participants representing a majority of payment service providers in the majority of Member States providing such services.*

Amendment 10

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) It is crucial to identify technical requirements which unambiguously determine the features which Union-wide payment schemes to be developed under appropriate governance arrangements have to respect in order to ensure interoperability. Such technical requirements should not restrict flexibility and innovation but should be open to and neutral towards potential new

Amendment

(10) It is crucial to identify technical requirements which unambiguously determine the features which Union-wide payment schemes to be developed under appropriate governance arrangements have to respect in order to ensure interoperability. Such technical requirements should not restrict flexibility and innovation but should be open to and neutral towards potential new

developments and improvements in the payments market. They should be designed taking into account the special characteristics of credit transfers and direct debits, in particular with regard to the data elements contained in the payment message. They should also contain, especially for direct debits, measures to strengthen the confidence of payment service users in the use of such instruments.

developments and improvements in the payments market. They should be designed taking into account the special characteristics of credit transfers and direct debits, in particular with regard to the data elements contained in the payment message. They should also contain, especially for direct debits, measures to strengthen the confidence of payment service users in the use of such instruments. ***Payers should be allowed to request their payment service provider to carry out mandatory checks on the frequency or amount of the direct debit and to establish 'positive' or 'negative' lists of payees. Other relevant rights of users are already established in Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market¹ and should be fully ensured.***

¹ OJ L 319, 5.12.2007, p. 1

Amendment 11

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Technical standardisation is a cornerstone for the integration of networks, such as the Union payments market. The use of standards developed by international or European standardisation bodies should be mandatory as of a given date for all relevant transactions. In the payment context, these would be the IBAN, BIC, and the financial services messaging standard 'ISO 20022 XML'. The use of those standards by all payment service providers is therefore a requirement for full interoperability throughout the Union. In particular, the mandatory use of IBAN and BIC where necessary should be promoted

Amendment

(11) Technical standardisation is a cornerstone for the integration of networks, such as the Union payments market. The use of standards developed by international or European standardisation bodies should be mandatory as of a given date for all relevant transactions. In the payment context, these would be the IBAN, BIC, and the financial services messaging standard 'ISO 20022 XML'. The use of those standards by all payment service providers is therefore a requirement for full interoperability throughout the Union. In particular, the mandatory use of IBAN and BIC where necessary should be promoted

through comprehensive communication and facilitating measures in Member States in order to allow a smooth and easy transition to **pan-European** credit transfers and direct debits, in particular for consumers.

through comprehensive communication and facilitating measures in Member States in order to allow a smooth and easy transition to **Union-wide** credit transfers and direct debits, in particular for consumers. ***It is necessary to start a users' awareness campaign immediately and service providers should not wait for the mandatory deadlines. Migration to SEPA represents a major change for Union citizens for which they should be properly prepared. Member States, the competent authorities and banks should provide the required information and the necessary technical support. They should make a decisive contribution by taking the appropriate action for migration to SEPA to proceed smoothly for the benefit of Union citizens.***

Amendment 12

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The migration to SEPA and the introduction of common standards and rules for payments should be based on compliance with national law on the protection of sensitive personal data in Member States and should safeguard the interests of Union citizens.

Amendment 13

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) It is appropriate to set ***dates by when*** all credit transfers and direct debit transactions should comply with those technical requirements, while leaving the

(12) ***In order to allow a concerted transition process in the interests of clarity and simplicity for consumers,*** it is appropriate to set ***a single migration***

market open for further development and innovation.

deadline by which all credit transfers and direct debit transactions should comply with those technical requirements, while leaving the market open for further development and innovation.

Amendment 14

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Separate migration dates should be set in order to take into account the differences between credit transfers and direct debits. Union-wide credit transfers and direct debits do not have the same level of maturity, since a direct debit is a more complex instrument than a credit transfer and, consequently, migration to Union-wide direct debits requires significantly more resources than migration to Union-wide credit transfers.

Amendment

(13) Although the level of development of direct debit and credit transfer services differs from one Member State to another, a common deadline at the end of an adequate period for implementation, which allows for all the necessary processes to take place would contribute to a coordinated, coherent and integrated migration to SEPA and would help prevent a two-speed SEPA, which would cause greater confusion among consumers.

Amendment 15

Proposal for a regulation Recital 13 a new

Text proposed by the Commission

(13a) Payment service providers and users should have sufficient time to adapt to the technical requirements, however this adaption period should not unnecessarily delay the benefits to consumers or penalise the efforts of proactive operators that have already moved towards SEPA. For national payment and cross-border payment transactions the payment service providers should provide their retail customers with the necessary technical services in order to ensure a smooth and secure conversion to the technical

Amendment

requirements laid down in this Regulation.

Amendment 16

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The Commission should monitor the R-transaction fees across the Member States. The Commission should ensure that Member States' R-transaction fees converge over time and that the R-transaction fees do not vary across Member States to an extent that there is no level playing field.

Amendment 17

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) In some Member States, there are certain legacy payment *instruments* which are credit transfers or direct debits but which have very specific functionalities, often due to historical or legal reasons. The transaction volume of such products is usually marginal; they could therefore be classified as niche products. A transitional period for such niche products, sufficiently long to minimise the impact of the migration on payment service users, should help both sides of the market to focus first on the migration of the bulk of credit transfers and direct debits, thereby allowing the majority of the potential benefits of an integrated payments market in the Union to be reaped earlier.

(16) In some Member States, there are certain legacy payment *services* which are credit transfers or direct debits but which have very specific functionalities, often due to historical or legal reasons. The transaction volume of such products is usually marginal; they could therefore be classified as niche products. A transitional period for such niche products, sufficiently long to minimise the impact of the migration on payment service users, should help both sides of the market to focus first on the migration of the bulk of credit transfers and direct debits, thereby allowing the majority of the potential benefits of an integrated payments market in the Union to be reaped earlier. ***In some Member States, specific direct debit instruments exist which seem very similar to payment card transactions in that the***

payer uses a card at the point of sale to initiate the payment transaction. However, the underlying payment scheme is a direct debit. The card is used only for a read-out in order to facilitate the electronic generation of the mandate, which has to be signed by the payer at the point of sale. Although such payment services cannot be classified as a niche product, there is a need for a transitional period in relation to such payment services because of the substantial transaction volume involved. In order to enable the stakeholders to implement an adequate SEPA substitute that transitional period should be of an adequate length.

Amendment 18

Proposal for a regulation - amending act Recital 17

Text proposed by the Commission

(17) For the practical functioning of the internal market in payments it is essential to ensure that payers such as businesses or public authorities are able to send credit transfers to payment accounts held by the payees with payment service providers which are located in other Member States and reachable in accordance with this Regulation.

Amendment

(17) For the practical functioning of the internal market in payments it is essential to ensure that payers such as **consumers**, businesses or public authorities are able to send credit transfers to payment accounts held by the payees with payment service providers which are located in other Member States and reachable in accordance with this Regulation.

Amendment 19

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to secure a smooth transition to SEPA, any valid payee authorisation to collect recurring direct debits in a legacy system should remain

valid after the migration deadline established in this Regulation and should be considered as representing the consent to the payment service provider of the payer to execute the recurring direct debits collected by that payee in compliance with this Regulation in the absence of national law relating to the continued validity of the mandate or customer agreements changing direct debit mandates to allow their continuation.

Amendment 20

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) In order to ensure that redress is possible where this Regulation has been incorrectly applied, Member States should establish adequate and effective out-of-court complaint and redress procedures for settling any dispute *arising therefrom*.

Amendment

(20) In order to ensure that redress is possible where this Regulation has been incorrectly applied, *or where other disputes relating to payment services arise*, Member States should establish adequate and effective out-of-court complaint and redress procedures for settling any *such* dispute *between payers, payees and payment service providers*.

Amendment 21

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of the update of the technical requirements for credit transfers and direct debits.

Amendment

(22) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of the update of the technical requirements for credit transfers and direct debits. *It is of particular importance that the Commission carry out appropriate and transparent consultation during its preparatory work, including at expert*

level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment 22

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) Since payment service providers from Member States outside the euro area would need to undertake more preparatory work, such payment service providers should be allowed to defer the application of these technical requirements for a certain period.

Amendment

(23) Since payment service providers from Member States outside the euro area would need to undertake more preparatory work, such payment service providers should be allowed to defer the application of these technical requirements for a certain period. ***Member States whose currency is not the euro should however comply with the technical requirements swiftly to create a true European payments area, which will strengthen the internal market.***

Amendment 23

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) In order to ensure broad public support for SEPA, a high level of protection for payers is essential. During a period of eight weeks from the date on which the funds were debited, payers should benefit from an unconditional right to an immediate refund for authorised payment transactions based on standard mandates initiated by or through a payee which have already been executed. Payment service providers should refund to the payer the full amount at the value date of the payment

transaction within 10 business days of receiving such a refund request. In this regard the Commission is invited to put forward proposals to amend Articles 62 and 63 of Directive 2007/64/EC within the framework of the review in 2012 provided for in Article 87 thereof.

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules for *the execution of* credit transfer and direct debit transactions denominated in *euros* within the Union where both the payer's payment service provider and the payee's payment service provider are *situated* within the Union, or where the sole payment service provider in the payment transaction is located in the Union.

Amendment

1. This Regulation lays down rules for credit transfer and direct debit transactions denominated in *euro* within the Union where both the payer's payment service provider and the payee's payment service provider are *located* within the Union, or where the sole payment service provider in the payment transaction is located in the Union.

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Regulation shall apply to the European Central Bank (ECB) and to the national central banks when not acting in their capacity as monetary authorities.

