

Analysis of Amendments on the Right to Cash Proposal

This is an analysis from a citizens and human rights perspective of the draft report of the rapporteur Stefan Berger¹ and the other amendments tabled on the proposal for a Regulation on the legal tender of euro banknotes and coins (2023/0208(COD)) in the lead Committee on Economic and Monetary Affairs.

Amendments on which we take a position are marked as **approve** or **reject** with an optional **justification**.

We welcome 117 amendments and would suggest to reject 32 of them. All three problem areas of our policy analysis could be solved with amendments tabled. Our full policy analysis of the proposal is available online².

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¹ https://www.europarl.europa.eu/doceo/document/ECON-PR-758001_EN.pdf
(amendment 1-25 are from the draft report of the rapporteur)

² <https://epicenter.works/en/content/right-to-cash-and-digital-euro-policy-analysis-from-a-human-rights-perspective>

Amendment 1

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) This Regulation should apply to payment obligations that give rise to pecuniary debts to be settled in cash. This Regulation should not apply to payments for goods or services purchased at a distance, whether online or through any means of distance communication.

Or. en

Amendment 2 – approve

We welcome a notification obligation about the closure of ATMs or bank branches.

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) With a view to an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to

(7) With a view to an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to

adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks.

adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks. ***To facilitate monitoring by Member States, payment services providers and ATM providers should notify their national competent authority in writing of the closure of each ATM or bank branch and share an assessment of whether the sufficient and efficient access to cash remains guaranteed as defined by the common indicators. Where the level of access to cash is not sufficient and effective, the provider responsible for the closure should take measures to remedy that situation.***

Or. en

Amendment 3

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) The Commission should be empowered to adopt implementing acts addressed to a specific Member State when the measures proposed by that Member State appear insufficient or in cases where, in spite of the findings of the annual report sent by that Member State, ex ante unilateral exclusions of cash are undermining the principle of mandatory acceptance of payments in euro banknotes and coins and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to take measures such as those outlined in recitals 7 and 8, or measures that have been considered effective in other Member States in ensuring that the principles of mandatory acceptance of payments in cash or sufficient and effective access to cash are not undermined.

Amendment

(9) The Commission should be empowered to adopt implementing acts addressed to a specific Member State when the measures proposed by that Member State appear insufficient or in cases where, in spite of the findings of the annual report sent by that Member State, ex ante unilateral exclusions of cash are undermining the principle of mandatory acceptance of payments in euro banknotes and coins and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to take measures such as those outlined in recitals 7 and 8, or measures that have been considered effective in other Member States in ensuring that the principles of mandatory acceptance of payments in cash or sufficient and effective access to cash are not undermined. ***When preparing those implementing acts, the Commission should consult the European Central Bank.***

Or. en

Amendment 4 – approve

We welcome the removal of the possibility of further exceptions being created by subsequent acts as these would run contrary to the requirements of the ECJ judgement.

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole.

Amendment

deleted

The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 5 – approve

We welcome this clarification to prevent unilateral exclusion of cash, particularly in the public sector.

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Unilateral practices, such as the non-acceptance of cash payments by public entities, including public hospitals and public museums, have not been regulated procedures for the settlement of pecuniary obligations provided for in the national law of a Member State. They should be considered ex ante unilateral exclusions of cash.

Or. en

Amendment 6 – approve

While the linking of the digital euro with the right to cash runs contrary to an ideal approach on these two proposals, nevertheless the amendment offers a greater acceptance of cash in future scenarios.

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) In order to ensure that people and businesses benefit from a wide acceptance network and are able to use the digital euro effectively in their day-to-day payments, payees who are subject to the mandatory acceptance of payments in digital euro should not unilaterally exclude payments in cash through contractual terms that have not been individually negotiated or through commercial practices.

Or. en

Amendment 7 – approve

We welcome the clarification.

Proposal for a regulation Article 3 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign ***or by using a pre-formulated standard form contract.*** In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Or. en

Amendment 8 – approve

We welcome the clarification.

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) where, prior to the payment, the payee has agreed with the payer on a different means of payment.

(b) where, prior to the payment, the payee has agreed with the payer on a different means of payment, ***in accordance with Article 5a.***

Or. en

Amendment 9 – approve

We welcome the clarity provided by this amendment. Not regulating this point or putting the burden of proof on the payer would have negative consequences and lead to unnecessary disputes.

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of point (b), the burden of proof to establish that such an agreement existed in a particular case shall be on the payee.

Amendment 10 – approve

We highly welcome this amendment. This brings the proposal in line with the safeguards proposed for the digital euro and creates parity between the two forms of payment.

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

***Prohibition of ex ante unilateral
exclusions of cash***

Payees subject to the obligation to accept euro banknotes and coins shall not use contractual terms that have not been individually negotiated or commercial practices, including ‘no cash’ signs, that have the object or the effect of excluding the use of euro banknotes and coins by payers of monetary debts denominated in euro. Such contractual terms or commercial practices shall not be binding on the payer. A contractual term shall be regarded as not having been individually negotiated where it has been drafted in advance and where the payer has therefore not been able to influence the substance of the term, particularly in the context of a pre-formulated standard form contract.

Amendment 11 – approve

We highly welcome this amendment and see it as a necessary step to bring the proposal in line with the CJEU jurisprudence.

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Additional exceptions to the principle of mandatory acceptance of euro banknotes

and coins of a monetary law nature

The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 12 – approve

While we urge the Parliament to bring clarity to the “individual national indicators”, we nevertheless welcome the establishment of a minimum set of indicators that encapsulate key parameters for evaluating the implementation of this Regulation.

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and shall assess the situation.

Amendment

1. Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission, ***weighted according to individual national indicators connected with national cash demand***, and shall assess the situation. ***Common indicators shall assess at least the following criteria:***

Amendment 13 – approve

Proposal for a regulation

Article 8 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) the access to ATMs including the geographical distance by road and public transport and the number of ATMs in relation to population density;

Or. en

Amendment 14 – approve

Proposal for a regulation

Article 8 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) the availability of ATMs for cash deposits and cash funding of digital euro accounts;

Or. en

Amendment 15 – approve

Proposal for a regulation

Article 8 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) the availability of banknotes of different values at ATMs;

Or. en

Amendment 16 – approve

This amendment is of particular importance for senior citizens.

Proposal for a regulation

Article 8 – paragraph 1 – point d (new)

Text proposed by the Commission

Amendment

(d) the availability of cash services over the counter including opening hours of bank branches;

Or. en

Amendment 17 – approve

Proposal for a regulation

Article 8 – paragraph 1 – point e (new)

Text proposed by the Commission

Amendment

(e) the accessibility of ATMs and bank branches in line with Directive (EU) 2019/882; and

Or. en

Amendment 18 – approve

We highly welcome the transparency created about ATM fees.

Proposal for a regulation

Article 8 – paragraph 1 – point f (new)

Text proposed by the Commission

Amendment

(f) the charges for cash services at ATMs and over the counter.

Or. en

Amendment 19 – approve

This is a necessary obligation to assess the impact of ATM and bank branch closures and the

notification obligations allows for a cost-efficient, data driven enforcement regime.

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. ATM providers and payment service providers who intend to close a bank branch or an ATM shall perform a detailed impact assessment based on the common indicators to ensure that sufficient and effective access to cash remains guaranteed after the closure of the bank branch or ATM. They shall notify their findings to their national competent authority in writing. Where the level of access to cash is not sufficient and effective, the provider responsible for the closure shall take measures to remedy that situation.

Or. en

Amendment 20 – **reject**

This amendment would allow divergence from common indicators and thereby prevent comparability of the situations in Member States. Furthermore, making the access to cash dependent on hypothetical demand is not ensuring the availability and thereby undermines the status of a legal tender.

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall ***use*** to monitor and assess the acceptance of payments in cash and ***access to*** cash throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission

2. For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall ***consider together with individual national indicators*** to monitor and assess the acceptance of payments in cash and cash ***supply in line with demand*** throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure

shall consult the European Central Bank.

referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 21 – approve

We welcome the amendment as it ensures that not just a certain level of unilateral refusal of cash is required before remedial measures can be taken.

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. If a Member State considers that the **level of** acceptance of payments in cash **undermines mandatory acceptance of euro banknotes and coins** or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.

Amendment

4. If a Member State considers that the **mandatory** acceptance of payments in cash **is undermined** or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.

Or. en

Amendment 22

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

5. The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the findings

Amendment

5. The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the findings

of the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.

of the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11. ***When preparing those implementing acts, the Commission shall consult the European Central Bank.***

Or. en

Amendment 23 – approve

We welcome the sunset clause on the power of the Commission to establish delegated acts.

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for ***a*** period of ***five years*** from [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 each 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.***

Or. en

Amendment 24 – reject

We believe the power to establish delegated acts in this wide-ranging context requires the possibility of Council and Parliament overseeing its application.

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. The power to adopt delegated acts referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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.

deleted

Or. en

Amendment 25

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **one month** 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 **one month** at the initiative of the European Parliament or of the Council.

6. A delegated act adopted pursuant to Article 6 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 of the Council.

Or. en

Amendment 26 – reject

This amendment would significantly weaken the right of citizens to use cash in the situations of their choosing. Furthermore, this would add legal uncertainty and derail the enforcement away a more effective and simpler proportionality approach.

Michiel Hoogeveen

Proposal for a regulation

Recital 5

Text proposed by the Commission

The acceptance of euro banknotes and coins tendered as means of payment can **exceptionally** be refused if the refusal is **made in good faith**, based on **legitimate grounds and concrete circumstances, which are beyond the control of the payee, and if** the refusal is proportionate. For example, the refusal can be justified if for the settlement of a monetary debt the tendered euro banknote is disproportionate compared to the amount owed to the payee, such as the tendering of a two hundred euro banknote for the settlement of a debt of less than five euro. In accordance with Council Regulation 974/98, except for the issuing authority and for those persons specifically designated by the national legislation of the issuing Member State, no party should be obliged to accept more than 50 coins in any single payment.

Amendment

(5) The acceptance of euro banknotes and coins tendered as means of payment can be refused if the refusal is based on **preferential or circumstantial** grounds, **as well as in cases where** the refusal is proportionate. For example, the refusal can be justified if for the settlement of a monetary debt the tendered euro banknote is disproportionate compared to the amount owed to the payee, such as the tendering of a two hundred euro banknote for the settlement of a debt of less than five euro. In accordance with Council Regulation 974/98, except for the issuing authority and for those persons specifically designated by the national legislation of the issuing Member State, no party should be obliged to accept more than 50 coins in any single payment.

Or. en

Amendment 27 – approve

We welcome the clarity that providers of public or essential services can't refuse the acceptance of cash. Without such provisions the legal tender status will be put in doubt.

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Recital 5 a (new)

(5a) There are certain goods and services that all population groups need or have a right to access and therefore should be able to pay for these in cash. Therefore, in cases where the payee is a health care provider or pharmacy, a utilities provider, a retail grocery provider or a public body, cash should not be refused. Member States might extend this list of entities. Member States might, however, choose to permit micro enterprises falling within these categories of payee to nonetheless refuse to accept cash for reasons of proportionality.

Or. en

Amendment 28 - reject

This amendment would drastically reduce enforcement and makes a mockery of the purpose of this Regulation.

