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Committee on Economic and Monetary Affairs

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (COM(2013)0266 – C7-0125/2013 – 2013/0139(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Jürgen Klute

### ***Symbols for procedures***

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

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

### ***Amendments to a draft act***

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

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

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features  
(COM(2013)0266 – C7-0125/2013 – 2013/0139(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0266),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0125/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Legal Affairs (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) The smooth functioning of the internal market and the development of a modern, socially inclusive economy increasingly depends on the universal provision of payment services. Given that payment service providers, acting in accordance with market logic, tend to focus on commercially attractive consumers and effectively leave vulnerable consumers without the same choice of products, new legislation in this regard must be part of a smart economic strategy for the Union.***

Or. en

## Amendment 2

### Proposal for a directive Recital 3

*Text proposed by the Commission*

*Amendment*

(3) However, more *can* be done to improve and develop the single market for retail banking. ***In particular***, the lack of transparency and comparability of fees as well as the difficulties in switching payment accounts still pose barriers to the deployment of a fully integrated market.

(3) However, ***as indicated by the European Parliament in its resolution of 4 July 2012 with recommendations to the Commission on Access to Basic Banking Services***, more *has to* be done to improve and develop the single market for retail banking. ***Such developments should go hand in hand with making the financial sector in the Union serve businesses and consumers. Currently***, the lack of transparency and comparability of fees as well as the difficulties in switching payment accounts still pose barriers to the deployment of a fully integrated market. ***The problem of divergent product quality and low competition in retail banking***

*must be tackled and high-quality standards must be achieved.*

Or. en

### Amendment 3

#### Proposal for a directive

##### Recital 11

*Text proposed by the Commission*

(11) It is vital for consumers to be able to understand fees so that they can compare offers from different payment service providers and make informed decisions as to which account is most suitable for their needs. Comparison between fees cannot be achieved where payment service providers use different terminology for the same payment services and provide information in different formats. Standardised terminology, ***coupled with targeted fee information*** for the most representative payment services in a consistent format, can help consumers to both understand and compare fees.

*Amendment*

(11) It is vital for consumers to be able to understand fees so that they can compare offers from different payment service providers and make informed decisions as to which account is most suitable for their needs. ***Full ex ante transparency of fees and charges is also needed for consumers in order to give them the possibility for a responsible and sustainable management of their financial affairs.*** Comparison between fees cannot be achieved where payment service providers use different terminology for the same payment services and provide information in different formats. Standardised terminology for the most representative payment services ***and other fees linked to the provision of payment accounts*** in a consistent format, ***coupled with complete fee information*** can help consumers to both understand and compare fees.

Or. en

### Amendment 4

#### Proposal for a directive

##### Recital 12

*Text proposed by the Commission*

(12) Consumers would benefit most from information that is concise and easy to

*Amendment*

(12) Consumers would benefit most from information that is ***as*** concise ***as possible***,

compare between different payment service providers. The tools made available to consumers to compare payment account offers *would not have a positive impact if the time invested in going through lengthy lists of fees for different offers outweighed the benefit of choosing the offer that represents the best value. Accordingly*, fee terminology should *only be* standardised for the most representative terms and definitions within Member States in order to *avoid the risk of excessive information*.

*standardised* and easy to compare between different payment service providers. The tools made available to consumers to compare payment account offers *should be multi-fold and consumer testing must be conducted. At this stage*, fee terminology should *be* standardised *only* for the most representative terms and definitions within Member States in order to *facilitate swift implementation*.

Or. en

## Amendment 5

### Proposal for a directive Recital 13

#### *Text proposed by the Commission*

(13) The fee terminology should be determined by national competent authorities, allowing for consideration of the specificities of local markets. To be considered representative, services should be subject to a fee at a minimum of one payment service provider in Member States. In addition, where possible, fee terminology should be standardised at EU level, thus allowing for comparison across the Union. The European Banking Authority (EBA) should establish guidelines to assist Member States to determine the most representative payment services subject to a fee at national level.