Amendment 26

Proposal for a regulation

Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) payment transactions *carried out*

Amendment

(a) payment transactions *between and*

internally within *payment service providers as well as payment transactions between* payment service providers for their own account

within payment service providers for their own account;

Amendment 27

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

Text proposed by the Commission

(b) payment transactions processed and settled through large value payment systems *for which both the original initiator and the final recipient of the payment is a payment service provider*

Amendment

(b) payment transactions processed and settled through large value payment systems and payment *transactions routed via large* payment systems *based on explicit customer requests*;

Amendment 28

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

Text proposed by the Commission

(c) payment transactions through a payment card, including cash withdrawals from a payment account, *if they do not result* in a credit transfer or direct debit to *or* from a payment account identified by the basic bank account number (BBAN) or the international *banc* account number (IBAN)

Amendment

(c) payment transactions through a payment card, including cash withdrawals from a payment account, *unless such payment transaction is generated at the point of sale through a payment card and results* in a credit transfer or direct debit to *and* from a payment account identified by the BBAN or the IBAN;

Amendment 29

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

Text proposed by the Commission

(d) payment transactions through means of any telecommunication, digital or IT device, *if they* do not result in a credit transfer or direct debit to *or* from a

Amendment

(d) payment transactions through means of any telecommunication, digital or IT device, *if such payment transactions* do not result in a credit transfer or direct debit

payment account identified by BBAN or IBAN

to **and** from a payment account identified by BBAN or IBAN;

Amendment 30

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) payment transactions where electronic money as defined in point (2) of Article 2 of Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions¹ is transferred, unless such transactions result in a credit transfer or direct debit.

¹ OJ L 267, 10.10.2009, p. 7.

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) 'credit transfer' means a payment service for crediting a payee's payment account, where a payment transaction or a series of payment transactions is initiated by the payer on the basis of the consent given to his payment service provider

(1) 'credit transfer' means a **national or cross-border** payment service for crediting a payee's payment account, where a payment transaction or a series of payment transactions is initiated by the payer on the basis of the consent given to his payment service provider;

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'direct debit' means a payment service

(2) 'direct debit' means a **national or cross-**

for debiting a payer's payment account, where a payment transaction is initiated by the payee on the basis of the payer's consent

border payment service for debiting a payer's payment account, where a payment transaction is initiated by the payee on the basis of the payer's consent, *given to the payee, the payee's payment service provider or the payer's own payment service provider;*

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) 'payer' means a natural or legal person who holds a payment account and allows a payment order from that payment account

Amendment

(3) 'payer' means a natural or legal person who holds a payment account and allows a payment order from that payment account *or, where there is no payment account, a natural or legal person who makes a payment order;*

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'payment scheme' means a set of rules, practices and standards for making payments between the scheme participants, and which is separated from any infrastructure or payment system that supports its operation across and within Member States

Amendment

(7) 'payment scheme' means a *single* set of rules, practices and standards *and implementation guidelines agreed between payment services providers* for making payments between the scheme participants *across and within Member States*, and which is separated from any infrastructure or payment system that supports its operation across and within Member States;

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘interchange fee’ means a fee paid **between** the payment service **providers of the payer and** of the payee for **each** direct debit transaction

Amendment 36

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘multilateral interchange fee’ means an interchange fee which is subject to a collective agreement between payment service providers

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘BBAN’ means a **payment** account number identifier, which uniquely identifies an individual account with a payment service provider in a Member State and **can only be** used for national transactions

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘IBAN’ means an international **payment** account number identifier, which uniquely identifies an individual account with a unique payment service provider in a Member State, the elements of which are

Amendment

(12) ‘interchange fee’ means a fee paid **by** the payment service **provider** of the payee **to the payment service provider of the payer** for **a** direct debit transaction;

Amendment

(13) ‘multilateral interchange fee’ means an interchange fee which is subject to a collective agreement between **more than two** payment service providers;

Amendment

(14) ‘BBAN’ means a **basic bank** account number identifier, which uniquely identifies an individual account with a payment service provider in a Member State and **which is** used for national transactions;

Amendment

(15) ‘IBAN’ means an international **bank** account number identifier, which uniquely identifies an individual account with a unique payment service provider in a Member State, the elements of which are

specified by ISO 13616, set by the International Organization for Standardisation (ISO)

specified by ISO 13616 *or its successor*, set by the International Organization for Standardisation (ISO);

Amendment 39

Proposal for a regulation Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘BIC’ means a code that unambiguously identifies a payment service provider, the elements of which are specified by *ISO 13616*, set by the International Organization for Standardisation (ISO)

Amendment

(16) ‘BIC’ means a code that unambiguously identifies a payment service provider, the elements of which are specified by *ISO 9362 or its successor*, set by the International Organization for Standardisation (ISO);

Amendment 40

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

Text proposed by the Commission

(17) ‘ISO 20022 XML standard’ means a standard for the development of electronic financial messages as defined by the International Organisation for Standardisation (ISO), encompassing the physical representation of the payment transactions in XML syntax, in accordance with business rules and implementation guidelines of Union-wide schemes for payment transactions in scope of this Regulation.

Amendment

(17) ‘ISO 20022 XML standard’ *or its successor* means a standard for the development of electronic financial messages as defined by the International Organisation for Standardisation (ISO), encompassing the physical representation of the payment transactions in XML syntax, in accordance with business rules and implementation guidelines of Union-wide schemes for payment transactions in scope of this Regulation;

Amendment 41

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

Text proposed by the Commission

Amendment

(17a) ‘SEPA’ means the area where citizens, companies and other economic participants can make and receive payments in euro, within the Union, whether within or across national boundaries under the same basic conditions and in accordance with the same rights and obligations, regardless of their location;

Amendment 42

Proposal for a regulation

Article 2 – paragraph 1 – point 17 b (new)

Text proposed by the Commission

Amendment

(17b) ‘large value payment system’ means a payment system which is designed primarily to process large-value or urgent payments related to important financial market activities such as money market or foreign exchange transactions as well as commercial transactions and is regarded as essential for the proper functioning of the financial system;

Amendment 43

Proposal for a regulation

Article 2 – paragraph 1 – point 17 c (new)

Text proposed by the Commission

Amendment

(17c) ‘retail payment system’ means a payment system the main purpose of which is to process, clear or settle payment transactions, which are generally bundled together for transmission and are primarily of a small amount and low priority, and which is not a large value payment system;

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1 – point 17 d (new)

Text proposed by the Commission

Amendment

(17d) ‘mandate’ means the expression of consent and authorisation given, directly or indirectly, by the payer to the payee and to the payer’s payment service provider to allow the payee to initiate a collection for debiting the payer’s specified payment account and to allow the payer’s payment service provider to comply with such instructions;

Amendment 45

Proposal for a regulation

Article 2 – paragraph 1 – point 17 e (new)

Text proposed by the Commission

Amendment

(17e) ‘settlement date’ means a date on which obligations with respect to the transfer of funds are discharged between the payer’s payment service provider and the payee’s payment service provider;

Amendment 46

Proposal for a regulation

Article 2 – paragraph 1 – point 17 f (new)

Text proposed by the Commission

Amendment

(17f) ‘collection’ means a part of a direct debit transaction starting from the initiation made by the payee until its end through the normal debiting of the payer’s account or until completion by a rejection, return, refusal, reversal or refund.

Amendment 47

Proposal for a regulation Article 3

Text proposed by the Commission

A payment service provider reachable for a national credit transfer **or a direct debit** transaction, **or both** denominated in euro on a given payment account shall be reachable, in accordance with the rules **of the** payment scheme, for credit transfer **and direct debit** transactions initiated through a payment service provider located in any Member State.

Amendment

1. A payment service provider **of a payee** reachable for a national credit transfer transaction denominated in euro on a given payment account shall be reachable, in accordance with the **single set of** rules **under one Union-wide** payment scheme **applicable to national and cross-border payments**, for credit transfer transactions **denominated in euro** initiated by a payer through a payment service provider located in any Member State.

2. **A payment service provider of a payer reachable for a national direct debit transaction denominated in euro on a given payment account shall be reachable, in accordance with the single set of rules under one Union-wide payment scheme applicable to national and cross-border payments, for direct debit transactions denominated in euro initiated by a payee through a payment service provider located in any Member State.**

3. **Paragraph 2 shall apply only to direct debits which are available to consumers under the payment scheme.**

Amendment 48

Proposal for a regulation Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Payment service providers **shall carry** out credit transfers and direct debits **under a payment scheme which complies** with the following conditions:

Amendment

1. Payment **schemes to be used by** payment service providers **for the purpose of carrying** out credit transfers and direct debits **shall comply** with the following conditions:

Amendment 49

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) *its* rules are the same for national and cross-border credit transfer **and** direct debit transactions across and within Member States

Amendment

(a) **their** rules are the same for national and cross-border credit transfer **or** direct debit transactions across and within Member States; **and**

Amendment 50

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) the participants in the scheme represent a majority of payment service providers within a majority of Member States.

Amendment

(b) the participants in the scheme represent a majority of payment service providers **across and** within a majority of Member States.

Amendment 51

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where neither the payer nor the payee is a consumer, the payment schemes referred to in the first subparagraph shall represent the majority of payment service providers providing such services across and within a majority of Member States where such services are available. Point (b) of the first subparagraph need not apply to such payment schemes.

Amendment 52

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

The first subparagraph shall apply where a new payment scheme is established and the Commission shall assess whether the criteria set out therein are met.

Amendment 53

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Payment systems ***and, where applicable, payment schemes*** shall be technically interoperable through the use of standards developed by international or European standardisation bodies.

2. Payment systems shall be technically interoperable through the use of standards developed by international or European standardisation bodies.