Michiel Hoogeveen

Proposal for a regulation

Recital 6

In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary for Member States to monitor the level of ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should

regularly monitor the level of unilateral ex ante exclusions of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons

(6) Member States could regularly monitor the level of unilateral ex ante exclusions of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. This might be done in order to understand trends in cash use, as well as for the Member States and eventually the ECB to make necessary evidence-based monetary policy changes in light of innovation and consumer habits.

between the Member States. *If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.*

Or. en

Amendment 29 – approve

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Recital 6

Text proposed by the Commission

In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary for Member States to monitor *the level of* ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor the level of unilateral ex ante exclusions of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions,

Amendment

(6) In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary for Member States to monitor ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor the level of unilateral ex ante exclusions of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions,

including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. ***If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.***

including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. ***If a Member State concludes that ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective measures to enforce the prohibition of ex ante unilateral exclusions of cash in all or parts of its territory. To this end, Member States should equip national competent authorities with all the required competencies and resources to ensure the mandatory acceptance by payees.***

Or. en

Amendment 30 – approve

We highly welcome the legal clarity that this amendment brings to the enforcement obligations of Member States under this Regulation.

Henrike Hahn

Proposal for a regulation

Recital 6

Text proposed by the Commission

In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary for Member States to monitor ***the level of ex ante unilateral exclusions*** of payments in cash when transactions are performed in physical premises. Therefore, Member

Amendment

(6) In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary for Member States to monitor ***adherence to the prohibition of the unilateral exclusion*** of payments in cash when transactions are performed in physical premises. Therefore,

States should regularly monitor *the level of unilateral ex ante exclusions* of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. ***If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.***

Member States should regularly monitor *adherence to the prohibition of the unilateral exclusion* of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. ***If a Member State concludes that ex ante unilateral exclusions of payments in cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to enforce the prohibition of ex ante unilateral exclusions of cash in all or parts of its territory. To this end, Member States should equip national competent authorities with all the required competencies and resources to ensure the mandatory acceptance by payees.***

Or. en

Amendment 31 – approve

We highly welcome the legal clarity that this amendment brings about the enforcement regime of this Regulation.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Recital 6

Text proposed by the Commission

In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary

Amendment

(6) In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary

for Member States to monitor the level of ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor *the level of unilateral ex ante exclusions of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.*

for Member States to monitor the level of ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor unilateral ex ante exclusions of payments in cash when payments are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. If a Member State concludes that ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to *enforce the prohibition of ex ante unilateral exclusions of cash in all or parts of its territory. To this end, Member States should equip national competent authorities with all the required competencies and resources to ensure the mandatory acceptance by payees.*

Or. en

Amendment 32 – reject

This amendment significantly weakens enforcement and reduces legal clarity.

Michiel Hoogeveen

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

With a view to an effective implementation

(7) With a view to an effective

of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective *obligation*. **However, they would need to continue monitoring the situation.** If a Member State concludes that access to cash is not sufficient *and effective* in all or part of its territory, *or is at risk of deteriorating in the absence of action*, appropriate remedial measures *should* be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or *maintain* a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks.

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Or. en

Amendment 33 – approve

We welcome the focus on the rural parts of society that this amendment brings.

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Recital 7

Text proposed by the Commission

Im Hinblick auf eine wirksame Umsetzung ihrer Verpflichtung, einen hinreichenden und wirksamen Zugang zu Bargeld zu **gewährleisten**, sollten die Mitgliedstaaten **regelmäßig** auf der Grundlage gemeinsamer Indikatoren, die Vergleiche zwischen den Mitgliedstaaten **ermöglichen**, den Umfang des Zugangs zu Bargeld in allen Regionen ihres Hoheitsgebiets, **einschließlich städtischer und nichtstädtischer** Gebiete, **überwachen**. Zu den gemeinsamen Indikatoren **könnten** Faktoren **gehören**, die sich auf den Zugang zu Bargeld auswirken, z. B. die Dichte an Bargeldzugangspunkten im **Verhältnis zur Bevölkerung**, Abhebungs- und Einlagebedingungen, **einschließlich Gebühren**, das Vorhandensein verschiedener Netze mit unterschiedlichen **Zugangsmodalitäten für** die Kunden, Unterschiede zwischen **städtischen und ländlichen** Gebieten und **sozioökonomische** Unterschiede sowie Zugangsprobleme **für** bestimmte **Bevölkerungsgruppen**. Geht aus der Bewertung der Mitgliedstaaten hervor, dass der Zugang zu Bargeld in ihrem Hoheitsgebiet hinreichend und wirksam ist, **müssten** die Mitgliedstaaten mit Blick auf ihre **einschlägige** Verpflichtung keine spezifischen **Maßnahmen** ergreifen. Allerdings **müssten** sie die Lage weiterhin beobachten. Kommt ein Mitgliedstaat zu dem Schluss, dass der Zugang zu Bargeld in seinem gesamten Hoheitsgebiet oder in Teilen davon nicht hinreichend und nicht wirksam ist oder sich bei Ausbleiben von **Maßnahmen** verschlechtern **könnte**, sollten geeignete **Abhilfemaßnahmen** ergriffen werden, um den Zustand zu

Amendment

(7) Im Hinblick auf eine wirksame Umsetzung ihrer Verpflichtung, einen hinreichenden und wirksamen Zugang zu Bargeld zu **gewährleisten**, sollten die Mitgliedstaaten **regelmäßig** auf der Grundlage gemeinsamer Indikatoren, die Vergleiche zwischen den Mitgliedstaaten **ermöglichen**, den Umfang des Zugangs zu Bargeld in allen Regionen ihres Hoheitsgebiets, **einschließlich städtischer und nichtstädtischer** Gebiete, **überwachen**. Zu den gemeinsamen Indikatoren **könnten** Faktoren **gehören**, die sich auf den Zugang zu Bargeld auswirken, z. B. die Dichte an Bargeldzugangspunkten im **Verhältnis zur Bevölkerung**, Abhebungs- und Einlagebedingungen, **einschließlich Gebühren**, das Vorhandensein verschiedener Netze mit unterschiedlichen **Zugangsmodalitäten für** die Kunden, Unterschiede zwischen **städtischen und ländlichen** Gebieten und **sozioökonomische** Unterschiede sowie Zugangsprobleme **für** bestimmte **Bevölkerungsgruppen**. **Daneben geht in vielen ländlichen Regionen ein hinreichender und wirksamer Zugang zu Bargeld nach wie vor einher mit einem hinreichenden und wirksamen Zugang zu Bankautomaten. Letzterer ist im Zuge der zunehmenden Reduzierung an Bankautomaten jedoch immer seltener gewährleistet. Die Mitgliedstaaten sollten daher dazu verpflichtet werden, dafür zu sorgen, dass insbesondere in Gemeinden ländlicher Regionen durch die Erfüllung bestimmter Mindestanforderungen eine entsprechend ausreichende Anzahl an Bankautomaten für die Unionsbürger vorhanden und zugänglich ist, wobei auf**

beheben, z. B. durch eine ausreichende geografische Breite **gewährleistende** Anforderungen an Zahlungsdienstleister, die Bargeldabhebungsdienste erbringen, in einer ausreichenden Zahl ihrer Zweigniederlassungen, in denen sie **Geschäfte tätigen**, Bargelddienste aufrechtzuerhalten, oder bei **ausschließlich** online **tätigen** Kreditinstituten einen zugelassenen **Händler** zu benennen oder dort, wo sie ihre **Geschäfte tätigen**, eine hinreichende Dichte an Geldausgabeautomaten aufrechtzuerhalten, wobei im **Verhältnis zur Bevölkerung für** eine gute geografische Streuung zu sorgen ist; **hierbei ist auch eine mögliche Zusammenlegung von Geldautomaten zu berücksichtigen**. Weitere **Abhilfemaßnahmen könnten** Empfehlungen an Nichtkreditinstitute wie **unabhängige** Geldautomatenbetreiber, **Einzelhändler oder Postämter** umfassen, um diese dazu zu bewegen, die von Banken erbrachten Bargelddienstleistungen zu **ergänzen**.

eine ausgewogene Verteilung der Bankautomaten unter Berücksichtigung der geografischen Gegebenheiten zu achten ist. Zugleich sollte den betreffenden Gemeinden die Möglichkeit gegeben werden, von den Mindestanforderungen abzuweichen. Die Vorgaben zur Gewährleistung eines hinreichenden und wirksamen Zugangs zu Bankautomaten sind in jedem Fall als Mindestanforderungen zu verstehen, die unter keinen Umständen eine etwaige Reduzierung der Anzahl an Bankautomaten in denjenigen Gemeinden rechtfertigen, die die Mindestanforderungen bereits erfüllen oder übertreffen. Geht aus der Bewertung der Mitgliedstaaten hervor, dass der Zugang zu Bargeld **und zu Bankautomaten** in ihrem Hoheitsgebiet hinreichend und wirksam ist, **müssten** die Mitgliedstaaten mit Blick auf ihre **einschlägige** Verpflichtung keine spezifischen **Maßnahmen** ergreifen. Allerdings **müssten** sie die Lage weiterhin beobachten. Kommt ein Mitgliedstaat zu dem Schluss, dass der Zugang zu Bargeld **und zu Bankautomaten** in seinem gesamten Hoheitsgebiet oder in Teilen davon nicht hinreichend und nicht wirksam ist oder sich bei Ausbleiben von **Maßnahmen** verschlechtern **könnte**, sollten geeignete **Abhilfemaßnahmen** ergriffen werden, um den Zustand zu beheben, z. B. durch eine ausreichende geografische Breite **gewährleistende** Anforderungen an Zahlungsdienstleister, die Bargeldabhebungsdienste erbringen, in einer ausreichenden Zahl ihrer Zweigniederlassungen, in denen sie **Geschäfte tätigen**, Bargelddienste aufrechtzuerhalten, oder bei **ausschließlich** online **tätigen** Kreditinstituten einen zugelassenen **Händler** zu benennen oder dort, wo sie ihre **Geschäfte tätigen**, eine hinreichende Dichte an Geldausgabeautomaten aufrechtzuerhalten, wobei im **Verhältnis zur Bevölkerung für** eine gute geografische Streuung zu sorgen ist. Weitere **Abhilfemaßnahmen könnten** Empfehlungen an Nichtkreditinstitute wie

unabhängige Geldautomatenbetreiber, *Einzelhändler oder Postämter* umfassen, um diese dazu zu bewegen, die von Banken erbrachten Bargelddienstleistungen zu *ergänzen*.

Or. de

Amendment 34 – approve

We welcome the notification obligation of payment providers ahead of the closure of ATMs. This enables fast and effective data-driven reporting and enforcement. Importantly, such notification obligations already exist in several Member States.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Recital 7

Text proposed by the Commission

With a view to an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is

Amendment

(7) With a view to an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and

at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks.

effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks. ***To facilitate monitoring by Member States, payment services providers and ATM providers should notify the national competent authority in writing of the closure of each ATM or bank branch and share an assessment of whether the sufficient and efficient access to cash is still guaranteed as defined by the common indicators. Where gaps in the access to cash appear, the provider responsible for the closure should take remedial measures to maintain efficient access to cash.***

Or. en

Amendment 35 – accept

We welcome the inclusions of the risk of financial exclusion and cash sustainability as a consideration for the Member States when drafting their indicators.

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

With a view to an effective implementation

(7)

With a view to an effective

of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks.

implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for *and the risk of financial exclusion of certain population groups. In addition to the social and geographical considerations, Member States should also consider the sustainability of the cash cycle.* If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation, such as geographic access requirements on payment service providers providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs. Other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or

post offices, encouraging to complement the cash services of banks.