#### *Amendment*

(13) The fee terminology should be determined by national competent authorities, allowing for consideration of the specificities of local markets. To be considered representative, services should be subject to a fee at a minimum of one payment service provider in Member States. In addition, where possible, fee terminology should be standardised at EU level, thus allowing for comparison across the Union. The European Banking Authority (EBA) should establish guidelines to assist Member States to determine the most representative payment services subject to a fee at national level. ***In order to achieve the effective application of standardised terminology, such definitions should be sufficiently broad.***

Or. en

## Amendment 6

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) In order to help consumers compare payment account fees throughout the single market easily, payment service providers should provide consumers with a list of fees charged for *the services listed in the standardised terminology*. This would also contribute towards establishing a level playing field between credit institutions competing in the payment account market. The fee information document should *only contain information on the most representative payment services in each Member State, using the terms and definitions established at EU level where relevant*. In order to help consumers understand the fees they have to pay for their payment account, a glossary providing explanations for at least the fees and services contained in the list should be made available to them. The glossary should serve as a useful tool to encourage a better understanding of the meaning of fees, contributing towards empowering consumers to choose from a wider choice of payment account offers. An obligation should also be introduced for payment service providers to inform consumers, *at least* annually, of all the fees charged on their account. Ex-post information should be provided in a dedicated summary. *It* should provide a complete overview of *the* fees incurred *to enable a* consumer to understand what fee expenditures relate to, and to assess the need to either modify consumption patterns or move to another provider. *This benefit would be maximised by the ex-post fee information covering the same services as the ex-ante information.*

#### *Amendment*

(15) In order to help consumers compare payment account fees throughout the single market easily, payment service providers should provide consumers with a *complete* list of fees charged for *all* services *linked to the provision of the payment account making use of* standardised *terms and definitions where possible. Where applicable, the fee information document should use only the terms and definitions established at Union level*. This would also contribute towards establishing a level playing field between credit institutions competing in the payment account market. *In order to make an informed choice, the fee information document should also inform the consumer if a deposit guarantee scheme applies to the account and include at least two independent assessments of the payment provider's credit worthiness where available*. In order to help consumers understand the fees they have to pay for their payment account, a glossary providing *clear, non-technical and unambiguous* explanations for at least the fees and services contained in the list should be made available to them. The glossary should serve as a useful tool to encourage a better understanding of the meaning of fees, contributing towards empowering consumers to choose from a wider choice of payment account offers. An obligation should also be introduced for payment service providers to inform *free of charge* consumers *monthly and* annually of all the fees charged on their account. Ex-post information should be provided in a dedicated summary. *Such a personal account statement* should provide a complete overview of *interest earned, fees incurred and notices of modifications to fees or interest rates. The*

consumer ***should be given the information necessary*** to understand what fee expenditures relate to, and to assess the need to either modify consumption patterns or move to another provider.

Or. en

## Amendment 7

### Proposal for a directive

#### Recital 17

##### *Text proposed by the Commission*

(17) In order to ensure the consistent use of applicable EU level terminology across the Union, Member States should establish an obligation for payment service providers to use the applicable EU level terminology together with the remaining national standardised terminology identified in the provisional list when communicating with consumers, including in the fee information document and the ***statement of fees. Except for*** in the fee information document ***and statement of fees, payment service providers may use brand names to denote*** services.

##### *Amendment*

(17) In order to ensure the consistent use of applicable EU level terminology across the Union, Member States should establish an obligation for payment service providers to use the applicable EU level terminology together with the remaining national standardised terminology identified in the provisional list when communicating with consumers, including in the fee information document and the ***personal account statement. Payment service providers may use brand names*** in the fee information document ***or the personal account statement provided that this is in addition to the standardised terminology and as a secondary designation of the services or account offered.***

Or. en

## Amendment 8

### Proposal for a directive

#### Recital 18

##### *Text proposed by the Commission*

(18) Comparison websites ***are*** an effective means for consumers to assess the merits of different payment account offers in a