Amendment 54

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When a new payment scheme is in the process of being established, aiming to comply with the conditions of this regulation, the Commission may, upon request, exempt it from the provision of point (b) of the first subparagraph of paragraph 1. Such an exemption shall be granted for an initial period of 36 months with an option to extend it by a maximum of a further 36 months.

Amendment 55

Proposal for a regulation Article 4 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. With the exception of payment services benefiting from a waiver under Article 17(2), interoperability under this Article shall be effective by ...*.

**** OJ please insert date: 24 months after entry into force of this Regulation.***

Amendment 56

Proposal for a regulation Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Essential requirements

1. The payment service providers shall carry out credit transfer and direct debit transactions in accordance with the following requirements:

(a) payment service providers and payment service users use the IBAN for the identification of payment accounts regardless of whether both the payer's payment service provider and the payee's payment service provider are, or the sole payment service provider in the payment transaction is, located in the same Member State or whether one of the payment service providers is located in another Member State;

(b) payment service providers use message formats based on ISO 20022 XML standard or its successor when transmitting payment transactions to another payment service provider or a payment system;

(c) where a payment service user initiates or receives individual transfers of funds which are transmitted via a process-to-process dialogue or a bundled batch file, message formats based on ISO 20022 XML standard or its successor are used;

(d) payment service providers agree to receive initiations from the payment service user in accordance with point (c) where the payment user so requests, by ...;*

(e) payment service providers send or make available payment transaction information to the payment service user in accordance with point (c) where the payment user so requests, by*

2. In addition to the requirements referred to in paragraph 1, the requirements set out in paragraph 3 to 7 shall apply to direct debit transactions.

3. Before the first direct debit transaction, a payer shall communicate his or her IBAN. The BIC of the payer's payment service provider shall be communicated by the payer only where the BIC cannot be identified otherwise.

4. Upon the first direct debit transaction or one-off direct debit transactions and upon each subsequent direct debit transaction, the payee shall send the mandate-related information to his or her payment service provider and the payee's payment service provider shall transmit that mandate related information to the payer's payment service provider with each direct debit transaction.

5. The payers may instruct their payment service provider:

(a) to limit a direct debit collection to a certain amount or periodicity, or both;

(b) where the agreement between the payer and the payee excludes the right to a refund, to verify each direct debit transaction, and to check whether the

amount of the submitted direct debit transaction is equal to the amount and periodicity agreed in the mandate, before debiting their account, based on the mandate-related information;

(c) to block any direct debits to the payer's account or to block any direct debits coming from one or more specified payees and to authorise direct debits only initiated by one or more specified payees.

Where neither the payer nor the payee is a consumer, payment service providers shall not be required to comply with points (a), (b) or (c) of the first subparagraph;

6. The right to a refund may be excluded only if all of the following conditions are met:

(a) the payment authorisation specifies:

(i) the exact amount of the payment transaction, and

(ii) the periodicity in the case of recurring direct debits;

(b) the payer has clearly agreed to waive his right to a refund through the original mandate or through a new mandate; and

(c) goods or services paid by direct debit are duly delivered to consumers without delay.

7. Consent shall be given both to the payee and to the payment service provider of the payer (directly or indirectly via the payee) and the mandates, together with later modifications or cancellation, shall be stored by the payee or by a third party on behalf of the payee.

8. Where the framework agreement between the payer and his payment service provider excludes the right to a refund, the payer's payment service provider shall, without prejudice to the provisions of paragraph 7, check each direct debit transaction to see whether the amount of the submitted direct debit

transaction is equal to the amount and periodicity agreed in the mandate before debiting the payer's account, based on the mandate-related information.

9. In addition to the requirements referred to in paragraph 1, in relation to credit transfer transactions, a payee accepting credit transfers shall communicate its IBAN and the BIC of its payment service provider to its payers, every time a credit transfer is requested.

10. In addition to paragraphs 1 to 9, further technical requirements as set out in the Annex shall apply to credit transfer and direct debit transactions. The Commission shall be empowered to adopt delegated acts in accordance with Article 12 to amend the Annex in order to take account of technical progress and market developments.

11. Payment service users may refrain from indicating the BIC of a payer or of a payee where the BIC can be identified otherwise by the payment service provider in accordance with point 2(c) and point 3(h) of the Annex. By ..., payment service providers participating in a Union-wide direct debit scheme shall establish and regularly update a centralised and well-functioning database to identify the unique BIC corresponding to a given IBAN, and to solve those cases where it is possible to attribute more than one BIC to a particular IBAN.*

12. Where, in the case of an imminent threat to the stability and proper functioning of payment systems, imperative grounds of urgency so require, the procedure provided for in Article 15 shall apply to delegated acts adopted pursuant to this Article.

** OJ please insert date: 24 months after the date of entry into force of this Regulation.*

Amendment 57

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Requirements for credit transfer and direct debit transactions

Amendment

Migration deadlines for credit transfer and direct debit transactions

Amendment 58

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. By [*insert concrete date 12 months after entry into force of this Regulation*] at the latest, credit transfers shall be carried out in accordance with the technical requirements set out in points 1 and 2 of the Annex.

Amendment

1. By ...*, credit transfers shall be carried out in accordance with the technical requirements set out in **Article 4a(1) and (3) and** points 1 and 2 of the Annex.

* OJ please insert date: **24 months** after the date of entry into force of this Regulation.

Amendment 59

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. By [*insert concrete date 24 months after entry into force of this Regulation*] at the latest, direct debits shall be carried out in accordance with Article 6 and the **technical** requirements set out in points 1 and 3 of the Annex.

Amendment

2. By ...*, direct debits shall be carried out in accordance with Article 6 and the requirements set out in **Article 4a(1) and (2) and** points 1 and 3 of the Annex.

* OJ please insert date: **24 months** after the date of entry into force of this

Regulation.

Amendment 60

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, Member States may set earlier dates than those referred to in paragraphs 1 and 2.

Amendment

3. Notwithstanding paragraphs 1 and 2, Member States may, ***having taken into account and evaluated the state of preparedness and readiness of their citizens***, set earlier dates than those referred to in paragraphs 1 and 2 ***or the payment service providers in agreement with the national SEPA Council in a Member State may agree on earlier dates than those referred to in paragraphs 1 and 2.***

Amendment 61

Proposal for a regulation Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The conditions laid down in Article 6 shall apply to direct debit transactions from 1 November 2012 onwards.

Amendment 62

Proposal for a regulation Article 5 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The payment service providers of the payer and the payee shall not levy charges or other fees on the read-out process, which provides the data for those payment transactions initiated through or by means of a payment card at the point of

sale, which result in direct debit.

Amendment 63

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Validity of mandates and the right to a refund

Any valid payee authorisation to collect recurring direct debits in a legacy system prior to the date stated in Article 5(2) shall continue to remain valid after that date and shall be considered as representing the consent to the payment service provider of the payer to execute the recurring direct debits collected by that payee in compliance with this Regulation in the absence of national law or customer agreements continuing the validity of direct debit mandates.

Standard mandates shall allow for unconditional refunds and refunds backdated to the date of the refunded payment where such refunds have been provided for in the framework of the existing mandate, including but not limited to pre-SEPA frameworks.

A payer shall be entitled to an unconditional right to an immediate refund from the payment service provider where an authorised payment transaction initiated by or through a payee has already been executed.

Amendment 64

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) the arrangement shall be aimed at efficiently allocating costs to the party that has caused the R-transaction, while taking into account the existence of transaction costs and *the aim of consumer protection*

Amendment

(a) the arrangement shall be aimed at efficiently allocating costs to the party that has caused the R-transaction, while taking into account the existence of transaction costs and *ensuring that the payer is not pre-emptively charged. The payee's payment service provider or the payer's payment service provider may pass on R-transaction fees to a particular payer only on the basis of costs incurred by the payment service provider in relation to that payer*

Amendment 65

**Proposal for a regulation
Article 7**

Text proposed by the Commission

Article 7

Waiver

1. Member States may allow their competent authorities to waive all or some of the requirements set out in paragraphs 1, 2 and 3 of Article 5 until [insert concrete date 36 months after entry into force of this Regulation] for those credit transfer or direct debit transactions with a cumulative market share, based on the official payment statistics published annually by the European Central Bank, of less than 10 % of the total number of credit transfer or direct debit transactions respectively, in that Member State.

2. Member States may allow their competent authorities to waive all or some of the requirements set out in paragraphs 1, 2 and 3 of Article 5 until [insert concrete date) 60 months after entry into force of this Regulation] for those payment transactions initiated through a payment card at the point of sale which

Amendment

deleted

result in direct debit from a payment account identified by BBAN or IBAN.

3. Where a Member State allows its competent authorities to apply the waiver provided for in paragraphs 1 and 2, it shall notify the Commission accordingly by [insert concrete date 6 months after entry into force of this Regulation]. The Member State shall notify the Commission forthwith of any subsequent change.

Amendment 66

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Information requirements

- 1. In order to ensure that the standardisation of transactions and the mandatory use of IBAN and BIC are accepted among Union citizens, Member States and payment service providers shall carry out specific and extensive information campaigns in order to raise public awareness and adequately explain the benefits of the system and the consequences for national and international transactions.*
- 2. Member States shall require payment service providers to facilitate the transition for their customers, in particular with regard to the mandatory use of IBAN and BIC, through a transparent information policy.*
- 3. Payment service providers shall provide clear and understandable information to consumers on R-transaction fees in the interests of transparency and consumer protection.*

Amendment 67

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall notify the Commission of the competent authorities referred to in paragraph 1 by *[insert concrete date 6 months after entry into force of this Regulation]*. They shall notify the Commission without delay of any subsequent change concerning those authorities.