Or. en

Amendment 36 - reject

The closure of ATMs is often driven by economic interest and has so far not adequately taken the availability of cash into account. It is unrealistic to assume that this amendment will change that by putting the obligation solely on the payment provider. Importantly, effective enforcement would seriously be hindered without notification obligations of the payment provider to the competent authority. The closure of ATMs is already under notification obligations in several Member States and this amendment would worsen transparency compared to the current level and prevent a data driven enforcement of this Regulation.

Markus Ferber (EPP)

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Closures of ATMs or bank branches can significantly affect the population's access to cash. Before closing an ATM or bank branch, operators should duly take into consideration the effect of their decision regarding whether sufficient and efficient access to cash remains guaranteed. However, in order to avoid excessive bureaucratic burdens, this should not result in additional reporting requirements.

Or. en

Amendment 37 – accept

We welcome that this amendment clarifies in cases of emergency the great importance of the availability and acceptance of cash for citizens.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Cash has an essential role as a payment system in the event of natural or human-made disasters such as a floods, wild fires, cyberattacks and internet outages as other digital payment methods are likely not working in the event of a disaster. Member States should set up strategies to ensure efficient distribution and cash management processes adapted to different crisis scenarios.

Or. en

Amendment 38 – approve

We welcome this amendment and the clarity it brings.

Billy Kelleher, Monica Semedo, Gilles Boyer, Olivier Chastel

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Any further evolution of the cash infrastructure in a Member State, as a result of a Member State's assessment, should be managed in a fair, orderly, transparent and equitable manner for all stakeholders.

Or. en

Amendment 39 – reject

This amendment would significantly weaken enforcement and shift powers to the ECB that might better rest with the Commission. It might also be a flawed premise that existing ECB data suffices for the purposes of this regulation. The Commission shouldn't be prevented in gathering additional data for the specific purposes of this Regulation.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Recital 8

Text proposed by the Commission

The Commission *should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In view of the preparation of such implementing acts, the Commission should consult the European Central Bank.*

Amendment

(8) *Given its role in the supervision of monetary policy and financial stability, the ECB has significant data resources relating to banking infrastructures and services in the Member States. Member States should monitor the level of access to cash taking into account the Commission's indicative guidance on indicators considered relevant in the light of the data collected by the ECB. Collaboration between the Commission, the Member States and the ECB will help to ensure that the monitoring framework is based on available and relevant information. Recognising the diversity of Member States, each will have the possibility to define and adapt the monitoring methodology on the basis of existing data and local specificities. This flexibility is essential to maintain the relevance and applicability of the monitoring framework in different national contexts, in order to support the development of effective policies.*

Or. en

Amendment 40 – reject

This amendment would significantly weaken the enforcement powers of the Commission and prevent the whole Regulation from having an effect.

Michiel Hoogeveen

Proposal for a regulation

Recital 8

Text proposed by the Commission

The Commission *should be empowered to adopt* implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. *In*

Amendment

(8) The Commission *might propose* implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory in all their different regions, including urban and non-urban areas. The Commission should

view of the preparation of such implementing acts, the Commission should consult the European Central Bank.

consult the European Central Bank *before proposing implementing acts related to the legal tender of euro banknotes and coins*.

Or. en

Amendment 41 – approve

We welcome more transparency about the methodology of the indicators which allow for comparability and effective enforcement in the Union.

Billy Kelleher, Monica Semedo

Proposal for a regulation

Recital 8

Text proposed by the Commission

The Commission should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In view of the preparation of such implementing acts, the Commission should consult the European Central Bank.

Amendment

(8) The Commission should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. ***The common indicators for determining the factors affecting access to cash should be developed in a transparent and equitable manner and the indicators should be made public.*** In view of the preparation of such implementing acts, the Commission should consult the European Central Bank.

Or. en

Amendment 42 – approve

We welcome more transparency about the methodology of the indicators which allow for comparability and effective enforcement in the Union.

Henrike Hahn

Proposal for a regulation

Recital 8

Text proposed by the Commission

The Commission should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In view of the preparation of such implementing acts, the Commission should consult the European Central Bank.

Amendment

(8) The Commission should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area ***and methodologies for the gathering of these indicators***, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In view of the preparation of such implementing acts, the Commission should consult the European Central Bank.

Or. en

Amendment 43 – reject

This amendment would over-complicate and weaken enforcement and prevent the Commission from acting on known problems with the right to Cash on Member States level.

Michiel Hoogeveen

Proposal for a regulation

Recital 9

Text proposed by the Commission

The Commission ***should be empowered to adopt*** implementing acts addressed to a specific Member State when the measures proposed by that Member State appear insufficient or in cases where, in spite of the findings of the annual report sent by that Member State, ex ante unilateral exclusions of cash are ***undermining*** the principle of mandatory acceptance of payments in euro banknotes and coins and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to ***take measures such as those outlined in recitals 7 and 8, or measures that have been considered effective in other Member States in ensuring that the principles*** of mandatory acceptance of ***payments in cash or***

Amendment

(9) ***After consulting the European Central Bank***, the Commission ***might propose*** implementing acts, ***to be approved by the European Parliament and Council***, addressed to a specific Member State when the measures proposed by that Member State appear insufficient or in cases where, in spite of the findings of the annual report sent by that Member State, ex ante unilateral exclusions of cash are ***circumnavigating*** the principle of mandatory acceptance of payments in euro banknotes and coins and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to ***provide evidence as to why the principle*** of mandatory acceptance of ***cash is no longer***

sufficient and effective access to cash are not undermined.

valid to its economy.

Or. en

Amendment 44 – reject

This amendment would prevent the Commission from acting in cases where real problems in a Member State are not included in their annual report. Its vital to ensure effective enforcement.

Henrike Hahn

Proposal for a regulation

Recital 9

Text proposed by the Commission

The Commission should be empowered to adopt implementing acts addressed to a specific Member State when the measures proposed by that Member State appear insufficient *or in cases where, in spite of the findings of the annual report sent by that Member State, ex ante unilateral exclusions of cash are undermining the principle of mandatory acceptance of payments in euro banknotes and coins* and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to take measures such as those outlined in recitals 7 and 8, or measures that have been considered effective in other Member States in ensuring that the principles of mandatory acceptance of payments in cash or sufficient and effective access to cash are not undermined.

Amendment

(9) The Commission should be empowered to adopt implementing acts addressed to a specific Member State when the measures proposed by that Member State appear insufficient and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to take measures such as those outlined in recitals 7 and 8, or measures that have been considered effective in other Member States in ensuring that the principles of mandatory acceptance of payments in cash or sufficient and effective access to cash are not undermined. *When preparing those implementing acts, the Commission should consult the European Central Bank.*

Or. en

Amendment 45 – reject

This amendment subverts the purpose of this Regulation and the Right to Cash.

Michiel Hoogeveen

Proposal for a regulation
Recital 10

Text proposed by the Commission

In accordance with the principle of sincere cooperation, the Commission, the European Central Bank and the designated national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central Bank, should aim at identifying cases of widespread ex ante unilateral exclusions of cash and inadequate access to cash in specific national territories or regions. *It would also aim at designing and adopting remedial measures that Member States should adopt as a means to comply with their obligations to ensure acceptance of cash and sufficient and effective access to cash.*

Amendment

(10) In accordance with the principle of sincere cooperation, the Commission, the European Central Bank and the designated national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central Bank, should aim at identifying cases of widespread ex ante unilateral exclusions of cash and inadequate access to cash in specific national territories or regions. *In the interest of citizens' convenience and innovation, possible alternatives to cash might be highlighted in these annual reports, with the Commission and the European Central Bank endeavouring to explore the practical options that best work for the single market at any specific moment in time.*

Or. en

Amendment 46 – approve

The word “widespread” should be removed in this case in order to emphasise the obligation to accept cash for all payers and the right to cash for all European citizens and residents, particularly those in rural areas or vulnerable groups.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation
Recital 10

Text proposed by the Commission

In accordance with the principle of sincere cooperation, the Commission, the European Central Bank and the designated

Amendment

(10) In accordance with the principle of sincere cooperation, the Commission, the European Central Bank and the designated

national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central Bank, should aim at identifying cases of *widespread* ex ante unilateral exclusions of cash and inadequate access to cash in specific national territories or regions. It would also aim at designing and adopting remedial measures that Member States should adopt as a means to comply with their obligations to ensure acceptance of cash and sufficient and effective access to cash.

national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central Bank, should aim at identifying cases of ex ante unilateral exclusions of cash and inadequate access to cash in specific national territories or regions. It would also aim at designing and adopting remedial measures that Member States should adopt as a means to comply with their obligations to ensure acceptance of cash and sufficient and effective access to cash.

Or. en

Amendment 47 - approve

Ibid. See justification for amendment 46.

Henrike Hahn

Proposal for a regulation

Recital 10

Text proposed by the Commission

In accordance with the principle of sincere cooperation, the Commission, the European Central Bank and the designated national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central

Amendment

(10) In accordance with the principle of sincere cooperation, the Commission, the European Central Bank and the designated national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central

Bank, should aim at identifying cases of **widespread** ex ante unilateral exclusions of cash and inadequate access to cash in specific national territories or regions. It would also aim at designing and adopting remedial measures that Member States should adopt as a means to comply with their obligations to ensure acceptance of cash and sufficient and effective access to cash.

Bank, should aim at identifying cases of ex ante unilateral exclusions of cash and inadequate access to cash in specific national territories or regions. It would also aim at designing and adopting remedial measures that Member States should adopt as a means to comply with their obligations to ensure acceptance of cash and sufficient and effective access to cash.

Or. en

Amendment 48 – approve

Recital 11 as proposed by the Commission directly contradicts the ECJ judgement it references, which states in paragraph 55: “[M]oreover, is it necessary for the use of the euro as the single currency and, more specifically, for the preservation of the effectiveness as legal tender of cash denominated in euro that the EU legislature lay down exhaustively and uniformly the exceptions to that fundamental obligation, provided that every debtor is guaranteed to have the possibility, as a general rule, of discharging a payment obligation in cash.”. This open ended delegation power for the Commission to add exception is not in line with the ECJ judgement.³

Michiel Hoogeveen

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional

deleted

³ Our policy analysis goes into more detail: <https://epicenter.works/en/content/right-to-cash-and-digital-euro-policy-analysis-from-a-human-rights-perspective> (page 2ff)

exceptions to the mandatory acceptance of accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 49 - approve

Ibid. See justification for amendment 48.

Markus Ferber

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this

deleted

Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Justification

Additional exceptions to the mandatory acceptance of cash should not be introduced via level 2 legislation.

Amendment 50 – approve

Ibid. See justification for amendment 48.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of

deleted

Commission expert groups dealing with the preparation of delegated acts.

Or. en

Justification

Determining exemptions to the acceptance of cash is an exercise of political nature and not an non-essential element of this legislative proposal. Hence, exemptions, where necessary should be determined at level 1. From the perspective of financial and digital inclusion, just having an alternative means of payment available which is necessarily a digital means of payment is not a sufficient condition to justify additional exemptions.

Amendment 51 – approve

Ibid. See justification for amendment 48.

Henrike Hahn

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) *In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European* **deleted**

Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 52 – **approve**

Ibid. See justification for amendment 48.

Michael Kauch, Gilles Boyer

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of

deleted

accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 53 – approve

While this amendment is not far reaching enough to bring the text in line with the ECJ jurisprudence, it is nevertheless improving the commission proposal.

