



2023/0208(COD)

29.1.2024

AMENDMENTS

26 - 178

Draft report
Stefan Berger
(PE758.001v02-00)

on the proposal for a Regulation of the European Parliament and of the Council
on the legal tender of euro banknotes and coins

Proposal for a regulation
(COM(2023)0364 – C9-0216/2023 – 2023/0208(COD))

Amendment 26
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
Billy Kelleher, Monica Semedo, Olivier Chastel

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(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
Michiel Hoogeveen

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, 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***

Amendment

(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.***

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

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, 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

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 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

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.*

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 **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 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*

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, 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

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.

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

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 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***

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 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

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.

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
Michiel Hoogeveen

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

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

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.

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 *obligations*. If a Member State concludes that access to cash is not sufficient in all or part of its territory, appropriate remedial measures **might** be taken to remedy the situation, such as **through** 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 **through the maintenance of** a sufficient density of automated teller machines (ATMs) where they conduct business **while** 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 33
Herbert Dorfmann, Pascal Arimont

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

Amendment

(7) With a view to an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly

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.

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. ***In many rural areas, in addition, sufficient and effective access to cash continues to require sufficient and effective access to automated teller machines (ATMs). Because there are fewer and fewer ATMs, however, that access is less and less ensured. Member States should therefore be required to ensure that a sufficient number of ATMs is available and accessible to Union citizens, especially in rural municipalities, by complying with certain minimum requirements, while ensuring a balanced distribution of ATMs, account being taken of geographical circumstances. At the same time, the municipalities concerned should be given the possibility of departing from the minimum requirements. In any event, the stipulations on ensuring sufficient and effective access to ATMs are to be understood as minimum requirements that under no circumstances warrant any reduction in the number of ATMs in those municipalities which already meet or exceed the minimum requirements.*** If in the light of their assessment access to cash ***and to ATMs*** 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 ***and to ATMs*** 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 *ATMs* where they conduct business taking into account a good geographic spread in relation to population. 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. de

Amendment 34
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

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

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.

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. ***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

Billy Kelleher, Monica Semedo, Olivier Chastel

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 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

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 ***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

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.

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
Markus Ferber

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

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

The Commission ***should be empowered to adopt implementing acts on a set of***

(8) Given its role in the supervision of monetary policy and financial stability,

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.

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

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

Amendment 41
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.

Amendment 42
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

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

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.

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
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 sufficient and effective access to cash are not undermined.***

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 valid to its economy.***

Or. en

Amendment 44
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
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

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.***

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

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 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

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 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

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.

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

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 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 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

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 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

Amendment 49
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 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

deleted

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

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* **deleted**

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

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 **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 *deleted*

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.

Or. en

Amendment 52
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 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* **deleted**

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

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 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

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. ***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***

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.

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
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
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
Michiel Hoogeveen

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

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.***

(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

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

Amendment

deleted

Or. en

Amendment 61
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

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

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

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

means of payment for a purchase;

agree to a means of payment for a purchase;

Or. en

Amendment 64

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

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

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;***

Amendment

(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
Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin**

**Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1 – point a**

Text proposed by the Commission

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;

Amendment

(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
Michael Kauch**

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 **received explicit agreement of** the payer on a different means of payment.

Or. en

Amendment 72

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

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
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 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 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

Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(bc) where the payer refuses to top up

Or. en

Amendment 79

Gilles Boyer, Olivier Chastel, Stéphanie Yon-Courtin

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

Or. en

Amendment 85

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

Billy Kelleher, 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

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

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

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

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 (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
Henrike Hahn

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

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

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

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 modelled 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.

Amendment 93
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
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 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

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

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
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

Paul Tang, Jonás Fernández, Aurore Lalucq, Evelyn Regner

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

Or. en

Amendment 99

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
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 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 **cases** 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
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
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).

Or. en

Amendment 103
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).

Or. en

Amendment 104
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**

Amendment

3. If a Member State considers that the level of acceptance of payments in cash in their territory or parts thereof

mandatory acceptance of euro banknotes and coins, it shall set out the remedial measures it commits to take in accordance with Article 9(4).

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).

Or. en

Amendment 105

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

Access to cash

Amendment

Access to cash *and to ATMs*

Or. de

Amendment 107

Herbert Dorfmann, Pascal Arimont

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.