Amendment

2. Member States shall notify the Commission of the competent authorities referred to in paragraph 1 by ...*. They shall notify the Commission **and the European Banking Authority (European Banking Authority) established by Regulation (EU) No 1093/2010 of the European Parliament and of the Council** (EBA)** without delay of any subsequent change concerning those authorities.

* OJ please insert date: **12 months after the date of entry into force of this Regulation.**

** OJ L 331, 15.12.2010, p. 12.

Amendment 68

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. The competent authorities shall monitor compliance with this Regulation effectively and take all necessary measures to ensure such compliance.

Amendment

4. The competent authorities shall monitor compliance with this Regulation effectively and take all necessary measures to ensure such compliance. **EBA shall assist national competent authorities where appropriate and foster cooperation and mutual learning.**

Amendment 69

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Member States shall, by *[insert concrete date 6 months after entry into force of this Regulation]*, lay down rules on the penalties applicable to infringements to this Regulation and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those provisions by *[insert concrete date 12 months after entry into force of this Regulation]* and shall notify it without delay of any subsequent amendment affecting them.

Amendment

Member States shall, by ... *, lay down rules on the penalties applicable to infringements to this Regulation and shall take all measures necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those provisions by ... * and shall notify it without delay of any subsequent amendment affecting them.

* OJ please insert date: **12 months after the date of entry into force of this Regulation.**

** OJ please insert date: **18 months after the date of entry into force of this Regulation.**

Amendment 70

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The penalties referred to in the first paragraph shall not be applied to consumers.

Amendment 71

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall establish adequate and effective out-of-court complaint and

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 payment service users and their payment service providers. For those purposes, Member States shall designate existing bodies, where appropriate, or set up new bodies.

redress procedures for the settlement of disputes ***concerning rights and obligations*** arising under this Regulation between payment service users and their payment service providers. For those purposes, Member States shall designate existing bodies, where appropriate, or set up new bodies.

Amendment 72

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. Member States shall notify the Commission of the bodies referred to in paragraph 1 by [*insert concrete date 6 months after entry into force of this Regulation*]. They shall notify the Commission without delay of any subsequent change concerning those bodies.

Amendment

2. Member States shall notify the Commission of the bodies referred to in paragraph 1 by ...*. They shall notify the Commission without delay of any subsequent change concerning those bodies.

** OJ please insert date: 12 months after the date of entry into force of this Regulation.*

Amendment 73

Proposal for a regulation Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may provide for this Article to apply only to consumers or micro-enterprises. Member States shall inform the Commission of any such provision by...*.

** OJ please insert date: 18 months after the date of entry into force of this*

Regulation.

Amendment 74

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Governance

The Union method shall be applied wherever possible. At the same time, ownership by stakeholders, on the supply and on the demand side, shall be sought through active involvement, consultation and full transparency in SEPA migration processes. In particular, the SEPA Council, representing payment service providers and users at the same footing, shall ensure active involvement of stakeholders, contribute to sufficient communication of the SEPA process to end-users and monitor the implementation of the SEPA process.

Amendment 75

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

1. The ***powers*** to adopt ***the*** delegated acts ***referred to in Article 5(4) shall be*** conferred on the Commission ***for an indeterminate period of time. Where imperative grounds of urgency so require, Article 15 shall apply.***

1. The ***power*** to adopt delegated acts ***is*** conferred on the Commission ***subject to the conditions laid down in this Article.***

1a. The delegations of power referred to in Article 4a(4) and Article 5(4) shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. The Commission

shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

1b. The delegation of power referred to in Article 4a (4) and Article 5(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

2. As soon as it adopts a delegated act, the Commission shall *simultaneously* notify the European Parliament and the Council *of that act*.

3. *The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 13 and 14.*

2. As soon as it adopts a delegated act, the Commission shall notify *it simultaneously* to the European Parliament and *to* the Council.

3. *A delegated act adopted pursuant to Article 4a(4) and Article 5(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or the Council.*

Amendment 76

Proposal for a regulation Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Revocation of the delegation

1. The delegation of power referred to in Article 5(4) may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and the reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Amendment 77

**Proposal for a regulation
Article 14**

Text proposed by the Commission

Amendment

Article 14

deleted

Objections to delegated acts

1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.

2. If, on expiry of that period, neither the European Parliament nor the Council has

objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated in its provisions.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Amendment 78

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

*1. A **delegated act** adopted under **the urgency procedure** shall enter into force without delay and apply as long as no objection is expressed in accordance with paragraph 2. The notification of **the** act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*

*2. **The European Parliament and the Council may within a period of six weeks from the date of notification object to the delegated act. In such a case, the act shall cease to be applicable. The institution which objects shall state the reasons for objecting to the delegated act.***

Amendment

*1. **Delegated Acts** adopted under **this Article** shall enter into force without delay and **shall** apply as long as no objection is expressed in accordance with paragraph 2. The notification of **a delegated** act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*

*2. **Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to Article 12(3). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.***

Amendment 79

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

By [*insert concrete date 3 years after entry into force*], the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the *European Central Bank* a report on the application of this Regulation accompanied, if appropriate, by a proposal.

Amendment

By ...*, the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee, **EBA** and the **ECB** a report on the application of this Regulation accompanied, if appropriate, by a proposal.

* *OJ please insert date: **five years** after the date of entry into force of this Regulation.*

Amendment 80

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

Text proposed by the Commission

Amendment

-1. During the migration period until ...*, the payment service provider shall provide to their retail customers for national payment transactions the technical services, enabling them to convert BBAN technically and securely into the respective IBAN by the payment service provider concerned.

* *OJ please insert date: **24 months** after the date of entry into force of this Regulation.*

Amendment 81

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. Payment service providers located in a Member State which does not have the euro as its currency shall comply with Article 3 by **31 October 2014**. If, however, the euro is introduced as the currency of any such Member State before **1 November 2013**, the payment service provider located in that Member State shall comply with Article 3 within one year of the date on which the Member State concerned joined the euro area.

Amendment

1. Payment service providers **that offer payment services denominated in euro and are** located in a Member State which does not have the euro as its currency shall comply with Article 3 **when offering payment services denominated in euro** by ...*. If, however, the euro is introduced as the currency of any such Member State **after ...** and before ...***** the payment service provider located in that Member State shall comply with Article 3 within one year of the date on which the Member State concerned joined the euro area.

*** OJ please insert date: 36 months after entry into force of this Regulation.**

****OJ please insert date: 12 months after entry into force of this Regulation.**

*****OJ please insert date: 24 months after entry into force of this Regulation.**

Amendment 82

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. Payment service providers located in a Member State which does not have the euro as its currency shall comply with the requirements set out in Article 4 and in points 1 and 2 of the Annex for credit transfers denominated in *euros* and with the requirements set out in Article 4 and in points 1 and 3 of the Annex for direct debit transactions denominated in euros by **[insert concrete date month) 4 years after entry into force of this Regulation]**. If, however, the euro is introduced as the currency of any such Member State before **[insert concrete date 3 years after entry**

Amendment

2. Payment service providers located in a Member State which does not have the euro as its currency shall comply with the requirements set out in Article 4 and in points 1 and 2 of the Annex for credit transfers denominated in *euro* and with the requirements set out in Article 4 and in points 1 and 3 of the Annex for direct debit transactions denominated in euros by **31 October 2016**. If, however, the euro is introduced as the currency of any such Member State before **1 November 2015**, the payment service provider located in that Member State shall meet those

into force of this Regulation], the payment service provider located in that Member State shall meet those requirements within one year of the date on which the Member State concerned joined the euro area.

requirements within one year of the date on which the Member State concerned joined the euro area.

Amendment 83

Proposal for a regulation

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may allow their competent authorities to waive all or some of the requirements referred to in Article 5(1) and (2) for credit transfers and for direct debits for those credit transfer or for direct debit transactions with a cumulative market share, based on the official payment statistics published annually by the ECB, of less than 10 % of the total number of credit transfer or direct debit transactions respectively, in that Member State until ...*.

**** OJ please insert date: 36 months after entry into force of this Regulation.***

Amendment 84

Proposal for a regulation

Article 17 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. By way of derogation from Article 5(1) and (2) Member States shall, until ...*, be permitted to allow their competent authorities to waive the specific requirement to use XML 20022 or its successor set out in Article 4 a (1)(c) for payment service users which initiate or receive individual credit transfers or direct debits that are bundled together for

transmission. However, despite a possible waiver payment service providers are always obliged to fulfil the requirements set out in article 4 a (1)(c) in case a payment service user requests such service.

** OJ please insert date: three years after the date of entry into force of this Regulation.*

Amendment 85

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

Text proposed by the Commission

Amendment

2c. Member States may allow their competent authorities to waive all or some of the requirements referred to in Article 5(1) and (2) for those payment transactions generated using a payment card at the point of sale which result in direct debit to and from a payment account identified by BBAN or IBAN until*

** OJ please insert date: five years months after the date of entry into force of this Regulation.*

Amendment 86

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

Text proposed by the Commission

Amendment

2d. Where a Member State allows its competent authorities to apply the waivers provided for in paragraphs 2a and 2b, it shall notify the Commission thereof by ... for credit transfers and for direct debits. The Member State shall notify the*

Commission forthwith of any subsequent changes to the application of those waivers.

** OJ please insert date: 12 months after the date of entry into force of this Regulation.*

Amendment 87

Proposal for a regulation

Article 18 – point -1 (new)

Regulation (EC) Number 924/2009

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

-1. In Article 3, paragraph 1 is replaced by the following:

"1. Charges levied by a payment service provider on a payment service user in respect of cross-border payments [...] shall be the same as the charges levied by that payment service provider on payment service users for corresponding national payments of the same value and in the same currency."