Paul Tang, Aurore Lalucq

Proposal for a regulation

Recital 11

Text proposed by the Commission

In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the

Amendment

(11) In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the

principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. ***Unilateral practices as to the non-acceptance of cash payments followed by public entities (e.g. public hospitals and public museums) are not regulated procedures for the settlement of pecuniary obligations provided for in the legislation of a Member State. They are thus ex ante unilateral exclusions of cash.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 54 – approve

This amendment clarifies that certain practices by public institutions can be summarised as prohibited unilateral exclusions of Cash.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Unilateral practices as to the non-acceptance of cash payments followed by public entities (e.g. public hospitals and public museums) are not regulated procedures for the settlement of pecuniary obligations provided for in the legislation of a Member State. They are thus ex ante unilateral exclusions of cash.

Or. en

Amendment 55 – approve

This amendment is an improvement for the citizens.

Markus Ferber

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) As the acceptance of cash is a key consideration for many citizens, public entities in particular should attempt to accept cash as a means of payments wherever this is possible without undue burden.

Or. en

Amendment 56 – reject

This amendment is creating legal uncertainty on the important question of whether or not cash is even accepted by private businesses. The measures implemented to ensure the right to cash is available in practice only have indirect and very limited effects on businesses.

Michiel Hoogeveen

Proposal for a regulation
Recital 13

Text proposed by the Commission

This Regulation ensures full respect for the fundamental right of freedom to conduct a business and the fundamental right of consumer protection enshrined in Article 16 and 38 of the Charter of Fundamental Rights of the European Union respectively. This Regulation concerns the preferred payment method of the currency that has legal tender status, which citizens legitimately may choose to settle their debts. Thus, the measures in this Regulation only concern the way enterprises receive payments. ***The interference with those fundamental rights is therefore indirect and very limited. It is justified by the general interest objective of ensuring the effectiveness of legal tender, and is proportionate to this objective.***

Amendment

(13) This Regulation ensures full respect for the fundamental right of freedom to conduct a business and the fundamental right of consumer protection enshrined in Article 16 and 38 of the Charter of Fundamental Rights of the European Union respectively. This Regulation concerns the preferred payment method of the currency that has legal tender status, which citizens legitimately may choose to settle their debts. Thus, the ***proposed*** measures in this Regulation only concern the way enterprises receive payments, ***which represents an indirect and limited interference with fundamental rights. This might be*** justified by the general interest objective of ensuring the effectiveness of legal tender ***as long as it remains proportionate and in the interest of the Member States.***

Or. en

Amendment 57
Paul Tang, Jonás Fernández, Aurore Lalucq

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the settlement of pecuniary debts in so far as they are to be settled in cash, in whole or in part, where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to cash.

Amendment

1. This Regulation ***applies in the Member States whose currency is the euro. It*** applies to the settlement of pecuniary debts in so far as they are to be settled in cash, in whole or in part, where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to

cash.

Or. en

Amendment 58

Henrike Hahn

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the settlement of pecuniary debts *in so far as they are to be settled* in cash, in whole or in part, where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to cash.

Amendment

1. This Regulation *applies in the Member States whose currency is the euro. It* applies to the settlement of pecuniary debts in cash, in whole or in part, where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to cash.

Or. en

Amendment 59

Billy Kelleher, Monica Semedo

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the settlement of pecuniary debts *in so far as they are* to be settled in cash, in whole or in part, where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to cash.

Amendment

1. This Regulation applies to the settlement of pecuniary debts to be settled in cash, in whole or in part, where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to cash.

Or. en

Amendment 60
Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. *This Regulation shall not apply to payments for goods or services purchased at a distance, including online.* **deleted**

Or. en

Amendment 61 – reject

Access to public services and payment of official fees shouldn't exclude citizens that solely rely on cash as a means of payment.

Paul Tang, Aurore Lalucq, Evelyn Regner

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

Text proposed by the Commission

Amendment

2a. *This Regulation shall not apply to monetary debts to public authorities, where the authorities can demonstrate that the settlement of these debts in cash would result in an unreasonable expense which would prevent them from providing services cost-effectively.*

Or. en

Amendment 62 – approve

This addition extends the unilateral exclusion of cash to also include contractual clauses. We support this amendment for the purpose of legal clarity.

Billy Kelleher, Monica Semedo, Gilles Boyer, Olivier Chastel

Proposal for a regulation
Article 3 – paragraph 1 – point 4

Text proposed by the Commission

‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Amendment

4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign **or by stipulating in a pre-formulated, non-negotiable, standard form contract**. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Or. en

Amendment 63 – approve

Ibid. See justification for amendment 62.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ **sign**. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Amendment

4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ **sign or by using a pre-formulated standard form contract**. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Or. en

Amendment 64 – approve

Ibid. See justification for amendment 62.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Amendment

4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign ***or by using a pre-formulated standard form contract.*** In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Or. en

Amendment 65 – approve

Ibid. See justification for amendment 62.

Henrike Hahn

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign. In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Amendment

4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method for example by introducing a ‘no cash’ sign ***or by using a pre-formulated standard form contract.*** In this case, the payer and payee do not freely agree to a means of payment for a purchase;

Or. en

Amendment 66

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Article 3 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

8a. ‘provider of utilities’ means a

provider of an essential good or service including energy, water or telecommunications;

Or. en

Amendment 67

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Article 3 – paragraph 1 – point 8 b (new)

Text proposed by the Commission

Amendment

8b. ‘retail grocery provider’ means an enterprise that has as its primary economic activity the provision of everyday foodstuffs on a retail basis, excluding catering services and the provision of hot food;

Or. en

Amendment 68

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Article 3 – paragraph 1 – point 8 c (new)

Text proposed by the Commission

Amendment

8c. ‘microenterprise’ means an enterprise as defined in Article 2 point (3) of the Annex to Commission Recommendation 2003/361 concerning the definition of micro, small and medium-sized enterprises;

Or. en

Amendment 69

Michiel Hoogeveen

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

where a refusal is made in good faith and where such refusal is based on legitimate and temporary grounds in line with the principle of proportionality in view of concrete circumstances ***beyond the control of the payee***;

(a) where a refusal is made in good faith and where such refusal is based on legitimate and temporary grounds in line with the principle of proportionality in view of concrete circumstances;

Or. en

Amendment 70 – reject

This amendment would be a drastic departure from the obligation to accept Cash in everyday situations. Permanent refusal of cash runs contrary to the intention of this Regulation.

Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

where a refusal is made in good faith and where such refusal is based on legitimate ***and temporary*** grounds in line with the principle of proportionality in view of concrete circumstances beyond the control of the payee;

(a) where a refusal is made in good faith and where such refusal is based on legitimate grounds in line with the principle of proportionality in view of concrete circumstances beyond the control of the payee;

Or. en

Amendment 71 – approve

This amendment strengthens the right of the customer/payer to pay with cash and fosters the goal of the Regulation.

Michael Kauch

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

where, prior to the payment, the payee has ***agreed with*** the payer on a different means of payment.

(b) where, prior to the payment, the payee has ***received explicit agreement of*** the payer on a different means of payment.

Amendment 72 – reject

This amendment limits the rights of the customer/payer to pay with means of their choosing and runs contrary to the goal of the Regulation.

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

where, prior to the payment, the payee has agreed with the payer on a different means of payment.

Amendment

(b) where, prior to the payment, the payee has agreed with the payer on a different means of payment, *including by way of unilateral ex ante exclusion by the payee.*

Or. en

Amendment 73 – approve

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

where, prior to the payment, the payee has agreed with the payer on a different means of payment.

Amendment

(b) where, prior to the payment, the payee has agreed with the payer on a different means of payment, *subject to Article 5a.*

Or. en

Amendment 74 – approve

Henrike Hahn

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

where, prior to the payment, the payee has agreed with the payer on a different means

Amendment

(b) where, prior to the payment, the payee has agreed with the payer on a

of payment.

different means of payment, *subject to Article 5a.*

Or. en

Amendment 75

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

where, prior to the payment, the payee has agreed with the payer on a different means of payment.

Amendment

(b) where, prior to the payment, the payee has agreed with the payer on a different means of payment *in accordance with Article 5a.*

Or. en

Amendment 76

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 (new) – point b a (new)

Text proposed by the Commission

Amendment

(ba) in accordance with Article 11 of Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro, where the payer tenders more than 50 coins in any single payment, except if the payee is the issuing authority or those persons specifically designated by the national legislation of the issuing Member State;

Or. en

Amendment 77

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) where, prior to the payment, the payee realizes that the characteristics of the banknotes or coins tendered by the payer do not comply with current Union law or that those banknotes or coins are not fit for circulation according to Union law;

Or. en

Amendment 78 – reject

This amendment would limit the rights of the customer/payer to pay with Cash and overcomplicates the individual transaction with legal uncertainty.

Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 – point bc (new)

Text proposed by the Commission

Amendment

(bc) where the payer refuses to top up

Or. en

Amendment 79 - reject

This amendment would allow for permanent refusal of Cash and thereby significantly limit the rights of the customer/payer to use the Euro as a legal tender.

Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

For the purposes of point (a), the burden of proof to establish that such legitimate *and temporary* grounds existed in a particular case and that the refusal was proportionate shall be on the payee.

For the purposes of point (a), the burden of proof to establish that such legitimate grounds existed in a particular case and that the refusal was proportionate shall be on the payee.

Or. en

Amendment 80 – approve

This amendment strengthens the right of the customer/payer and enhances legal certainty with a clarification on the burden of proof for both exceptions.

Henrike Hahn

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of *point (a)*, the burden of proof to establish that such legitimate and temporary grounds existed in a particular case and that the refusal was proportionate shall be on the payee.

Amendment

For the purposes of *points (a) and (b)*, the burden of proof to establish that such legitimate and temporary grounds existed in a particular case and that the refusal was proportionate shall be on the payee.

Or. en

Amendment 81 – approve

Ibid. See justification for Amendment 80.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of point (b), the burden of proof to establish that such an agreement existed in a particular case shall be on the payee.

Or. en

Amendment 82 – reject

While increasing legal certainty, this amendment limits the right of the customer/payer and runs contrary to the goal of this Regulation.

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of point (b), the burden of proof to establish that such an agreement existed in a particular case shall be on the payee.

Or. en

Amendment 83 – reject

Ibid. See justification for amendment 82.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of point (b), the burden of proof to establish that such an agreement existed in a particular case shall be on the payee.

Or. en

Amendment 84 – reject

This amendment is proclaiming security risks as a means of refusing cash without providing any justification. This undermines cash as a legal tender.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation
Article 5 – paragraph 2 – point ii a (new)

Text proposed by the Commission

Amendment

(ii) In exceptional cases, if the acceptance of cash payments present significant security risks.

Or. en

Amendment 85 – reject

This amendment is undermining the essence of this Regulation by carving out the status of Euro cash as legal tender without further specifying which elements of AML laws and jurisprudence are supposed to be conflicting with Article 4.

Gilles Boyer, Olivier Chastel, Michael Kauch, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Article 4 is without prejudice to actions taken by the payer or the payee in order to comply with Union law on the prevention of money laundering and terrorist financing.*

Or. en

Amendment 86 – approve

We welcome the reduction of exceptions to ensure that cash is always a legitimate means of payment for essential services of healthcare and public services.

, Monica Semedo

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Paragraph 1 shall not apply in cases where the payee is:*

(i) a healthcare provider or pharmacy;

(ii) a public body; or

(iii) a provider of utilities;

In addition, paragraph 1(b) shall not apply in cases where the payee is a retail grocery provider.

Or. en

Amendment 87 – approve

Particular situations on Member State level could call for the extension of the obligation to

accept cash even without the exceptions of Article 4(1). This allows for financial inclusion in situations for particularly marginalised parts of society.

