

P-6406/09EN

Answer given by Mr McCreevy  
on behalf of the Commission  
(1.2.2010)

The Commission, as explained in answer to question E-5103/07<sup>1</sup> can confirm that, until recently, payment transactions carried out in Denmark with payment cards issued in another Member States had been subject to a surcharge of up to 3.75% of the transaction value. The decisions on surcharging the customer paying with card issued outside Denmark were taken individually by Danish merchants on the basis of a Danish law<sup>2</sup>. This law, however, ceased to apply on 1 November 2009.

In line with Directive 2007/64/EC on payment services in the internal market<sup>3</sup>, in particular with Article 52(3) thereof, Member State authorities have the competence to regulate the issue of surcharges, taking into account the need to encourage competition and promote the use of efficient payment instruments. This Directive has been transposed into the Danish law as the Betalingstjenesteloven<sup>4</sup> and entered into force on 1 November 2009. According to this law, a secondary legislation on the issue of surcharging may be issued by the Minister of Economy and Business Affairs. In October 2009 the Commission has contacted the Danish authorities in order to investigate the exact way in which the surcharging option is to be applied in Denmark. The Commission is currently awaiting the response of the Danish government.

The Commission intends to ensure that any rules on surcharging on payment transactions in Denmark, including possible surcharges on card payments, are applied in accordance with EU law. In particular, the Commission will verify whether any possible provision on surcharging on card payments does not discriminate against the EU citizens holding payment cards issued in other Member States or give preferential treatment to Danish card issuers and acquirers.

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<sup>1</sup> Question by Mary Honeyball, answer by Mr McCreevy 12.12.2007, see <http://www.europarl.europa.eu/QP-WEB/home.jsp>.

<sup>2</sup> In particular, "Bekendtgørelse nr. 1352 af 17.12.2008 om gebyrer ved brug af internationale betalingsmidler".

<sup>3</sup> OJ L 319, 5.12.2007

<sup>4</sup> LOV nr. 385 af 25.05.2009