Amendment 88

Proposal for a regulation - amending act

Article 18 – point -1 a (new)

Regulation (EC) Number 924/2009

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

-1a. In Article 5, paragraph 1 is replaced by the following:

"1. With effect from 1 January 2010, Member States shall remove settlement-based national reporting obligations on payment service providers for balance of payments statistics related to payment

transactions of their customers [...]."

Amendment 89

Proposal for a regulation Annex – point 1 – introductory part

Text proposed by the Commission

(1) The following technical requirements shall apply to both credit transfer and direct debit transactions:

Amendment

(1) ***In addition to the essential requirements set out in Article 4a***, the following technical requirements shall apply to both credit transfer and direct debit transactions:

Amendment 90

Proposal for a regulation Annex – point 1 – point a

Text proposed by the Commission

(a) Payment service providers and payment service users shall use the IBAN for the identification of payment accounts regardless of whether both the payer's payment service provider and the payee's payment service provider are or the sole payment service provider in the payment transaction is, located in the same Member State or whether one of the payment service providers is located in another Member State.

Amendment

deleted

Amendment 91

Proposal for a regulation Annex – point 1 – point b

Text proposed by the Commission

(b) Payment service providers shall use message formats based on ISO 20022 XML standard when transmitting payment transactions to another payment

Amendment

deleted

service provider or a payment system.

Amendment 92

Proposal for a regulation Annex – point 1 – point c

Text proposed by the Commission

(c) Where a payment service user initiates or receives individual transfers of funds which are bundled together for transmission, message formats based on ISO 20022 XML standard shall be used.

Amendment

deleted

Amendment 93

Proposal for a regulation Annex – point 1 – point f

Text proposed by the Commission

(f) Once data is available in electronic form payment transactions must allow for a fully automated, electronic processing in all process stages throughout the payment chain (end-to-end straight through processing), enabling the entire payment process to be conducted electronically without the need for re-keying or manual intervention. This shall also apply to exceptional handling of credit transfer and direct debit transactions, whenever possible.

Amendment

(f) Once ***the required*** data is available in electronic form payment transactions must allow for a fully automated, electronic processing in all process stages throughout the payment chain (end-to-end straight through processing), enabling the entire payment process to be conducted electronically without the need for re-keying or manual intervention. This shall also apply to exceptional handling of credit transfer and direct debit transactions, whenever possible.

Amendment 94

Proposal for a regulation Annex – point 1 – point g

Text proposed by the Commission

(g) Payment schemes shall not set any minimum threshold for the amount of the payment transaction allowing for credit

Amendment

(g) Payment schemes shall not set any minimum threshold for the amount of the payment transaction allowing for credit

transfers and direct debits.

transfers and direct debits ***but shall not be required to process transactions with zero amount.***

Amendment 95

Proposal for a regulation Annex – point 2 – point a

Text proposed by the Commission

Amendment

(a) A payee accepting credit transfers shall communicate its IBAN and the BIC of its payment service provider to its payers, every time a credit transfer is requested.

deleted

Amendment 96

Proposal for a regulation Annex – point 2 – point b – point i

Text proposed by the Commission

Amendment

(i) the name of the payer and/or the IBAN of the payer's account

(i) the name of the payer or, where so permitted under national law and subject to the payer's consent, the IBAN of the payer's account. The IBAN of the payer's account shall not be communicated to the payee automatically.

Amendment 97

Proposal for a regulation Annex – point 2 – point b – point v a (new)

Text proposed by the Commission

Amendment

(va) the beneficiary identification code, if any;

Amendment 98

Proposal for a regulation Annex – point 2 – point b – point v b (new)

Text proposed by the Commission

Amendment

(vb) the name of the beneficiary reference party, if any;

Amendment 99

Proposal for a regulation

Annex – point 2 – point b – point v c (new)

Text proposed by the Commission

Amendment

(vc) the purpose of the credit transfer, if any;

Amendment 100

Proposal for a regulation

Annex – point 2 – point b – point v d (new)

Text proposed by the Commission

Amendment

(vd) the category of the purpose of the credit transfer, if any;

Amendment 101

Proposal for a regulation

Annex – point 3 – point a

Text proposed by the Commission

Amendment

(a) Only once before the first direct debit transaction, a payer shall communicate its IBAN and, where applicable, the BIC of its payment service provider to its payee.

deleted

Amendment 102

Proposal for a regulation

Annex – point 3 – point b

Text proposed by the Commission

Amendment

(b) With the first direct debit transaction and one-off direct debit transactions and with each subsequent direct debit transaction, the payee shall send the mandate-related information to his or her payment service provider. The payee's payment service provider shall transmit such mandate related information to the payer's payment service provider with each direct debit transaction. *deleted*

Amendment 103

Proposal for a regulation Annex – point 3 – point c

Text proposed by the Commission

Amendment

(c) A payer shall have the possibility to instruct his or her payment service provider to limit a direct debit collection to a certain amount or periodicity, or both. *deleted*

Amendment 104

Proposal for a regulation Annex – point 3 – point d

Text proposed by the Commission

Amendment

(d) Where the agreement between the payer and the payee excludes the right to a refund, the payer's payment service provider shall, at the payer's request, check each direct debit transaction, to see whether the amount of the submitted direct debit transaction is equal to the amount agreed in the mandate, before debiting the payer's account, based on the mandate-related information. *deleted*

Amendment 105

Proposal for a regulation Annex – point 3 – point e

Text proposed by the Commission

Amendment

(e) The payer shall have the option of instructing his or her payment service provider to block any direct debits to the payer's account or to block any direct debits coming from one or more specified payees or to authorise direct debits only coming from one or more specified payees.

deleted

Amendment 106

Proposal for a regulation Annex – point 3 – point f

Text proposed by the Commission

Amendment

(f) Consent shall be given both to the payee and to the payment service provider of the payer (directly or indirectly via the payee) and the mandates, together with later modifications and/or cancellation, shall be stored by the payee or by a third party on behalf of the payee.

deleted

Amendment 107

Proposal for a regulation Annex – point 3 – point g – point iv

Text proposed by the Commission

Amendment

(iv) the name of the payer

(iv) *where available*, the name of the payer;

Amendment 108

Proposal for a regulation Annex – point 3 – point g – point xii a (new)

Text proposed by the Commission

Amendment

(xiia) the purpose of the collection, if any;

Amendment 109

Proposal for a regulation

Annex – point 3 – point g – point xii b (new)

Text proposed by the Commission

Amendment

(xiib) the category of the purpose of the collection, if any.

EXPLANATORY STATEMENT

The Commission published its proposal for this Regulation on 16 December 2010. The proposal aims at establishing an Internal Market for payment services in euro (Single Euro Payments Area or SEPA) in which there is no difference of regime between cross-border and national payments. Integrating European payment markets should offer substantial economic benefits by increasing competition and innovation, contributing to lower payment costs for consumers and firms and making cross-border payments as easy as domestic ones. The impact assessment notes that possible benefits to the European economy could amount to 100-300 billion euros in six years time.

SEPA was originally put forward as a primarily market-driven project. At the same time, it represents a major policy initiative which has been consistently supported in particular by the European Parliament, the Commission and the European Central Bank. Union-wide schemes for credit transfers and direct debits were designed and implemented by the European Payments Council (EPC), a coordination and decision making body set up by the European banking sector. On 28 January 2008, the SEPA Credit Transfer (SCT) was launched, followed by the SEPA Direct Debit (SDD) on 2 November 2009. However, migration to the new schemes has turned out to be slow: in October 2010, two years after the launch of SCT, the share of SCTs among all transactions processed by clearing and settlement mechanisms stood at only 9.3 %. The share of SDD was around one percent.

In order to ensure timely transition, setting a migration end-date in legislation has been called for. In particular, the EP has called for "a clear, appropriate and binding end-date, which should be no later than 31 December 2012 for migrating to SEPA instruments" in two resolutions in March 2009 and March 2010. Your rapporteur has responded to this call by promoting a rather rapid end-date, since otherwise the situation would be unfair to early movers.

The regulation proposed by the Commission stipulates that national credit transfer and direct debit electronic payment schemes should be phased out 12 and 24 months respectively after the entry into force of the regulation. They would be replaced by the Union-wide schemes. The regulation requires the use of certain common standards and technical requirements such as the use of international bank account numbers (IBAN), bank identifier codes (BIC) and a financial services messaging standard (ISO 20022 XML) for all bank account payments in euro in the EU. Your rapporteur is of the opinion that there should be only one end-date in order to allow for an easier migration. This end-date should be 2 years after the entry into force of the regulation in order to provide enough time for migration also in those Member States where the migration process has been slow. One end-date would also make it simpler to inform the public and the necessary information campaigns could be made more effective.

It is appropriate that the Commission should have delegated powers to change the technical requirements, but your rapporteur has moved many requirements considered essential from the annex into the regulation and thus limited the scope of delegation. When using the delegated powers it should be expected that the Commission consults the relevant stakeholders, like the SEPA Council, or the SEPA experts group and others.

Due to the requirement for a scheme to have the majority of payment service providers participating in the scheme in the majority of Member States, one may expect that multiple competing schemes, which all payment service providers would have to comply with, would not come to exist in parallel.

The new consumer protection clauses concerning direct debits actually result from choosing the basic model that the payee and creditor's bank have the mandates and not the payer's or debtor's bank. Your rapporteur is of the opinion that this basic choice was wrong, but as the choice has already been made, consumers need to feel properly protected when shifting from a Debtor Mandate flow to a Creditor Mandate flow system.