Billy Kelleher, Monica Semedo

Proposal for a regulation

Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *Member States may extend the list of payees to which paragraph 2a applies.*

Or. en

Amendment 88 – reject

Particularly micro-enterprises would often suffer over the payment fees of digital payment means and hence should also have to offer cash payments.

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation

Article 5 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. *By way of derogation from paragraph 2a, Member States may decide to permit payees that are micro enterprises falling within the scope of paragraph 2a to avail of the exceptions set out in paragraph 1 for reasons of proportionality.*

Or. en

Amendment 89 – approve

This provision is modeled closely after the prohibition of the unilateral exclusion of payments in Article 10 of the digital euro proposal (2023/0212 (COD)). It aims to clarify that such unilateral blanked ex-ante refusal of cash would constitute a violation of the right to use cash. Furthermore, this addition is a necessity to create parity between digital euro and cash. Without this provision we will end up in a situation where the digital euro might be offered by a merchant, but not cash as an alternative.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Article 5 a (new)

Article 5a

Prohibition of ex ante unilateral exclusions of cash

Payees subject to the obligation to accept euro banknotes and coins shall not use contractual terms that have not been individually negotiated or commercial practices (e.g. 'no cash' signs) that have the object or the effect of excluding the use of euro banknotes and coins by payers of monetary debts denominated in euro. Such contractual terms or commercial practices shall not be binding on the payer. A contractual term shall be regarded as not having been individually negotiated where it has been drafted in advance and where the payer has therefore not been able to influence the substance of the term, particularly in the context of a pre-formulated standard form contract.

Or. en

Amendment 90 – approve

Ibid. See justification of amendment 89.

Henrike Hahn

Proposal for a regulation

Article 5 a (new)

Article 5a

Prohibition of the unilateral exclusion of payments in euro banknotes and coins

Payees subject to the obligation to accept euro banknotes and coins shall not use contractual terms that have not been individually negotiated or commercial practices which have the object or the effect to exclude the use of euro

banknotes and coins by the payers of monetary debts denominated in euro. Such contractual terms or commercial practices shall not be binding on the payer. A contractual term shall be regarded as not individually negotiated where it has been drafted in advance and where the payer has therefore not been able to influence the substance of the term, particularly in the context of a pre-formulated standard contract.

Or. en

Amendment 91 – **approve**

Ibid. See justification of amendment 89.

Gilles Boyer, Olivier Chastel, Michael Kauch, Stéphanie Yon-Courtin

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Prohibition of unilateral exclusions of payments in cash

Payees subject to the obligation to accept euro banknotes and coins shall not use contractual terms that have not been individually negotiated or commercial practices which have the object or the effect of excluding the use of euro banknotes and coins by payers of monetary debts denominated in euro. Such contractual terms or commercial practices shall not be binding on the payer. A contractual term shall be regarded as not having been individually negotiated where it has been drafted in advance and where the payer has therefore not been able to influence the substance of the term, particularly in the context of a pre-formulated standard form contract.

Or. en

Amendment 92 – approve

Ibid. See justification of amendment 89.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Prohibition of ex ante unilateral exclusions of cash

Payees subject to the obligation to accept euro banknotes and coins shall not use contractual terms that have not been individually negotiated or commercial practices which have the objective or the effect to exclude the use of cash by the payers of monetary debts denominated in euro. Such contractual terms or commercial practices shall not be binding on the payer. A contractual term shall be regarded as not individually negotiated where it has been drafted in advance and where the payer has therefore not been able to influence the substance of the term, particularly in the context of pre-formulated standard contracts.

Or. en

Justification

This provision is modeled closely after the prohibition of the unilateral exclusion of payments in Article 10 of the digital euro proposal (2023/0212 (COD)). It aims to clarify that such unilateral blanket ex-ante refusal of cash would constitute a violation of the right to use cash.

Amendment 93 – approve

Article 6 as it currently stands directly contradicts paragraph 55 of the referenced ECJ judgement: “[M]oreover, is it necessary for the use of the euro as the single currency and, more specifically, for the preservation of the effectiveness as legal tender of cash denominated in euro that the EU legislature lay down exhaustively and uniformly the exceptions to that fundamental obligation, provided that every debtor is guaranteed to have

the possibility, as a general rule, of discharging a payment obligation in cash.”. This open ended delegation power for the Commission to add exception is not in line with the ECJ judgement.⁴ Exceptions to the mandatory acceptance of cash need to be provided in the Articles of the Regulation and can't be added in the form of delegated acts.

Michiel Hoogeveen

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Additional exceptions to the principle of mandatory acceptance of euro banknotes and coins of a monetary law nature

The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 94 – approve

Ibid. See justification for amendment 93.

Markus Ferber

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Additional exceptions to the principle of mandatory acceptance of euro banknotes

⁴ Our policy analysis goes into more detail: <https://epicenter.works/en/content/right-to-cash-and-digital-euro-policy-analysis-from-a-human-rights-perspective> (page 2ff)

and coins of a monetary law nature

The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank.

Or. en

Justification

Additional exceptions to the mandatory acceptance of cash should not be introduced via level 2 legislation.

Amendment 95 – approve

Ibid. See justification for amendment 93.

Gilles Boyer, Olivier Chastel, Michael Kauch, Stéphanie Yon-Courtin

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Additional exceptions to the principle of mandatory acceptance of euro banknotes and coins of a monetary law nature

The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of

the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 96 – approve

Ibid. See justification for amendment 93.

Henrike Hahn

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Additional exceptions to the principle of mandatory acceptance of euro banknotes and coins of a monetary law nature

The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 97 – approve

Ibid. See justification for amendment 93.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Additional exceptions to the principle of mandatory acceptance of euro banknotes and coins of a monetary law nature

The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank

Or. en

Amendment 98 – approve

We welcome this clarification about the monitoring obligation of Member States. This will lead to an increase in clarity for the transparency reporting from Member States.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and the *level* of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and

1. In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor *on a regular basis* the acceptance of payments in cash and the *non-compliance with the prohibition* of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on

shall assess the situation.

the basis of the common indicators adopted by the Commission and shall assess the situation.

Or. en

Amendment 99 – approve

We don't believe this amendment to be necessary, since Article 9(2) explicitly references Article 7 and 8, but we can also see no harm in making those references bidirectionally explicit.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and the level of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators *adopted by the Commission* and shall assess the situation.

Amendment

1. In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and the level of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators *drafted in accordance with Article 9(2)* and shall assess the situation.

Or. en

Amendment 100 – approve

We welcome this amendment as the ex-ante unilateral exclusion of payments in cash should be prohibited. The individual cases need to be the subject of interest of Member State monitoring, instead of less useful high-level aggregated assessments of the problem.

Henrike Hahn

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and *the level* of ex ante

Amendment

1. In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and *cases*

unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and shall assess the situation.

of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and shall assess the situation.

Or. en

Amendment 101 – approve

We welcome this clarification in light of the justification given for amendment 100.

Henrike Hahn

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

If a Member State considers that the *level of* acceptance of payments in cash in their territory or parts thereof *undermines mandatory acceptance of euro banknotes and coins*, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment

3. If a Member State considers that the *mandatory* acceptance of payments in cash in their territory or parts thereof *is undermined*, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Or. en

Amendment 102 - approve

Ibid. See justification for amendment 101.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

If a Member State considers that the *level of* acceptance of payments in cash in their territory or parts thereof undermines *mandatory acceptance of euro banknotes and coins*, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment

3. If a Member State considers that the *mandatory* acceptance of payments in cash in their territory or parts thereof *is* undermines, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment 103 – reject

While we see improvements in this amendment, it crucially still allows for the unilateral refusals of cash at a certain “level” before a Member State has to take action.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

If a Member State considers that the level of acceptance of payments in cash in their territory or parts thereof *undermines mandatory acceptance of euro banknotes and coins*, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment

3. If a Member State considers that the level of *mandatory* acceptance of payments in cash in their territory or parts thereof *has been undermined*, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment 104 – reject

This amendment not only prevents Member States from acting against cases of refusal of cash acceptance, it also waters down the measures been taken in light of that breach of this Regulation.

Michiel Hoogeveen

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

If a Member State considers that the level of acceptance of payments in cash in their territory or parts thereof *undermines* mandatory acceptance of euro banknotes and coins, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment

3. If a Member State considers that the level of acceptance of payments in cash in their territory or parts thereof *circumnavigates* mandatory acceptance of euro banknotes and coins, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment 105 – **reject**

This amendment not only keeps the flawed paradigm of an acceptable “level” of unilateral ex-ante cash refusals, but also conditions any enforcement action on the particular monitoring of the Member State.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

If a Member State considers that the level of acceptance of payments in cash in their territory or parts thereof undermines mandatory acceptance of euro banknotes and coins, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Amendment

3. If a Member State considers ***on the basis of their monitoring and assessment***, that the level of acceptance of payments in cash in their territory or parts thereof undermines mandatory acceptance of euro banknotes and coins, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Or. en

Amendment 106

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Zugang zu Bargeld

Amendment

Zugang zu Bargeld ***und zu Bankautomaten***

Or. de

Amendment 107 – **reject**

Removing an evaluation of the gathered information on the availability of cash will reduce transparency of any subsequent action or in-action on the side of the Member State in the form of remedial measures.

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Die Mitgliedstaaten sorgen in allen Regionen ihres Hoheitsgebiets, ***einschließlich städtischer und nichtstädtischer*** Gebiete, ***für*** einen hinreichenden und wirksamen Zugang zu Bargeld. Zur ***Gewährleistung*** eines hinreichenden und wirksamen Zugangs zu Bargeld ***überwachen*** die Mitgliedstaaten auf der Grundlage der von der Kommission angenommenen gemeinsamen Indikatoren in allen Regionen ihres Hoheitsgebiets, ***einschließlich städtischer und nichtstädtischer*** Gebiete, den Umfang des Zugangs zu Bargeld ***und bewerten die einschlägige Lage***.

Amendment

(1) Die Mitgliedstaaten sorgen in allen Regionen ihres Hoheitsgebiets, ***einschließlich städtischer und nichtstädtischer*** Gebiete, ***für*** einen hinreichenden und wirksamen Zugang zu Bargeld. Zur ***Gewährleistung*** eines hinreichenden und wirksamen Zugangs zu Bargeld ***überwachen*** die Mitgliedstaaten auf der Grundlage der von der Kommission angenommenen gemeinsamen Indikatoren in allen Regionen ihres Hoheitsgebiets, ***einschließlich städtischer und nichtstädtischer*** Gebiete, den Umfang des Zugangs zu Bargeld.

Or. de

Amendment 108 – approve

We welcome the added clarity on mandatory information requirements for the common indicators. This benefits the comparability across the Union and the harmonised enforcement of the right to cash. Such minimum information standards are a clear improvement.

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and shall assess the situation.

Amendment

1. Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and shall assess the situation. ***Common indicators shall assess at least the following criteria:***

Or. en

Amendment 109 – approve

See justification for amendment 99.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators ***adopted by the Commission*** and shall assess the situation.

Amendment

1. Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators ***drafted in accordance with article 9(2)*** and shall assess the situation.

Or. en

Amendment 110 – approve

See justification for amendment 108.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Common indicators shall assess at least the following criteria:

- (a) The access to ATMs including the geographical distance by road and public transport and the number of ATMs in relation to population density;***
- (b) The availability of ATMs for cash deposits and cash funding of digital euro accounts;***

- (c) *The availability of banknotes of different values at ATMs;*
- (d) *The availability of cash services over the counter including opening hours of bank branches;*
- (e) *The accessibility of ATMs and bank branches in line with the EU Accessibility Act; and Charges for cash services at ATMs and over the counter.*
- (f) *the availability of ATMs on a 24 hour basis.*

Or. en

Amendment 111 – approve

We welcome the detailed requirements for rural regions.