Or. de

Amendment 108

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

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
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
Herbert Dorfmann, Pascal Arimont

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

Text proposed by the Commission

Amendment

For those NUTS3 regions in their territories that are classified as predominantly rural^{1a}, Member States shall monitor, firstly, the level of access to cash on the basis of the common indicators adopted by the Commission and, secondly, the level of access to ATMs in order to ensure sufficient and effective access to ATMs on the basis of the following additional conditions:

- each local administrative unit (LAU) of the NUTS3 region concerned has at least one ATM; and

- in LAUs with up to 25 000 inhabitants, the ratio between the number of ATMs and the number of inhabitants is at least 1 to 2000; and

- the ATMs allow at least cash withdrawals as well as cash deposits.

In LAUs, access to ATMs shall be deemed sufficiently and effectively ensured if the abovementioned additional conditions are met.

LAUs which waive compliance with all or some of the abovementioned additional conditions on the level of access to ATMs shall notify accordingly their Member

State's competent authority that carries out the assessment of the situation under paragraph 2 of this article. For those LAUs, sufficient and effective access to ATMs shall be deemed ensured as a result of that notification.

However, the additional conditions referred to in this article shall not under any circumstances constitute sufficient grounds to warrant a reduction in the number of ATMs in LAUs where there are more ATMs than are required under the additional conditions.

1a
<https://ec.europa.eu/eurostat/web/rural-development/methodology>

Or. de

Amendment 112

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
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
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

Herbert Dorfmann, Pascal Arimont

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Member States shall notify the results of their monitoring and assessment of the situation as regards access to cash in accordance with Article 9(3).

Amendment

2. Member States shall ***assess the situation and*** notify the results of their monitoring and assessment of the situation as regards access to cash ***and access to ATMs*** in accordance with Article 9(3).

Or. de

Amendment 116

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

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

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

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).

Amendment

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
Herbert Dorfmann, Pascal Arimont

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

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).

Amendment

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

Or. de

Amendment 119
Herbert Dorfmann, Pascal Arimont

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

With a view to implementing the obligations set out in Articles 7 and 8, Member States shall designate one or more 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.

Amendment

1. With a view to implementing the obligations set out in Articles 7 and 8, Member States shall designate one or more national competent authorities with the required powers as regards acceptance of payments in cash, ***access to cash*** and access to ***ATMs***, and over the cash-related market activities of the cash industry.

Amendment 120**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.

Amendment 121**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

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

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.

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 consult the European Central Bank.

Or. en

Amendment 122

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
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
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 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

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*** 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

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

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

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

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

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

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

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.

Amendment

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

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.

Amendment

3. 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 **and to ATMs**, 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. de

Amendment 129
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
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
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

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

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 **and to ATMs** 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

shall enter into force without undue delay.

remedial measures shall enter into force without undue delay.

Or. de

Amendment 133

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

Markus Ferber

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

Amendment

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

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

the respective implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.

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
Herbert Dorfmann, Pascal Arimont

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 **and to ATMs** 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.

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

Or. en

Amendment 137
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

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.

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 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 **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

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

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.

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

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

Henrike Hahn

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

Amendment 145

Chris MacManus

on behalf of The Left Group

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

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.

Amendment

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

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

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
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
Herbert Dorfmann, Pascal Arimont

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 to ATMs*, and the remedial measures to be taken pursuant to Articles 7 and 8;

Or. de

Amendment 150
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;

Amendment 151
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
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 analysed as well the complaints received, categorised by type of stakeholder and remedies taken, should be included in the law

Amendment 153
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 analysed as well the complaints received, categorised by type of stakeholder and remedies taken, should be included in the law

Amendment 154
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
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
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
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
Henrike Hahn

Proposal for a regulation
Article 14 – title

Text proposed by the Commission

Duty of Member States to *inform about* remedies

Amendment

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

Or. en

Amendment 159
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
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
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 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 ***and easily accessible*** 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 162
Herbert Dorfmann, Pascal Arimont

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 **and to ATMs**.

Or. de

Amendment 163
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.

Or. en

Amendment 164
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

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.

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).***

Or. en

Amendment 165
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
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
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 **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 **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

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.

Or. en

Amendment 171

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

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.

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. ..]).’***

Amendment 178
Chris MacManus
on behalf of The Left Group

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

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.

Amendment

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.