##### *Amendment*

(18) ***Independent*** comparison websites ***can be*** an effective means for consumers to assess the merits of different payment

single space. *They* can provide the right balance between the need for information to be clear and concise, yet complete and comprehensive, by enabling users to obtain more detailed information where this is of interest to them. They can also reduce search costs as consumers will not need to collect information separately from payment service providers.

account offers in a single space *provided that consumers consider the information given as trustworthy, impartial and transparent. Such websites* can provide the right balance between the need for information to be clear and concise, yet complete and comprehensive, by enabling users to obtain *general as well as personalised and* more detailed information where this is of interest to them. They can also reduce search costs as consumers will not need to collect information separately from payment service providers. *It is crucial that consumers are informed about the availability of reliable comparison websites. Competent authorities should therefore run campaigns to inform the public.*

Or. en

## Amendment 9

### Proposal for a directive Recital 19

#### *Text proposed by the Commission*

(19) In order to obtain impartial information on bank fees, consumers should be able to access comparison websites which are *operationally* independent from payment service providers. Member States should therefore ensure that at least one *such* website *is available to consumers* in their respective territories. Such *comparison websites may be operated by competent authorities, other public authorities and/or accredited private operators*. Member States should establish a voluntary accreditation scheme allowing private operators of comparison websites to apply for accreditation in accordance with specified quality criteria. *A comparison website operated by a competent authority or other public*

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#### *Amendment*

(19) In order to obtain impartial information on bank fees *and interest rates*, consumers should be able to access comparison websites which are *publicly accessible and* independent from payment service providers. Member States should therefore ensure that *have access to* at least one *independent and publicly accessible* website *operated by or on behalf of a competent authority or any other competent public authority* in their respective territories. Such *a website should provide complementary information on Union standardised terminology, consumer right to access payment accounts and on switching procedures available at national and Union level. In order to increase*

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*authority should be established where a privately operated website has not been accredited. Such websites should also comply with the quality criteria.*

*consumer trust in further available comparison websites, Member States should establish a voluntary accreditation scheme allowing private operators of comparison websites to apply for accreditation in accordance with specified quality criteria and impartiality provisions. In order to increase availability of comparable information on fees and interest rates for mobile consumers, the Commission, in cooperation with EBA, should establish a Union portal for comparison websites available in Member States.*

Or. en

## Amendment 10

### Proposal for a directive Recital 21

#### *Text proposed by the Commission*

(21) Consumers are only incentivised to switch accounts if the process does not entail an excessive administrative and financial burden. The procedure for switching payment accounts to another payment service provider should be clear **and quick. The fees, if any, charged by payment service providers in relation to the switching service** should be **in line with the actual cost incurred by payment service providers**. In order to have positive impact on competition, switching should also be facilitated at cross-border level. Given that switching **cross-border** could be more complex than the **switching at national level and** may require payment service providers to adapt and refine their internal procedures, longer deadlines **for the cross-border switch should be foreseen**. The need to maintain different deadlines should be evaluated in the context of the review of the proposed

#### *Amendment*

(21) Consumers are only incentivised to switch accounts if **potential benefits do not outweigh perceived risks and if** the process does not entail an excessive administrative and financial burden. The procedure for switching payment accounts to another payment service provider should be clear, **quick and safe. This can only be achieved where Member States provide a service for automated redirection of payments including automated notifications to payees and payers. Such systems should be available in Member States by 2016. Any fees linked to the switching service should be charged only by the transferring payment service providers where the consumer has held the payment account for a period of less than 12 months**. In order to have positive impact on competition, switching should also be facilitated at cross-border level. Given that switching **from or to payment services providers outside the Single**

Directive.

*European Payments Area (SEPA)* could be more complex than the *intra-SEPA switching* may require payment service providers to adapt and refine their internal procedures, longer deadlines *should be provided for switching outside SEPA* The need to maintain different deadlines should be evaluated in the context of the review of the proposed Directive.

