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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{12/10/2020}12.10.2020</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0367/2020 by Bert Vanhelmont (Belgian) on the legal status of euro banknotes and coins</TITRE>

1. Summary of petition

The petitioner complains about the reduced possibilities to pay with cash at public vending machines (e.g. public parking), and claims that this is in violation of EU law. He recalls that, in the event of a payment obligation, the creditor may not refuse euro banknotes and coins, unless the parties have agreed on another means of payment. He further claims that the absence of cash-payment possibilities is particularly problematic for persons with disabilities, who in some cases might not have access to bankcards or smartphone payment applications. He urges the European Parliament to guarantee citizens the possibility to pay with euro banknotes and coins at all times.

2. Admissibility

Declared admissible on 29 June 2020. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 12 October 2020

Payment habits have been evolving in Europe due to new technologies with a trend in recent years towards more and more payment transactions being made by electronic means. This is particularly frequent where people want to settle debt or payments to public authorities in cash, e.g. to pay for using municipal parking space.

Some public administrations such as in Aalst and Brussels restrict the use of cash. They refer to lower public costs when running parking meters on a non-cash payment basis (no risk of vandalism or theft) and offer a range of non-cash payment means to choose for payment. These payment means include debit cards (Directive 2014/92/EU[[1]](#footnote-1) on payment accounts gives people in the EU the right to a basic payment account regardless of a person’s place of residence or financial situation), credit cards or payment via short message service (SMS) or smartphone apps. Against this backdrop, it is understandable that people who want to or can only pay with cash encounter difficulties if they want to pay for public parking.

Euro banknotes and euro coins are (the only) legal tender in the euro area pursuant to Article 128(1) of the Treaty on the Functioning of the European Union (TFEU) and Articles 10 and 11 of Council Regulation (EC) No 974/98[[2]](#footnote-2). Commission Recommendation[[3]](#footnote-3) of 22 March 2010 on the scope and effects of legal tender of euro banknotes and coins sets out some broad principles on the scope and the effects of euro banknotes and coins as legal tender.

According to the Commission, Member States may introduce restrictions to payments by cash on the basis of policies for which they remain competent and to the extent that the Union has not exercised its competence, other than monetary policy (for which the Union has an exclusive competence), as long as there is a proper public policy aim and the restriction is necessary and proportionate to that aim.

The question whether public administrations can lawfully refuse cash payments can only be looked at by competent courts while referring in particular to the rationale of Article 128 of the TFEU and Council Regulation (EC) No 974/98. These acts and principles take precedence over any national legislation, and interpretation of them is with the courts.

The German Federal Administrative Court has submitted questions for a preliminary ruling to the Court of Justice of the European Union (CJEU) on legal tender in relation to the settlement of debt towards public administrations (Joint Cases C-422/19 and C-423/19). The cases regard cash settlement of fees to access public broadcasting which the competent German administration has refused based on a regional law imposing debt settlement exclusively by non-cash means. Though this case does not regard cash payment for public parking and is limited through the specific questions the German court has submitted, it can be expected that the CJEU will provide guidance on the question whether and under which conditions cash payment toward public administrations may be refused under current EU law. Therefore, this judgement will have an impact at large on the question raised by this petition. The oral hearing at the CJEU has taken place, the opinion of Advocate General Pitruzzella was issued on 29 September 2020, and one could expect the preliminary ruling for autumn/winter 2020.

In relation to the limited accessibility of public parking areas lamented by the petitioner, the Commission must underline that accessibility of the built environment in this specific area is mostly a matter of national, regional or local competence. Currently, there is indeed no obligation at EU level for public authorities to meet accessibility requirements for public parking areas.

However, in March 2019 the European Parliament and the Council adopted the Directive (EU) 2019/882 on the accessibility requirements for products and services[[4]](#footnote-4). The Directive sets out the obligations for Member States to ensure that products and services identified by the Directive are accessible to persons with disabilities. The deadline for transposing the Directive is 28 June 2022. By that date, all Member States must adopt and publish the laws, regulations and administrative provisions necessary to comply with the Directive.

Payment terminals and consumer banking services fall under the scope of the Directive. The entry into force of the Directive will progressively lead to accessible payment terminals and banking services, thus also facilitating the use of parking payment terminals and bankcards by persons with disabilities[[5]](#footnote-5).

Conclusion

The petitioner’s request regards the interpretation of national administrative practice under EU law. This clarification is the competence of judicial courts.

The CJEU (Joined Cases C-422/19 and C-423/19) is likely to provide a preliminary ruling still in 2020 on whether and under what conditions Union law allows national authorities to restrict or exclude cash to settle debts with, or make payments to, public administrations.

In relation to accessibility of public parking areas, at present the Commission is not in a position to follow up on the issue raised by the petitioner, as the matter referred to in the petition is related to national competences.

However, the entry into force of Directive (EU) 2019/882 will progressively lead to accessible products and services, including in some cases the built environment where the service is provided, and will thus facilitate the use of parking payment terminals and bankcards by persons with disabilities.

1. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features Text with EEA relevance, OJ L 257, 28.8.2014, p. 214–246. [↑](#footnote-ref-1)
2. Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro, OJ L 139, 11.5.1998, p. 1–5. [↑](#footnote-ref-2)
3. Commission Recommendation of 22 March 2010 on the scope and effects of legal tender of euro banknotes and coins, OJ L 83, 30.3.2010, p. 70–71. [↑](#footnote-ref-3)
4. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance), OJ L 151, 7.6.2019, p. 70–115. [↑](#footnote-ref-4)
5. Furthermore, in accordance with Article 4.4 of Directive 2019/882, Member States may decide, in the light of national conditions, that the built environment used by clients of services covered by this Directive shall comply with the accessibility requirements set out in Annex III (of the Directive), in order to maximise their use by persons with disabilities. [↑](#footnote-ref-5)