The issue of MIFs (multilateral interchange fees) is a complex one. The Commission proposes only cost-based R-transaction fees when the payment is rejected, refused, returned or reversed and hence a ban on MIFs per transaction. Your rapporteur has tried to find a compromise by introducing a continuation of MIFs per transaction for a long transition period, so that default MIFs would be uniform in all Member States and they would be steadily decreasing. It is to be expected that strictly cost-based R-transaction MIFs would also converge so that they would finally be the same throughout the Member States and a level playing field amongst payment service providers would be ensured.

There is a need for some transition periods, but your rapporteur is of the opinion that they should be kept as short as possible. For example the German ELV is a one-off direct debit payment which is generated by using a card to give the basic information for the mandate. Actually many consumers may not be aware that by using their card in a shop they are actually generating a direct debit payment. Your rapporteur is confident that competition will increase in the payments sector also through this regulation and this will bring down the prices of payments, so that it is possible in three years time either to make both the niche and ELV payment services SEPA-compliant or to find an adequate SEPA-substitute.

This regulation is concerned not with how the payments are initiated but with the underlying credit transfer or direct debit. However, it is clear that large value payments should be excluded from the regulation but at the same time one should take care that payments, which should be processed as normal SEPA transactions would not be processed through large value payment systems.

16.6.2011

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council establishing technical requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009 (COM(2010)0775 – C7-0434/2010 – 2010/0373(COD))

Rapporteur: Evelyne Gebhardt

SHORT JUSTIFICATION

Efficient and secure payment systems are essential for a proper functioning of the Internal Market and the conduct of economic transactions. In this regard, the creation of an Internal Market for payment services in euro (Single Euro Payments Area or SEPA) is of high importance and has to be observed. On 28 January 2008, the SEPA Credit Transfer (SCT) was launched. The launch of the SEPA Direct Debit (SDD) highlighted the second essential milestone on the way towards the implementation of SEPA through Union-wide schemes. SEPA, if fully implemented will provide notable benefits and savings to the wider European economy.

However, electronic payment instruments throughout the European Union are still far from replacing national payments. It is questionable if it is necessary to implement a standardization of the current European payment systems by transposing them to the international procedure of IBAN and BIC. However, due to the current slow rates of migration, there is increasing acknowledgement by all categories of stakeholders that a legally binding end-date may be necessary to reach a successful implementation. Therefore, migration end dates for direct debits and credit transfers in euro have to be set up in order to achieve the full integration of the payment market. In this regard, payment service users and payment service providers should be allowed sufficient time to adapt to these technical requirements in order to comply with the end-dates. The end-dates should be set as such that there is enough time to achieve the implementation. A period of time of 36 months for credit transfers and 48 months for direct debits after entry into force of the regulation are considered as appropriate.

SEPA migration will affect users, including citizens and small and medium sized companies while transposing the current system to a common Union-wide bank account numbering based on IBAN and BIC. Especially the role of the consumer in this process shall not be undermined. It is substantial that this transition is facilitated by the banking sector. Banks should be obliged to carry out specific and extensive information campaigns in order to raise public awareness especially in making understandable how the numbers of IBAN and BIC are composed. Furthermore banks should assure a transparent information policy in customer business. These undertakings are considered as very essential for a smooth and appropriate realisation of facilitating and secure Union-wide payment systems and the acceptance for the changes among the European citizens.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation - amending act Recital 11

Text proposed by the Commission

(11) Technical standardisation is a cornerstone for the integration of networks, such as the Union payments market. The use of standards developed by international or European standardisation bodies should be mandatory as of a given date for all relevant transactions. In the payment context, these would be the IBAN, BIC, and the financial services messaging standard 'ISO 20022 XML'. The use of those standards by all payment service providers is therefore a requirement for full interoperability throughout the Union. In particular, the mandatory use of IBAN and BIC *where necessary* should be promoted through comprehensive communication and facilitating measures in Member States in order to *allow a smooth and easy* transition to pan-European credit transfers and direct debits, in particular for consumers.

Amendment

(11) Technical standardisation is a cornerstone for the integration of networks, such as the Union payments market. The use of standards developed by international or European standardisation bodies should be mandatory as of a given date for all relevant transactions. In the payment context, these would be the IBAN, BIC, and the financial services messaging standard 'ISO 20022 XML'. The use of those standards by all payment service providers is therefore a requirement for full interoperability throughout the Union. In particular, the mandatory use of IBAN and BIC should be promoted through comprehensive communication and facilitating measures in Member States in order to *prepare consumers in a timely and adequate manner for the* transition to pan-European credit transfers and direct debits. *In particular, banks should facilitate that transition by carrying out specific and extensive information campaigns in order to raise public awareness and by having a transparent information policy for their customer business. An adequate and extensive information policy is mandatory in order to gain acceptance,* in particular *with regard to the wide-ranging changes* for consumers.

Amendment 2

Proposal for a regulation - amending act Recital 12

Text proposed by the Commission

(12) It is appropriate to set **dates by when** all credit transfers and direct debit transactions should comply with those technical requirements, while leaving the market open for further development and innovation.

Amendment

(12) ***In order to allow a concerted transition process in the interests of clarity and simplicity for consumers***, it is appropriate to set ***a single migration deadline by which*** all credit transfers and direct debit transactions should comply with those technical requirements, while leaving the market open for further development and innovation.

Amendment 3

Proposal for a regulation - amending act Recital 13

Text proposed by the Commission

(13) Separate migration dates should be set in order to take into account the differences between credit transfers and direct debits. Union-wide credit transfers and direct debits do not have the same level of maturity, since a direct debit is a more complex instrument than a credit transfer and, consequently, migration to Union-wide direct debits requires significantly more resources than migration to Union-wide credit transfers.

Amendment

deleted

Amendment 4

Proposal for a regulation - amending act Recital 13a new

Text proposed by the Commission

(13a) Payment service providers and users should have sufficient time to adapt to the technical requirements, however this adaption period must not unnecessarily delay the benefits to consumers or penalise the efforts of proactive operators that have already moved towards SEPA

Amendment

payments systems. For national payment and cross-border payment transactions the payment service providers should provide their retail customers with the necessary technical services in order to ensure a smooth and secure conversion to the technical requirements laid down in this Regulation.

Amendment 5

Proposal for a regulation - amending act Recital 15 a (new)

Text proposed by the Commission

Amendment

15a. The Commission shall monitor the R-transaction fees across the Member States. The Commission shall ensure that Member States' R-transaction fees converge over time and that the R-transaction fees do not vary across Member States to an extent that there is no level playing field.

Justification

Over time the fee's for R-transactions should converge to the actual handling costs by the most efficient payment service provider. In the meantime the Commission should monitor whether the differences in R-transaction fees between Member States do not jeopardise the level playing field for cross-border transactions.

Amendment 6

Proposal for a regulation - amending act Recital 16

Text proposed by the Commission

Amendment

(16) In some Member States, there are certain legacy payment instruments which are credit transfers or direct debits but which have very specific functionalities, often due to historical or legal reasons. ***The transaction volume of such products is usually marginal; they could therefore be***

(16) In some Member States, there are certain legacy payment instruments which are credit transfers or direct debits but which have very specific functionalities, often due to historical or legal reasons. A transitional period for such niche products, sufficiently long to minimise the impact of

classified as niche products. A transitional period for such niche products, sufficiently long to minimise the impact of the migration on payment service users, should help both sides of the market to focus first on the migration of the bulk of credit transfers and direct debits, thereby allowing the majority of the potential benefits of an integrated payments market in the Union to be reaped earlier.

the migration on payment service users, should help both sides of the market to focus first on the migration of the bulk of credit transfers and direct debits, thereby allowing the majority of the potential benefits of an integrated payments market in the Union to be reaped earlier.

Justification

Most of these products can be described as niche products, but not all. In some Member States specific direct debit instruments very similar to payment card transactions exist, which have a quite substantial transaction volume. In both cases there is a need for a transitional period.

Amendment 7

Proposal for a regulation - amending act Recital 17

Text proposed by the Commission

(17) For the practical functioning of the internal market in payments it is essential to ensure that payers such as businesses or public authorities are able to send credit transfers to payment accounts held by the payees with payment service providers which are located in other Member States and reachable in accordance with this Regulation.

Amendment

(17) For the practical functioning of the internal market in payments it is essential to ensure that payers such as **consumers**, businesses or public authorities are able to send credit transfers to payment accounts held by the payees with payment service providers which are located in other Member States and reachable in accordance with this Regulation.

Amendment 8

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) In order to ensure that redress is possible where this Regulation has been incorrectly applied, Member States should establish adequate and effective out-of-

Amendment

(20) In order to ensure that redress is possible where this Regulation has been incorrectly applied, Member States should establish adequate and effective out-of-

court complaint and redress procedures for settling any dispute arising *therefrom*.

court complaint and redress procedures for settling any dispute arising *between payment service users and payment service providers*.

Amendment 9

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of the update of the technical requirements for credit transfers and direct debits.

Amendment

(22) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of the update of the technical requirements for credit transfers and direct debits. ***It is of particular importance that the Commission carry out appropriate and transparent consultation during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.***

Justification

Coherence with the Common Understanding on Practical Arrangements for the use of Delegated Acts.

Amendment 10

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Since payment service providers from Member States outside the euro area would need to undertake more preparatory work, such payment service providers should be allowed to defer the application of these technical requirements for a certain period.

Amendment

(23) Since payment service providers from Member States outside the euro area would need to undertake more preparatory work, such payment service providers should be allowed to defer the application of these technical requirements for a certain period.