Or. en

## Amendment 11

### Proposal for a directive Recital 22

#### *Text proposed by the Commission*

(22) The switching process should be as straightforward as possible for the consumer. Accordingly Member States should ensure that the receiving payment service provider is responsible for initiating and managing the process on behalf of the consumer.

#### *Amendment*

(22) The switching process should be as straightforward as possible for the consumer. Accordingly Member States should ensure that the receiving payment service provider is responsible for initiating and managing the process on behalf of the consumer *and that consumers and relevant bank staff are made aware of that responsibility and how to effect the switching process.*

Or. en

## Amendment 12

### Proposal for a directive Recital 23

#### *Text proposed by the Commission*

(23) *Consumers should be allowed to ask* the receiving payment service provider *to* perform *the switch of all or part of* the recurring payments, as well as transferring *the* remaining balance, ideally within a single meeting with the receiving payment

#### *Amendment*

(23) *As a general rule and provided that the consumer has provided consent,* the receiving payment service provider *should* perform, *on behalf of the consumer, the switch* the recurring payments, as well as transferring *any* remaining balance, ideally

service provider. To this end, consumers should be able to sign one authorisation ***giving*** consent to the mentioned tasks. Before giving the authorisation the consumer should be informed of all the steps of the procedure necessary to complete the switch.

within a single meeting with the receiving payment service provider. To this end, consumers should be able to sign one authorisation ***to provide or withhold*** consent to the mentioned tasks. Before giving the authorisation the consumer should be informed of all the steps of the procedure necessary to complete the switch.

Or. en

### Amendment 13

#### Proposal for a directive

#### Recital 27

##### *Text proposed by the Commission*

(27) Consumers who are legally resident in the Union and who do not hold a payment account in a certain Member State should be in a position to open and use a payment account with basic features in that Member State. In order to ensure the widest possible access to such accounts, consumers should have access to them irrespective of their financial circumstances, such as unemployment or personal bankruptcy, and of their place of residence. ***Moreover, the right to access a payment account with basic features in any Member State should be granted in conformity with the requirements set out in Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, in particular with regard to customer due diligence procedures.***

##### *Amendment*

(27) Consumers who are legally resident in the Union and who do not hold a payment account in a certain Member State should be in a position to open and use a payment account with basic features in that Member State. ***Member States should further ensure that the switching service provided for in this Directive also applies to payment accounts with basic features.*** In order to ensure the widest possible access to such accounts, consumers should have access to them irrespective of their financial circumstances, such as unemployment or personal bankruptcy, and of their place of residence.

Or. en

## Amendment 14

### Proposal for a directive Recital 27 a (new)

*Text proposed by the Commission*

*Amendment*

***(27a) The right to access a payment account with basic features in any Member State should be granted in accordance with Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, in particular with regard to customer due diligence procedures. A mechanism should be in place to enable consumers with no fixed address to meet the requirements of Chapter II of Directive 2005/60/EC and Member States should ensure that that mechanism is applied in a proportionate manner and is not used as an unjustified pretext for rejecting commercially less attractive consumers.***

Or. en

## Amendment 15

### Proposal for a directive Recital 27 b (new)

*Text proposed by the Commission*

*Amendment*

***(27b) In order for users of payment accounts with basic features to be serviced in an appropriate way, Member States should require providers to ensure that relevant staff are adequately trained and that potential conflicts of interest do not affect those customers negatively.***

Or. en

## Amendment 16

### Proposal for a directive Recital 28

#### *Text proposed by the Commission*

(28) Member States should ***ensure that at least one*** payment ***service provider offers*** a payment account with basic features to consumers. Access should not be overly difficult and should not entail excessive costs for consumers. ***In this respect, Member States should consider factors such as the location of the designated payment service providers in their territory.*** In order to minimise the risk for consumers to become financially excluded, Member States should improve financial education, including at school, and combat over-indebtedness. Furthermore, Member States should promote initiatives of payment service providers in order to facilitate the combination of providing payment accounts with basic features and financial education.