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Für diejenigen NUTS3-Regionen ihres Hoheitsgebiets, die als überwiegend ländlich klassifiziert sind^{1a}, überwachen die Mitgliedstaaten zum einen zur Gewährleistung eines hinreichenden und wirksamen Zugangs zu Bargeld den Umfang des Zugangs zu Bargeld auf der Grundlage der von der Kommission angenommenen gemeinsamen Indikatoren und zum anderen zur Gewährleistung eines hinreichenden und wirksamen Zugangs zu Bankautomaten den Umfang des Zugangs zu Bankautomaten auf Grundlage der nachstehenden zusätzlichen Bedingungen:

- jede lokale Verwaltungseinheit (LAU) der betreffenden NUTS3-Region verfügt über mindestens einen Bankautomaten und

- in lokalen Verwaltungseinheiten bis zu 25.000 Einwohnern beträgt das Verhältnis zwischen Anzahl an

**Bankautomaten zur Einwohnerzahl
mindestens 1 zu 2000 und**

**- die Bankautomaten ermöglichen
zumindest Geldauszahlungen als auch
Geldeinzahlungen.**

**In lokalen Verwaltungseinheiten gilt der
Zugang zu Bankautomaten als
hinreichend und wirksam gewährleistet,
wenn die vorstehend genannten
zusätzlichen Bedingungen erfüllt sind.**

**Lokale Verwaltungseinheiten, die auf die
Einhaltung aller oder einzelner der
vorstehend genannten zusätzlichen
Bedingungen im Hinblick auf den
Umfang des Zugangs zu Bankautomaten
verzichten, teilen dies der zuständigen
Behörde ihres Mitgliedstaates mit, welche
die Bewertung der Lage gemäß Absatz 2
dieses Artikels durchführt. Für diese
lokalen Verwaltungseinheiten gilt ein
hinreichender und wirksamer Zugang zu
Bankautomaten durch diese Mitteilung
als gewährleistet.**

**Die in diesem Artikel genannten
zusätzlichen Bedingungen sind jedoch
unter keinen Umständen ein
hinreichender Grund zur Rechtfertigung
einer Reduzierung der Anzahl an
Bankautomaten in lokalen
Verwaltungseinheiten, in denen mehr
Bankautomaten vorhanden, als im
Rahmen der zusätzlichen Bedingungen
gefordert sind.**

1a

**[https://ec.europa.eu/eurostat/de/web/rural
-development/methodology](https://ec.europa.eu/eurostat/de/web/rural-development/methodology)**

Or. de

Amendment 112 – approve

See justification for amendment 108.

Paul Tang, Aurore Lalucq, Jonás Fernández, Evelyn Regner

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

Text proposed by the Commission

Amendment

- (a) the access to ATMs including the geographical distance and travel time by road and public transport, in relation to population density;*
 - (b) the availability of ATMs for cash deposits and cash funding of digital euro accounts;*
 - (c) the availability of banknotes of different values at ATMs;*
 - (d) the availability of cash services over the counter including opening hours of bank branches;*
 - (e) the accessibility of ATMs and bank branches in line with Directive (EU) 2019/882;*
- and*
- (f) the fees charged for cash services at ATMs and over the counter.*

Or. en

Amendment 113 – approve

We welcome the notification procedure about the closure of ATMs or bank branches. This allows for an efficient and data driven enforcement of this Regulation. In several Member States such notification obligations already exist.

Chris MacManus

on behalf of The Left Group

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

Text proposed by the Commission

Amendment

- 1a. ATM providers and payment service providers who intend to close a bank branch or an ATM shall perform a detailed impact assessment based on the common indicators to ensure that sufficient and effective access to cash is still guaranteed after the closure of the bank branch or ATM. They shall notify*

their findings to the national competent authority in writing. Where gaps in the access to cash appear, the provider responsible for the closure shall take remedial measures to maintain efficient access to cash.

Or. en

Amendment 114 – approve

Availability of cash as a means to pay for essential services in a disaster situation could have life saving precautionary measure. This is a necessary obligation for Member States.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *Member States shall set up strategies to guarantee sufficient and effective access to cash in the event of a natural or human-made disaster.*

Or. en

Amendment 115 – approve

We welcome the added detail to the reporting obligations.

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

Die Mitgliedstaaten teilen die Ergebnisse ihrer Überwachung **und** die Bewertung des Stands des Zugangs zu Bargeld gemäß Artikel 9 Absatz 3 mit.

2. Die Mitgliedstaaten **bewerten die einschlägige Lage und** teilen die Ergebnisse ihrer Überwachung **sowie** die Bewertung des Stands des Zugangs zu Bargeld **und des Zugangs zu Bankautomaten** gemäß Artikel 9 Absatz 3 mit.

Amendment 116 – approve

Surcharges to ATM withdrawals at low amounts reduce the attractiveness of cash and can significantly reduce the practical availability of cash, particularly for low-income households. Hence, we support this amendment to free low volume transactions from these surcharges.

Paul Tang, Aurore Lalucq, Jonás Fernández

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that ATM withdrawals under 200 EUR are excluded from withdrawal charge. Withdrawals of over 200 EUR shall be capped at XX%.

Or. en

Amendment 117 – reject

Conditioning remedies imposed by Member States on findings already noted in their monitoring reports would potentially unjustly delay enforcement actions.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

If a Member State considers that sufficient and effective access to cash is not ensured, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

3. If a Member State considers, *on the basis of their monitoring and assessment*, that sufficient and effective access to cash is not ensured, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

Or. en

Amendment 118 – approve

We welcome the added clarity to add access to ATMs.

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Ist ein Mitgliedstaat der Auffassung, dass kein hinreichender und wirksamer Zugang zu Bargeld gewährleistet ist, so legt er die Abhilfemaßnahmen fest, zu denen er sich gemäß Artikel 9 Absatz 4 verpflichtet.

Amendment

3. Ist ein Mitgliedstaat der Auffassung, dass kein hinreichender und wirksamer Zugang zu Bargeld **und zu Bankautomaten** gewährleistet ist, so legt er die Abhilfemaßnahmen fest, zu denen er sich gemäß Artikel 9 Absatz 4 verpflichtet.

Or. de

Amendment 119 – approve

Ibid. See justification amendment 118.
Herbert Dorfmann, Pascal Arimont

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Zur Erfüllung der in den Artikeln 7 und 8 festgelegten Verpflichtungen benennen die Mitgliedstaaten eine oder mehrere nationale zuständige Behörden, die in Bezug auf die Annahme von Barzahlungen, den Zugang zu Bargeld und bargeldbezogenen Marktstätigkeiten der Bargeldbranche mit den erforderlichen Befugnissen ausgestattet ist bzw. sind.

Amendment

1. Zur Erfüllung der in den Artikeln 7 und 8 festgelegten Verpflichtungen benennen die Mitgliedstaaten eine oder mehrere nationale zuständige Behörden, die in Bezug auf die Annahme von Barzahlungen, den Zugang zu Bargeld, **den Zugang zu Bankautomaten** und bargeldbezogenen Marktstätigkeiten der Bargeldbranche mit den erforderlichen Befugnissen ausgestattet ist bzw. sind.

Or. de

Amendment 120 – reject

The proposed amendment would downgrade the implementing act to simple non-binding guidelines. Since comparability within the Union hinges on common indicators we would suggest to not adopt this amendment. Furthermore, it's unclear which added role the ECB would have in the creation of those guidelines and why that would be justified in this case.
Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

For the purposes of Articles 7 and 8, the Commission shall adopt **implementing acts of general application on** a set of common indicators Member States **shall use** to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those **implementing acts** shall be **adopted** [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Amendment

2. For the purposes of Articles 7 and 8, the **ECB and the** Commission shall **jointly** adopt **guidelines to define** a set of common indicators **to be used by** Member States to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those **guidelines** shall be **published** [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 121 - approve

We welcome the removal of the common indicators from the comitology procedure that comes with this reclassification as delegated acts. Article 10 offers a more robust and democratic framework for their adoption.

Markus Ferber

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

For the purposes of Articles 7 and 8, the Commission shall adopt **implementing** acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those **implementing** acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those **implementing** acts, the Commission

Amendment

2. For the purposes of Articles 7 and 8, the Commission shall adopt **delegated** acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those **delegated** acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those **delegated** acts, the Commission shall

shall consult the European Central Bank.

consult the European Central Bank.

Or. en

Amendment 122 – approve

It's vital that the common indicators are standardised in their methodology so as to allow for comparability of the annual reports.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Amendment

2. For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common ***indicators and concrete methodologies for the gathering of these*** indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Or. en

Justification

Article 9 (2) provides the Commission with the power to lay down rules further specifying national reporting obligations for the common indicators. In order to ensure comparability of those reports, the methodologies for those common indicators need to be specified in the implementing acts.

Amendment 123 – approve

Ibid. See justification amendment 122.

Henrike Hahn

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Amendment

2. For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common ***indicators and concrete methodologies for gathering of these*** indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 124 – reject

This amendment would seriously water down the requirement of availability of cash by putting it in relation to a questionable concept of “demand” for cash. This would reduce the factual basis of indicators and annual reports whereby harmonized enforcement becomes harder and less likely.

Michiel Hoogeveen

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their

Amendment

2. For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash ***supply in line with demand***

different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 125 – reject

While additional information about the local context can always be added to annual reports, they might not be seen as adding for the comparability of those reports and hence this amendment should be rejected.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purposes of Articles 7 and 8, a Member State may use in its annual report, in addition to common indicators, specific indicators in order to present more detailed information on the specificities of its territory, regions and urban areas. These specific indicators shall allow for a common approach to the assessment and comparability of data.*

Or. en

Amendment 126 – accept

We welcome the added transparency for the creation of common indicators.

Billy Kelleher, Monica Semedo

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall prepare these implementing acts in a transparent and equitable manner. The Commission and Member States shall make the common indicators public and easily accessible.

Or. en

Amendment 127 – approve

As notifications don't have to be necessarily public, we welcome the change to report on the monitoring results.

Gilles Boyer, Olivier Chastel, Billy Kelleher, Stéphanie Yon-Courtin

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

The designated national competent authorities shall **notify** the results of their monitoring and assessment of the situation as regards the levels of acceptance of payments in cash and access to cash, giving grounds and data for their assessment, in an annual report to be addressed to the Commission and the European Central Bank as referred to in Article 13.

3. The designated national competent authorities shall **report on** the results of their monitoring and assessment of the situation as regards the levels of acceptance of payments in cash and access to cash, giving grounds and data for their assessment, in an annual report to be addressed to the Commission and the European Central Bank as referred to in Article 13.

Or. en

Amendment 128

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

Die benannten nationalen zuständigen Behörden übermitteln die Ergebnisse ihrer Überwachung und die Bewertung der Lage bezüglich der Annahme von Barzahlungen

3. Die benannten nationalen zuständigen Behörden übermitteln die Ergebnisse ihrer Überwachung und die Bewertung der Lage bezüglich der

und des Zugangs zu Bargeld unter Angabe der Gründe und der Daten ihrer Bewertung in einem Jahresbericht, den sie der Kommission und der Europäischen Zentralbank gemäß Artikel 13 vorlegen.

Annahme von Barzahlungen und des Zugangs zu Bargeld **und zu Bankautomaten** unter Angabe der Gründe und der Daten ihrer Bewertung in einem Jahresbericht, den sie der Kommission und der Europäischen Zentralbank gemäß Artikel 13 vorlegen.