Member States outside the euro area should however comply with the technical requirements swiftly to create a true European payment area, which will strengthen the internal market.

Amendment 11

Proposal for a regulation - amending act Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) payment transactions processed and settled through large value payment systems *for which both the original initiator and the final recipient of the payment is a payment service provider*

Amendment

(b) payment transactions processed and settled through large value payment systems;

Justification

SEPA covers standard payments and should not be extended to (consumer) transactions covered by large value payment systems.

Amendment 12

Proposal for a regulation - amending act Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Essential technical requirements for credit transfers and direct debit transactions

1. The payment service providers shall carry out credit transfer and direct debit transactions in accordance with the following requirements:

(a) payment service providers and payment service users shall use the IBAN for the identification of payment accounts regardless of whether both the payer's payment service provider and the payee's payment service provider are or the sole

payment service provider in the payment transaction is, located in the same Member State or whether one of the payment service providers is located in another Member State;

(b) payment service providers shall use message formats based on ISO 20022 XML standard or its successor when transmitting payment transactions to another payment service provider or a payment system;

(c) where a payment service user initiates or receives individual transfers of funds which are transmitted via a process-to-process dialogue or a bundled batch file, message formats based on ISO 20022 XML standard or its successor shall be used;

(d) payment service providers shall, by the date mentioned in Article 5 for the relevant payment service, accept to receive initiations from the payment service user in the format referred to in point (c) when the payment user so requests;

(e) payment service providers shall, by ... send or make available payment transaction information to the payment service user in the format mentioned in point (c) where the payment user so requests.*

2. In addition to the requirements referred to in paragraph 1, the following requirements shall apply to direct debit transactions:

(a) only once before the first direct debit transaction, a payer shall communicate its IBAN and, where applicable, the BIC of its payment service provider to its payee;

(b) with the first direct debit transaction and one-off direct debit transactions and with each subsequent direct debit transaction, the payee shall send the mandate-related information to his or her payment service provider and the payee's payment service provider shall transmit

such mandate related information to the payer's payment service provider with each direct debit transaction;

(c) payer may:

*(i) instruct his or her payment service provider to limit a direct debit collection to a certain amount or periodicity, or both;
or*

(ii) instruct his or her payment service provider to block any direct debits to the payer's account or to block any direct debits coming from one or more specified payees and to authorise direct debits only coming from one or more specified payees;

(d) the exclusion of the right to a refund shall be possible only if the payment mandate specifies:

*(i) the exact amount of the payment transaction and its possible periodicity;
and*

(ii) the clear consent given by the payer on exclusion of the refund right;

(e) where the right to a refund has been excluded, without prejudice to point (d), the payer's payment service provider shall verify each direct debit transaction, and check whether the amount of the submitted direct debit transaction is equal to the amount agreed in the mandate, before debiting payer's account, based on the mandate-related information;

(f) consent shall be given both to the payee and to the payment service provider of the payer (directly or indirectly via the payee) and the mandates, together with later modifications and/or cancellation, shall be stored by the payee or by a third party on behalf of the payee, the procedure for giving such consent to a direct debit shall be agreed between the payer and the payer's payment service provider.

3. In addition to the requirements referred to in paragraph 1, in relation to credit transfer transactions, a payee accepting credit transfers shall communicate its IBAN and the BIC of its payment service provider to its payers, every time a credit transfer is requested.

4. In addition to paragraphs 1, 2 and 3 of this Article, further technical requirements in the Annex shall apply to credit transfer and direct debit transactions. The Commission shall be empowered to adopt delegated acts in accordance with Article 12 to amend the Annex in order to take account of technical progress and market developments.

Where in the case of an imminent threat to the stability and proper functioning of payment systems imperative grounds of urgency so require, the procedure provided for in Article 15 shall apply to delegated acts adopted pursuant to this Article.

*** OJ please insert date: 48 months after the entry into force of this Regulation.**

Amendment 13

Proposal for a regulation - amending act Article 5 – title

Text proposed by the Commission

Requirements for credit transfer and direct debit transactions

Amendment

Migration deadlines for credit transfer and direct debit transactions

Amendment 14

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. By [insert concrete date **12 months** after entry into force of this Regulation] at the latest, credit transfers shall be carried out in accordance with the technical requirements set out **in points 1 and 2** of the Annex.

Amendment

1. By [insert concrete date **24 months** after entry into force of this Regulation] at the latest, credit transfers **and direct debit transactions** shall be carried out in accordance with the technical requirements set out in **Article 4a and in** of the Annex.

Amendment 15

**Proposal for a regulation - amending act
Article 5 – paragraph 2**

Text proposed by the Commission

2. By [insert concrete date 24 months after entry into force of this Regulation] at the latest, direct debits shall be carried out in accordance with Article 6 and the technical requirements set out in points 1 and 3 of the Annex.

Amendment

deleted

Amendment 16

**Proposal for a regulation - amending act
Article 5 – paragraph 3**

Text proposed by the Commission

3. Notwithstanding paragraphs 1, Member States may set earlier

Amendment

3. Notwithstanding **paragraph** 1, Member States may set **an** earlier **migration deadline either for credit transfers or direct debits of for both.**

Amendment 17

**Proposal for a regulation - amending act
Article 5 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. If the payer prior to the deadline set

out in paragraph 1 or resulting from paragraph 3 has authorised credit transfers, in accordance with national regulations, then the payment service provider shall automatically switch to SEPA credit transfers without levying any charges.

Justification

Amendment 18

Proposal for a regulation - amending act Article 5 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. If the payer prior to the deadline set out in paragraph 2 or resulting from paragraph 3 has authorised the payee to collect recurring direct debits, in accordance with national regulations, then the payment service provider shall automatically switch to SEPA direct debits without levying any charges.

Justification

Amendment 19

Proposal for a regulation - amending act Article 6 – paragraph 2 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) If consumers are charged any fees relating to R-transactions, these fees shall not exceed the costs for which the consumer is directly responsible. Therefore the payer shall not be charged for R-transactions resulting from insufficient funds on the payer's accounts until the direct debit payment is due;

Justification

The payer should be responsible for paying the MIF only in case of an R-transaction caused by insufficient funds on his account at the time the direct debit payment is due. Any other R-transaction is unlikely to be caused by the payer. Other parties should be prevented from passing on the payer fees for R-transactions not caused by the payer.

Amendment 20

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Waiver

1. Member States may allow their competent authorities to waive all or some of the requirements set out in paragraphs 1, 2 and 3 of Article 5 until [insert concrete date 36 months after entry into force of this Regulation] for those credit transfer or direct debit transactions with a cumulative market share, based on the official payment statistics published annually by the European Central Bank, of less than 10 % of the total number of credit transfer or direct debit transactions respectively, in that Member State.

2. Member States may allow their competent authorities to waive all or some of the requirements set out in paragraphs 1, 2 and 3 of Article 5 until [insert concrete date) 60 months after entry into force of this Regulation] for those payment transactions initiated through a payment card at the point of sale which result in direct debit from a payment account identified by BBAN or IBAN.

3. Where a Member State allows its competent authorities to apply the waiver provided for in paragraphs 1 and 2, it shall notify the Commission accordingly by [insert concrete date 6 months after entry into force of this Regulation]. The Member State shall notify the

Commission forthwith of any subsequent change.

Amendment 21

Proposal for a regulation - amending act Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Information requirements

- 1. In order to ensure that the standardisation of transactions and the mandatory use of IBAN and BIC find acceptance among Union citizens, Member States and banks shall carry out specific and extensive information campaigns in order to raise public awareness and adequately explain the benefits of the system and the consequences for national and international transactions.**
- 2. Member States shall require banks to facilitate the transition for their customer , in particular with regard to the mandatory use of IBAN and BIC, through a transparent information policy.**
- 3. Banks shall provide clear and understandable information to consumers on R-transaction fees in the interests of transparency and consumer protection.**

Amendment 22

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall designate as the competent authorities responsible for ensuring compliance with this Regulation either public authorities, or bodies

1. Member States shall designate as the competent authorities responsible for ensuring compliance with this Regulation either public authorities, or bodies

recognised by national law or by public authorities expressly empowered for that purpose by national law, including national central banks. Member States may designate existing bodies to act as competent authorities.

recognised by national law or by public authorities expressly empowered for that purpose by national law, including national central banks. Member States may designate existing bodies to act as competent authorities. ***Competent authorities shall be independent bodies, acting on behalf of all stakeholders, including end users, in order to ensure a level playing field for all providers of credit transfers and direct debit, including new providers.***

Amendment 23

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

In order to ensure that the technical requirements set out in this Regulation find acceptance among union citizens and businesses, these public authorities shall carry out information campaigns in order to raise public awareness.

Justification

Public authorities have an important role to play in informing the public since they account for 50 percent of all credit transfers in many Member States .

Amendment 24

Proposal for a regulation - amending act

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The powers to adopt the delegated acts referred to in Article 5(4) shall be conferred on the Commission for an indeterminate period of time. ***Where imperative grounds of urgency so require, Article 15 shall apply.***

1. The power to adopt the delegated acts referred to in Article ***4a(4) and Article*** 5(4) shall be conferred on the Commission for an indeterminate period of time.

Justification

To align with Article 4a (new)

Amendment 25

Proposal for a regulation - amending act
Article 13 – paragraph 1

Text proposed by the Commission

1. The delegation of power referred to in Article 5(4) may be revoked at any time by the European Parliament or by the Council.

Amendment

1. The delegation of power referred to in **Article 4a(4) and** Article 5(4) may be revoked at any time by the European Parliament or by the Council.