#### *Amendment*

(28) Member States should ***oblige payment service providers which provide payment accounts as an integral part of their regular business to offer*** a payment account with basic features to consumers. Access should not be overly difficult and should not entail excessive costs for consumers. ***Therefore, any exemptions should be based on objective and restrictive criteria and should not undermine the right of access for consumers.*** In order to minimise the risk for consumers to become financially excluded, Member States should improve financial education, including at school, and combat over-indebtedness. Furthermore, Member States should promote initiatives of payment service providers in order to facilitate the combination of providing payment accounts with basic features and financial education.

Or. en

## Amendment 17

### Proposal for a directive Recital 29

#### *Text proposed by the Commission*

(29) To exercise their right to access a basic payment account, consumers should not already hold a payment account in the same territory. When it is not possible to use electronic systems to establish whether or not a consumer already holds a payment account, payment service providers should accept a declaration by consumers as a

#### *Amendment*

(29) To exercise their right to access a basic payment account, consumers should not already hold a payment account in the same territory ***or should be required to close a regular payment account in order to convert or shift to payment account with basic features.*** When it is not possible to use electronic systems ***which are***

reliable means of verifying that they do not already hold a payment account.

***sufficiently transparent, reliable and fast in order*** to establish whether or not a consumer already holds a payment account, payment service providers should accept a declaration by consumers as a reliable means of verifying that they do not already hold a payment account.

Or. en

## Amendment 18

### Proposal for a directive Recital 30

#### *Text proposed by the Commission*

(30) Consumers should be guaranteed access to a range of basic payment services, for which a minimum number of operations shall be determined by Member States in a way that should take into account both the needs of the consumers and the commercial practices in the Member State concerned. Beyond this list of minimum services, banks may apply their regular fees. Services linked to basic payment accounts should include the facility to ***deposit*** and withdraw money. Consumers should be able to undertake essential payment transactions such as receiving income or benefits, paying bills or taxes and purchasing goods and services, including via direct debit, credit transfer and the use of a payment card. Such services should allow the purchase of goods and services online and should give consumers the opportunity to initiate payment orders via the payment service provider's online banking facility, where available. However, a payment account with basic features should not be restricted to online usage as this would create an obstacle for consumers without internet access. Consumers should not be given access to an overdraft facility with a payment account with basic features.

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#### *Amendment*

(30) Consumers should be guaranteed access to a range of basic payment services, for which a minimum number of operations shall be determined by Member States in a way that should take into account both the needs of the consumers and the commercial practices in the Member State concerned. Beyond this list of minimum services, banks may apply their regular fees. Services linked to basic payment accounts should include the facility to ***place*** and withdraw money ***via the different channels available***. Consumers should be able to undertake essential payment transactions such as receiving income or benefits, paying bills or taxes and purchasing goods and services, including via direct debit, credit transfer ***including standing orders*** and the use of a payment card. Such services should allow the purchase of goods and services online and should give consumers the opportunity to initiate payment orders via the payment service provider's online banking facility, where available. However, a payment account with basic features should not be restricted to online usage as this would create an obstacle for consumers without internet access. Consumers should not be given access to

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However, Member States may allow payment services providers to offer buffering facilities for very small amounts in relation to payment accounts with basic features.

an overdraft facility with a payment account with basic features. However, Member States may allow payment services providers to offer buffering facilities for very small amounts in relation to payment accounts with basic features ***where the charges for such funds are separately disclosed to the consumer and are at least as favourable as the provider's overdraft charges.***

Or. en

## Amendment 19

### Proposal for a directive

#### Recital 31

##### *Text proposed by the Commission*

(31) In order to ensure that basic payment accounts are available to the widest possible range of consumers, they should be offered free of charge or for a reasonable fee. Furthermore, any additional charges to the consumer for non-compliance with the terms laid down in the contract should be reasonable. Member States should establish what constitutes a reasonable ***charge*** according to national circumstances. In order to ensure consistency and efficiency in the implementation of the principle of a reasonable charge, the EBA should be tasked with issuing guidelines as regards the general criteria identified in this Directive.