Or. de

Amendment 129 – approve

We welcome the clarity of this amendment to ensure the acceptance of cash is not undermined and to also to include in reporting obligations all measures taken since the last reporting.

Henrike Hahn

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

If a Member State considers that the **level of acceptance of payments in cash undermines mandatory acceptance of euro banknotes and coins** or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.

Amendment

4. If a Member State considers that the **mandatory** acceptance of payments in cash **is undermined** or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8 **as well as the measures that have been implemented since the last reporting**. The remedial measures shall enter into force without undue delay.

Or. en

Amendment 130 – reject

This change could be understood as requiring intent on the side of the member state, which shouldn't be a precondition for reporting or remedial measures.

Michiel Hoogeveen

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

If a Member State considers that the level of acceptance of payments in cash **undermines** mandatory acceptance of euro banknotes and coins or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.

Amendment

4. If a Member State considers that the level of acceptance of payments in cash **circumnavigates** mandatory acceptance of euro banknotes and coins or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.

Or. en

Amendment 131 – approve

We welcome the clarity that this amendment brings as it ensures all remedial measures taken will also be reported.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

If a Member State considers that the level of acceptance of payments in cash undermines mandatory acceptance of euro banknotes and coins or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.

Amendment

4. If a Member State considers that the level of acceptance of payments in cash undermines mandatory acceptance of euro banknotes and coins or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it commits to take in order to comply with the obligations set out in Articles 7 and 8 **as well as the measures that have been implemented since the last reporting**. The remedial measures shall enter into force without undue delay.

Or. en

Justification

Article 9 (4) establishes that Member States have to include in their annual reporting the remedial measures they commit to ensure effective access to and acceptance of cash, while saying such measures shall enter into force without undue delay. Hence, the reporting obligation in this provision should include also measures that have been implemented since the last reporting.

Amendment 132
Herbert Dorfmann, Pascal Arimont

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Ist ein Mitgliedstaat der Auffassung, dass der Umfang der Annahme von Barzahlungen die obligatorische Annahme von Euro-Banknoten und -Münzen untergräbt oder dass kein hinreichender und wirksamer Zugang zu Bargeld gewährleistet ist, so beschreibt er in seinem Jahresbericht die Abhilfemaßnahmen, zu denen er sich zur Erfüllung der Verpflichtungen gemäß den Artikeln 7 und 8 verpflichtet. Die Abhilfemaßnahmen treten unverzüglich in Kraft.

Amendment

4. Ist ein Mitgliedstaat der Auffassung, dass der Umfang der Annahme von Barzahlungen die obligatorische Annahme von Euro-Banknoten und -Münzen untergräbt oder dass kein hinreichender und wirksamer Zugang zu Bargeld **und zu Bankautomaten** gewährleistet ist, so beschreibt er in seinem Jahresbericht die Abhilfemaßnahmen, zu denen er sich zur Erfüllung der Verpflichtungen gemäß den Artikeln 7 und 8 verpflichtet. Die Abhilfemaßnahmen treten unverzüglich in Kraft.

Or. de

Amendment 133 – approve

While vague, this amendment still provides for the right procedural safeguards.

Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation
Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any further evolution of the cash infrastructure in a Member State as a result of a Member State's assessment shall be managed in a fair, orderly, transparent and equitable manner for all stakeholders.

Or. en

Amendment 134 – reject

The paragraph already allows the Commission to go beyond measures undertaken by the Member State. Hence, this amendment doesn't add clarity in this regard. It is vital that the Commission can assess the situation in a Member State independently from the annual reporting, which is sadly removed by this proposed change. To summarize, this doesn't add anything helpful but takes a vital precondition of enforcement away.

Markus Ferber

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the *findings of* the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.

Amendment

5. The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the *remedial measures proposed in* the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.

Or. en

Amendment 135 – approve

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

Die Kommission prüft die Jahresberichte in enger Abstimmung mit der Europäischen Zentralbank. Erscheinen die von einem Mitgliedstaat gemäß Absatz 4 vorgeschlagenen Abhilfemaßnahmen

Amendment

5. Die Kommission prüft die Jahresberichte in enger Abstimmung mit der Europäischen Zentralbank. Erscheinen die von einem Mitgliedstaat gemäß Absatz 4 vorgeschlagenen Abhilfemaßnahmen

unzureichend oder ist die Kommission der Auffassung, dass die Annahme von Barzahlungen oder ein hinreichender und wirksamer Zugang zu Bargeld in einem Mitgliedstaat trotz der im Jahresbericht dargelegten anders lautenden Ergebnisse den in den Artikeln 7 und 8 festgelegten Verpflichtungen nicht entspricht, so erlässt die Kommission Durchführungsrechtsakte mit angemessenen und verhältnismäßigen Maßnahmen, die von dem betreffenden Mitgliedstaat innerhalb der im betreffenden Durchführungsrechtsakt festgelegten Frist zu erlassen sind. Diese Durchführungsrechtsakte werden gemäß dem in Artikel 11 genannten Beratungsverfahren erlassen.

unzureichend oder ist die Kommission der Auffassung, dass die Annahme von Barzahlungen oder ein hinreichender und wirksamer Zugang zu Bargeld **und zu Bankautomaten** in einem Mitgliedstaat trotz der im Jahresbericht dargelegten anders lautenden Ergebnisse den in den Artikeln 7 und 8 festgelegten Verpflichtungen nicht entspricht, so erlässt die Kommission Durchführungsrechtsakte mit angemessenen und verhältnismäßigen Maßnahmen, die von dem betreffenden Mitgliedstaat innerhalb der im betreffenden Durchführungsrechtsakt festgelegten Frist zu erlassen sind. Diese Durchführungsrechtsakte werden gemäß dem in Artikel 11 genannten Beratungsverfahren erlassen.

Or. de

Amendment 136

Henrike Hahn

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the findings of the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure

Amendment

5. The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the findings of the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11. ***When preparing***

referred to in Article 11.

those implementing acts, the Commission shall consult the European Central Bank.

Or. en

Amendment 137 – approve

The provision in Article 6 that gives the Commission the power to add further exceptions to the obligation to accept cash is already problematic and runs contrary to the ECJ judgements referenced in recital 11. Hence, such a time limit to reduce the damage to the initial implementation period seems an adequate damage reduction measure.

Markus Ferber

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for *an indeterminate period of time* from [date of entry into force of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for *five years* from ... [date of entry into force of this Regulation].

Or. en

Amendment 138

Henrike Hahn

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation].

Or. en

Amendment 139

Henrike Hahn

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

The power to adopt delegated acts referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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.

Amendment

3. The power to adopt delegated acts referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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.

Or. en

Amendment 140
Markus Ferber

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making *as well as the European Central Bank.*

Or. en

Amendment 141
Henrike Hahn

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

A delegated act adopted pursuant to Article

Amendment

6. A delegated act adopted pursuant to

6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month 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 one month at the initiative of the European Parliament or of the Council.

Article **12** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month 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 one month at the initiative of the European Parliament or of the Council.

Or. en

Amendment 142
Michiel Hoogeveen

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month 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 one month at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month 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. ***The Commission shall prepare any implementing acts after consultation with the ECB.*** That period shall be extended by one month at the initiative of the European Parliament or of the Council.

Or. en

Amendment 143 – approve

Effective enforcement requires harmonised penalties that are equally dissuasive and proportionate throughout the Union. Previous approaches to leave penalty levels purely as a national purgative have failed to achieve a level playing field with dissuasive fines and

adherence to EU law.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall lay down **the** rules on penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, within one year after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

Member States shall lay down **harmonised** rules on penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, within one year after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Justification

The decision in Article 12 to make the amount of penalties for infringements of this legislation a purely national prerogative leads to unforeseeable divergence of penalties across Europe. Such penalties will most likely be targeted at enterprises for not accepting cash or financial institutions not providing sufficient or too expensive/burdensome access to cash (e.g. ATM fees, availability of human tellers in banks, etc.). This is why, it should be regulated in the proposal in accordance with the approach taken in the DSA and GDPR to stipulate administrative fines to up to 2% of the total worldwide annual turnover of the preceding financial year.

Amendment 144 – approve

Ibid. See justification of amendment 143.

Henrike Hahn

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall lay down **the** rules on

Amendment

Member States shall lay down **harmonised**

penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, within one year after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

rules on penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, within one year after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 145 – approve

To ensure effective and harmonized enforcement the Regulation needs to specify the penalties for violations of the right to cash.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The minimum penalties for infringements of this regulation for enterprises shall be subject to administrative fines up to 2 % of the total worldwide annual turnover of the preceding financial year.

Or. en

Justification

The decision in Article 12 to make the amount of penalties for infringements of this legislation a purely national prerogative leads to unforeseeable divergence of penalties across Europe. Such penalties will most likely be targeted at enterprises for not accepting cash or financial institutions not providing sufficient or too expensive/burdensome access to cash (e.g. ATM fees, availability of human tellers in banks, etc.). This is why, it should be regulated in the proposal in accordance with the approach taken in the DSA and GDPR to stipulate administrative fines to up to 2% of the total worldwide annual turnover of the preceding financial year.

Amendment 146 – approve

Ibid. See justification for amendment 145.

Henrike Hahn

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

By ... [two months after the entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with this Article to supplement this Regulation by setting minimum penalties for infringements of this regulation.

Or. en

Amendment 147 – approve

It's vital for a status of the Euro as a legal tender to prevent the establishment of unharmonized exceptions on national level. To reflect the removal of this option the reporting obligation should also be removed.

Henrike Hahn

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the established exceptions to the principle of mandatory acceptance and their application;

deleted

Or. en

Amendment 148 – approve

Reporting obligations should be wholistic and complete.

Markus Ferber

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

detailed data and assessment of the situation in the Member State as regards acceptance of payments in cash and access to cash, and **the** remedial measures to be taken pursuant to Articles 7 and 8;

Amendment

(b) detailed data and assessment of the situation in the Member State as regards acceptance of payments in cash and access to cash, and **any** remedial measures to be taken pursuant to Articles 7 and 8;

Or. en

Amendment 149 – approve
Herbert Dorfmann, Pascal Arimont

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

Text proposed by the Commission

detaillierte Daten und die Bewertung der Lage in dem Mitgliedstaat in Bezug auf die Annahme von Barzahlungen und den Zugang zu Bargeld sowie die gemäß den Artikeln 7 und 8 zu ergreifenden Abhilfemaßnahmen;

Amendment

(b) detaillierte Daten und die Bewertung der Lage in dem Mitgliedstaat in Bezug auf die Annahme von Barzahlungen und den Zugang zu Bargeld **und zu Bankautomaten** sowie die gemäß den Artikeln 7 und 8 zu ergreifenden Abhilfemaßnahmen;

Or. de

Amendment 150 – approve

Publishing the methodology of the gathered data always helps comparability and evidence based policy making.

Henrike Hahn

Proposal for a regulation
Article 13 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the methodology according to which this data was gathered, processed and analysed;

Or. en

Amendment 151 – approve

The complaints received are a vital indicator for the success of the right to cash in practice. They need to be made transparent and be included in the reporting obligations.