Justification

To align with Article 4a (new)

Amendment 26

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. **The** European Parliament **and** the Council may ***within a period of six weeks from the date of notification*** object to ***the*** delegated act. In such a case, the ***act*** shall ***cease to be applicable***. The institution which objects shall state the reasons for objecting to the delegated act.

Amendment

2. ***Either the*** European Parliament ***or*** the Council may object to ***a*** delegated act ***in accordance with procedure referred to in Article 14 (1)***. In such a case, the ***Commission*** shall ***repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council***. The institution which objects shall state the reasons for objecting to the delegated act.

Justification

Coherence with the Common Understanding on Practical Arrangements for the use of Delegated Acts.

Amendment 27

Proposal for a regulation - amending act Article 16 – paragraph 1

Text proposed by the Commission

By [*insert concrete date 3 years after entry into force*], the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the European Central Bank a report on the application of this Regulation accompanied, if appropriate, by a proposal.

Amendment

By ...*, the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the European Central Bank a report on the application of this Regulation accompanied, if appropriate, by a proposal.

** OJ please insert date: 5 years after entry into force of this Regulation.*

Justification

The proposed end-date for direct debits is 4 years after entry into force of this Regulation (Article 5(2)); the report on its application will follow one year later.

Amendment 28

Proposal for a regulation - amending act Article 17 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. During the migration period until the date referred to in Article 5, the payment service provider shall provide to their retail customers for national payment transactions the technical services, enabling them to convert BBAN technically and securely into the respective IBAN by the payment service provider concerned.

Justification

Payment service providers should provide necessary technical support to ensure a smooth and secure migration to IBAN and BIC by consumers.

Amendment 29

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. Payment service providers located in a Member State which does not have the euro as its currency shall comply with the requirements set out in Article 4 and in points 1 and 2 of the Annex for credit transfers denominated in euros and with the requirements set out in Article 4 and in points 1 and 3 of the Annex for direct debit transactions denominated in euros by [insert concrete date *month*) **4 years** after entry into force of this Regulation]. If, however, the euro is introduced as the currency of any such Member State **before [insert concrete date 3 years after entry into force of this Regulation]**, the payment service provider located in that Member State shall **meet those requirements** within **one year of the date on which** the Member State **concerned joined** the euro area.

Amendment 30

Proposal for a regulation - amending act
Annex – point 1 – introductory part

Text proposed by the Commission

(1) The following technical requirements shall apply to both credit transfer and direct debit transactions:

Amendment 31

Proposal for a regulation - amending act
Annex – point 1 – point a

Amendment

2. Payment service providers located in a Member State which does not have the euro as its currency shall comply with the requirements set out in Article 4 and in points 1 and 2 of the Annex for credit transfers denominated in euros and with the requirements set out in Article 4 and in points 1 and 3 of the Annex for direct debit transactions denominated in euros by [insert concrete date **36 months** after entry into force of this Regulation]. If, however, the euro is introduced as the currency of any such Member State, the payment service provider located in that Member State shall **comply with Article 4** within the **same time limit as for** the Member State **already within** the euro area.

Amendment

(1) **In addition to the essential technical requirements set out in Article 4a**, the following technical requirements shall apply to both credit transfer and direct debit transactions:

Text proposed by the Commission

Amendment

(a) Payment service providers and payment service users shall use the IBAN for the identification of payment accounts regardless of whether both the payer's payment service provider and the payee's payment service provider are or the sole payment service provider in the payment transaction is, located in the same Member State or whether one of the payment service providers is located in another Member State.

deleted

Amendment 32

**Proposal for a regulation - amending act
Annex – point 1 – point b**

Text proposed by the Commission

Amendment

(b) Payment service providers shall use message formats based on ISO 20022 XML standard when transmitting payment transactions to another payment service provider or a payment system.

deleted

Amendment 33

**Proposal for a regulation - amending act
Annex – point 1 – point c**

Text proposed by the Commission

Amendment

(c) Where a payment service user initiates or receives individual transfers of funds which are bundled together for transmission, message formats based on ISO 20022 XML standard shall be used.

deleted

Amendment 34

**Proposal for a regulation - amending act
Annex – point 2 – point a**

Text proposed by the Commission

Amendment

(a) A payee accepting credit transfers shall communicate its IBAN and the BIC of its payment service provider to its payers, every time a credit transfer is requested. *deleted*

Amendment 35

Proposal for a regulation - amending act Annex – point 2 – point b – point i

Text proposed by the Commission

Amendment

(i) the name of the payer *and/or the IBAN of the payer's account* (i) the name of the payer

Justification

In some European countries, the bank account number is considered as particularly sensitive personal data and can be communicated to a third person only in a restricted way. Given the risk of fraud, the IBAN of the payer's account should never be communicated to the payee automatically and without the payer's consent.

Amendment 36

Proposal for a regulation - amending act Annex – point 3 – point a

Text proposed by the Commission

Amendment

(a) Only once before the first direct debit transaction, a payer shall communicate its IBAN and, where applicable, the BIC of its payment service provider to its payee. *deleted*

Amendment 37

Proposal for a regulation - amending act Annex – point 3 – point b

Text proposed by the Commission

Amendment

(b) With the first direct debit transaction and one-off direct debit transactions and with each subsequent direct debit transaction, the payee shall send the mandate-related information to his or her payment service provider. The payee's payment service provider shall transmit such mandate related information to the payer's payment service provider with each direct debit transaction. *deleted*

Amendment 38

Proposal for a regulation - amending act Annex – point 3 – point c

Text proposed by the Commission

Amendment

(c) A payer shall have the possibility to instruct his or her payment service provider to limit a direct debit collection to a certain amount or periodicity, or both. *deleted*

Amendment 39

Proposal for a regulation - amending act Annex – point 3 – point d

Text proposed by the Commission

Amendment

(d) Where the agreement between the payer and the payee excludes the right to a refund, the payer's payment service provider shall, at the payer's request, check each direct debit transaction, to see whether the amount of the submitted direct debit transaction is equal to the amount agreed in the mandate, before debiting the payer's account, based on the mandate-related information. *deleted*

Amendment 40

Proposal for a regulation - amending act Annex – point 3 – point e

Text proposed by the Commission

Amendment

(e) The payer shall have the option of instructing his or her payment service provider to block any direct debits to the payer's account or to block any direct debits coming from one or more specified payees or to authorise direct debits only coming from one or more specified payees.

deleted

Amendment 41

Proposal for a regulation - amending act Annex – point 3 – point f

Text proposed by the Commission

Amendment

(f) Consent shall be given both to the payee and to the payment service provider of the payer (directly or indirectly via the payee) and the mandates, together with later modifications and/or cancellation, shall be stored by the payee or by a third party on behalf of the payee.

deleted

PROCEDURE

Title	Technical requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009
References	COM(2010)0775 – C7-0434/2010 – 2010/0373(COD)
Committee responsible Date announced in plenary	ECON 18.1.2011
Committee(s) asked for opinion(s) Date announced in plenary	IMCO 18.1.2011
Rapporteur(s) Date appointed	Evelyne Gebhardt 10.2.2011
Discussed in committee	24.5.2011
Date adopted	15.6.2011
Result of final vote	+: 34 -: 0 0: 1
Members present for the final vote	Pablo Arias Echeverría, Adam Bielan, Lara Comi, Jürgen Creutzmann, Christian Engström, Evelyne Gebhardt, Louis Grech, Małgorzata Handzlik, Malcolm Harbour, Iliana Ivanova, Sandra Kalniete, Eija-Riitta Korhola, Edvard Kožušník, Kurt Lechner, Toine Manders, Hans-Peter Mayer, Gianni Pittella, Phil Prendergast, Mitro Repo, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Kyriacos Triantaphyllides, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler
Substitute(s) present for the final vote	Simon Busuttil, Cornelis de Jong, Marielle Gallo, María Irigoyen Pérez, Konstantinos Poupakis, Olle Schmidt

PROCEDURE

Title	Technical requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009		
References	COM(2010)0775 – C7-0434/2010 – 2010/0373(COD)		
Date submitted to Parliament	16.12.2010		
Committee responsible Date announced in plenary	ECON 18.1.2011		
Committee(s) asked for opinion(s) Date announced in plenary	IMCO 18.1.2011	JURI 18.1.2011	
Not delivering opinions Date of decision	JURI 28.2.2011		
Rapporteur(s) Date appointed	Sari Essayah 21.9.2010		
Discussed in committee	28.2.2011	20.4.2011	15.6.2011
Date adopted	11.7.2011		
Result of final vote	+: –: 0:	25 3 10	
Members present for the final vote	Udo Bullmann, Pascal Canfin, Nikolaos Chountis, Rachida Dati, Leonardo Domenici, Derk Jan Eppink, Diogo Feio, Ildikó Gáll-Pelcz, Jean-Paul Gauzès, Sven Giegold, Liem Hoang Ngoc, Gunnar Hökmark, Wolf Klinz, Jürgen Klute, Philippe Lamberts, Astrid Lulling, Hans-Peter Martin, Alfredo Pallone, Anni Podimata, Antolín Sánchez Presedo, Edward Scicluna, Kay Swinburne, Marianne Thyssen, Ramon Tremosa i Balcells		
Substitute(s) present for the final vote	Thijs Berman, Herbert Dorfmann, Ismail Ertug, Sari Essayah, Knut Fleckenstein, Ashley Fox, Jens Geier, Sophia in 't Veld, Danuta Jazłowiecka, Krišjānis Kariņš, Olle Ludvigsson, Theodoros Skylakakis, Gianluca Susta, Claudiu Ciprian Tănăsescu, Pablo Zalba Bidegain		
Date tabled	6.9.2011		