Henrike Hahn

Proposal for a regulation

Article 13 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) statistics about complaints received by the national competent authority as per type of stakeholder, average elapsed time between date of submission and remedies and class of remedies provided;

Or. en

Amendment 152 – approve

See justification for amendment 150.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the methodology according to which this data was gathered, processed and analysed;

Or. en

Justification

Reporting obligations for Member States should go beyond “detailed data and assessment of the situation” to allow for public monitoring and discussion about the right to cash. This is why, the methodology according to which this data was gathered, processed and analyzed as well the complaints received, categorised by type of stakeholder and remedies taken, should be included in the law

Amendment 153 – approve

See justification of amendment 151.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 13 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) statistics about complaints received by the national competent authority as per type of stakeholder, average elapsed time between date of submission and remedies and class of remedies provided;

Or. en

Justification

Reporting obligations for Member States should go beyond “detailed data and assessment of the situation” to allow for public monitoring and discussion about the right to cash. This is why, the methodology according to which this data was gathered, processed and analyzed as well the complaints received, categorised by type of stakeholder and remedies taken, should be included in the law

Amendment 154 – approve

Since the status of the Euro is of inherent interest to all Europeans, the annual reports shouldn't be limited with unnecessary language barriers.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

The Commission shall examine the annual reports in close consultation with the European Central Bank.

3. The Commission shall examine the annual reports in close consultation with the European Central Bank. ***The Commission shall publish the reports in all languages of the Member State concerned and in English.***

Or. en

Amendment 155 – approve

Since the Commission is a vital actor in the upholding of the Euro as a legal tender and the enforcement of this Regulation, it seems only right for it to also publish their findings annually.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Commission shall publish an annual transparency report that includes their analysis of the situation throughout the Union, trends observed, summaries of the discussions between the European Central Bank, the Commission and national competent authorities, as well as explanations for and evaluation of delegated acts adopted by the Commission according to this Regulation.*

Or. en

Amendment 156 – approve

See justification of amendment 154.

Henrike Hahn

Proposal for a regulation

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Commission shall publish the reports of Member States online and, where necessary, translate them in all official EU languages.*

Or. en

Amendment 157 – approve

See justification of amendment 155.

Henrike Hahn

Proposal for a regulation

Article 13 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *The Commission shall publish an annual transparency report that includes their analysis of the situation throughout the Union, trends observed, as well as summaries of the discussions between the European Central Bank, the Commission and national competent authorities.*

Or. en

Amendment 158 – approve

Henrike Hahn

Proposal for a regulation

Article 14 – title

Text proposed by the Commission

Amendment

Duty of Member States to *inform about* remedies

Duty of Member States to *provide effective access to* remedies

Or. en

Amendment 159 – approve

We welcome the added clarity on remedial measures.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 14 – paragraph -1 new

Text proposed by the Commission

Amendment

-1. *Member States shall lay down the rules on remedies applicable to infringements of this Regulation and shall take all measures necessary to ensure that*

they are implemented. The remedies provided for shall be effective and proportionate. Member States shall, within one year after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 160 – approve

We strongly welcome that NGOs and consumer protection groups are also included in this provision about remedies at their disposal.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Member States shall provide natural persons and enterprises with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

Amendment

Member States shall provide natural persons, *civil society organisations* and enterprises with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

Or. en

Amendment 161 – approve

Markus Ferber

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Member States shall provide natural persons and enterprises with clear information on the channels and effective remedies they have at their disposal to

Amendment

Member States shall provide natural persons and enterprises with clear *and easily accessible* information on the channels and effective remedies they have

lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

Or. en

Amendment 162 – approve
Herbert Dorfmann, Pascal Arimont

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Die Mitgliedstaaten liefern natürlichen Personen und Unternehmen klare Informationen über wirksame Rechtsbehelfe und einschlägige Kanäle, die ihnen zur Verfügung stehen, um bei den zuständigen nationalen Behörden Beschwerde über die rechtswidrige Verweigerung der Annahme von Bargeld und über einen unzureichenden und unwirksamen Zugang zu Bargeld einzureichen.

Amendment

Die Mitgliedstaaten liefern natürlichen Personen und Unternehmen klare Informationen über wirksame Rechtsbehelfe und einschlägige Kanäle, die ihnen zur Verfügung stehen, um bei den zuständigen nationalen Behörden Beschwerde über die rechtswidrige Verweigerung der Annahme von Bargeld und über einen unzureichenden und unwirksamen Zugang zu Bargeld **und zu Bankautomaten** einzureichen.

Or. de

Amendment 163 - approve

See justification for amendment 161.

Henrike Hahn

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall provide natural persons and **enterprises** with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

Amendment

Member States shall provide natural persons and **legal persons** with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

Amendment 164 – approve

We welcome this contact point to launch enforcement action.

Michael Kauch

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall provide natural persons and enterprises with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.

Amendment

Member States shall provide natural persons and enterprises with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash. ***To that extent, Member States shall set up a website that provides information and a possibility to lodge complaints. The website shall be accessible by the public free of charge and shall not require the provision of personal information (free-access website).***

Amendment 165 – approve

We strongly welcome this amendment to ensure that procedural guarantees strengthen redress against violations of the right to cash.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to the disputes concerning the lawfulness of the processing of personal data, the complaint mechanism shall oblige Member States to adhere to procedural guarantees for a

reasonable and effective access to remedies within a period of one month. Directive (EU) 2020/1828 shall apply to the representative actions brought against infringements of provisions of this Regulation that harm or may harm the collective interests of consumers.

Or. en

Justification

In order to secure societal participation, freedom to conduct business and the role of the euro as legal tender, the horizontal nature of this proposal reaching into all areas of life can only be enforced with inclusive complaint reporting. Therefore, binding procedural guarantees for the complainant must be established and Member States obliged to provide effective access to remedies.

Amendment 166 – approve

Since some Member States are known not to enforce EU law against corporations in their country, we welcome this possibility to improve cross-border enforcement.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 14 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The complaints may be lodged with the national competent authority in which the concerned party is established. On request of the complainant, the Commission may defer a case to another national competent authority. In case of cross-border complaints, the Commission shall have the right to defer the case to another national competent authority, upon request of the party that lodged the complaint.

Or. en

Justification

In order to secure societal participation, freedom to conduct business and the role of the euro as legal tender, the horizontal nature of this proposal reaching into all areas of life can only be enforced with inclusive complaint reporting. Therefore, binding procedural guarantees for the complainant must be established and Member States obliged to provide effective access to

remedies.

Amendment 167 – approve

Harmonized enforcement hinges on minimum set of measures to be taken by Member States. With this delegation to the Commission this goal is easier achieved.

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 14 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Within 6 months of the entering into force of this Regulation, the Commission shall establish minimum requirements on the implementation of Article 14 by Member States.

Or. en

Justification

In order to secure societal participation, freedom to conduct business and the role of the euro as legal tender, the horizontal nature of this proposal reaching into all areas of life can only be enforced with inclusive complaint reporting. Therefore, binding procedural guarantees for the complainant must be established and Member States obliged to provide effective access to remedies.

Amendment 168 – approve

See justification of amendment 165.

Henrike Hahn

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to the disputes concerning the lawfulness of the processing of personal data, the complaint mechanism shall oblige Member States to adhere to procedural guarantees for a reasonable and effective access to remedies within a period of one month.

Directive (EU) 2020/1828 shall apply to the representative actions brought against infringements of provisions of this Regulation that harm or may harm the collective interests of consumers.

Or. en

Amendment 169 – approve

See justification of amendment 166.

Henrike Hahn

Proposal for a regulation

Article 14 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The complaints may be lodged with the national competent authority in which the concerned party is established. On request of the complainant the Commission may defer a case to another national competent authority. In case of cross-border complaints, the Commission shall have the right to defer the case to another national competent authority, upon request of the party that lodged the complaint.

Or. en

Amendment 170 – approve

See justification of amendment 167.

Henrike Hahn

Proposal for a regulation

Article 14 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Within six months of the entering into force of this Regulation, the Commission shall establish minimum requirements on the implementation of Article 14 by Member States.

Amendment 171 – approve

See justification of amendment 159.

Henrike Hahn

Proposal for a regulation

Article 14 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall lay down the rules on remedies applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The remedies provided for shall be effective and proportionate. Member States shall, within one year after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment 172 – approve

We welcome the disentanglement of the right to cash with the digital euro. Both proposals for regulations should be judged independently on their own merits.

Engin Eroglu

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Interaction between euro banknotes and coins and the digital euro

1. Euro banknotes and coins and the digital euro shall be convertible into each other at par.

2. Payees of a monetary debt

denominated in euro shall accept payments in euro banknotes and coins according to the provisions of this Regulation, irrespective of whether they accept payments in digital euro in accordance with Regulation [XXX on the establishment of the digital euro]. Where the acceptance of euro banknotes and coins and the digital euro is mandatory in accordance with the provisions of this Regulation and Regulation (XXX on the establishment on the Digital Euro), the payer is entitled to choose the means of payment

Or. en

Justification

It seems very questionable that the Introduction of the Digital Euro will still be decided this mandate, being technically and politically very complicated. But cash as legal tender is an important topic that has to be addressed, also if the Digital Euro will be postponed / not introduced. Therefore this article should be deleted, to untangle the two processes and to finalize the negotiations on this file as quickly as possible. If needed, the article can be reintroduced when/if the Digital Euro is implemented.

Amendment 173 – approve
Chris MacManus
on behalf of The Left Group

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Euro banknotes and coins and the digital euro shall be *convertible into each other at par*.

Amendment

1. Euro banknotes and coins and the digital euro shall be *fully fungible*.

Or. en

Amendment 174 – approve
Paul Tang, Aurore Lalucq, Jonás Fernández

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Euro banknotes and coins and the digital euro shall be ***convertible into each other at par***.

Amendment

1. Euro banknotes and coins and the digital euro shall be ***fully fungible***.

Or. en

Amendment 175 – approve
Henrike Hahn

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Euro banknotes and coins and the digital euro shall be ***convertible into each other at par***.

Amendment

1. Euro banknotes and coins and the digital euro shall be ***fully-fungible***.

Or. en

Amendment 176 – approve

We welcome the clarity of this amendment and the dis-entanglement of the right to cash and the digital euro.

Michiel Hoogeveen

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Payees of a monetary debt denominated in euro shall accept payments in euro banknotes and coins according to the provisions of this Regulation, ***irrespective of whether they accept payments in digital euro in accordance with Regulation [XXX on the establishment of the digital euro]***. Where the acceptance of euro banknotes and coins ***and the digital euro*** is mandatory in accordance with the provisions of this Regulation ***and Regulation (XXX on the establishment on***

Amendment

2. Payees of a monetary debt denominated in euro shall accept payments in euro banknotes and coins according to the provisions of this Regulation. Where the acceptance of euro banknotes and coins is mandatory in accordance with the provisions of this Regulation, the payer is entitled to choose the means of payment.

the Digital Euro), the payer is entitled to choose the means of payment

Or. en

Amendment 177
Henrike Hahn

Proposal for a regulation
Article 15 a (new)
Directive (EU) 2020/1828
Annex I – point 68 (new)

Text proposed by the Commission

Amendment

Article 15a

Amendment to Directive (EU) 2020/1828
[Representative Action Directive]

In Annex I to Directive (EU) 2020/1828,
the following point is added:

‘(68) Regulation (EU) 20../... of the
European Parliament and of the Council
on the legal tender of euro banknotes and
coins (OJ L[...], [...]), [p. ..].’

Or. en

Amendment 178
Chris MacManus
on behalf of The Left Group

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

By [***date-five*** years after the entry into force], the Commission shall carry out a review on the operation and effects of this Regulation and submit a report to the European Parliament and to the Council. Member States shall provide the Commission with necessary information for the preparation of that report.

By [***date-three*** years after the entry into force], the Commission shall carry out a review on the operation and effects of this Regulation and submit a report to the European Parliament and to the Council. Member States shall provide the Commission with necessary information for the preparation of that report.

Or. en