##### *Amendment*

(31) In order to ensure that basic payment accounts are available to the widest possible range of consumers, they should be offered free of charge or for a reasonable fee. Furthermore, any additional charges to the consumer for non-compliance with the terms laid down in the contract should be reasonable ***and in accordance with the usual pricing policy of the provider.*** Member States should establish what constitutes a reasonable ***upper limit for the total annual fees*** according to national circumstances. In order to ensure consistency and efficiency in the implementation of the principle of a reasonable charge, the EBA should be tasked with issuing guidelines as regards the general criteria identified in this Directive.

Or. en

## Amendment 20

### Proposal for a directive Recital 33

*Text proposed by the Commission*

(33) ***Clear and comprehensible information on the right to a bank account*** with basic features should be ***provided by Member States and payment service providers to consumers. The information*** should cover the main features and conditions for using the account and also the steps consumers should follow to exercise their right to open a payment account with basic features. Notably, consumers should be informed that the purchase of additional services is not compulsory in order to access a payment account with basic features.

*Amendment*

(33) ***Member States should ensure that the public is made aware about the availability of payment accounts*** with basic features. ***The communication measures*** should be ***well-targeted, addressing the particular needs and concerns of unbanked, vulnerable and mobile consumers and*** should cover the main features and conditions for using the account and also the steps consumers should follow to exercise their right to open a payment account with basic features. Notably, consumers should be informed that the purchase of additional services is not compulsory in order to access a payment account with basic features.

Or. en

## Amendment 21

### Proposal for a directive Recital 34

*Text proposed by the Commission*

(34) Member States should designate competent authorities that are empowered to ensure enforcement of this Directive and that are granted investigation and enforcement powers. Designated competent authorities ***shall*** have adequate resources for the performance of their duties. Member States should be able to designate different competent authorities in order to enforce the wide ranging obligations laid down in this Directive.

*Amendment*

(34) Member States should designate competent authorities that are empowered to ensure enforcement of this Directive and that are granted investigation and enforcement powers. Designated competent authorities ***should be independent from payment service providers and should*** have adequate resources for the performance of their duties. Member States should be able to designate different competent authorities in order to enforce the wide ranging obligations laid down in this Directive.

**Amendment 22****Proposal for a directive****Recital 35***Text proposed by the Commission*

(35) Consumers should have access to effective and efficient out-of-court redress procedures for the settlement of disputes arising out of rights and obligations established under this Directive. Such access is already ensured by Directive 2013/.../EU insofar as relevant contractual disputes are concerned. However, consumers should also have access to out-of-court redress procedures in the event of -pre-contractual disputes concerning rights and obligations established by this Directive, e.g. when they are denied access to a payment account with basic features. Compliance with the provisions laid down in this Directive requires the processing of consumers' personal data. Such processing is governed by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>17</sup>. The present Directive should therefore comply with the rules established in Directive 95/46/EC and the national laws implementing them.

*Amendment*

(35) Consumers should have access to effective and efficient out-of-court ***complaint and*** redress procedures for the settlement of disputes arising out of rights and obligations established under this Directive. ***Access to alternative dispute resolution procedures should be easy and the competent bodies should fulfil a number of criteria such as equal representation of providers and users.*** Such access is already ensured by Directive 2013/.../EU insofar as relevant contractual disputes are concerned. However, consumers should also have access to out-of-court redress procedures in the event of -pre-contractual disputes concerning rights and obligations established by this Directive, e.g. when they are denied access to a payment account with basic features. Compliance with the provisions laid down in this Directive requires the processing of consumers' personal data. Such processing is governed by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The present Directive should therefore comply with the rules established in Directive 95/46/EC and the national laws implementing them.

## Amendment 23

### Proposal for a directive Recital 35 a (new)

*Text proposed by the Commission*

*Amendment*

***(35a) In order to ensure the effective application of this Directive, competent authorities should lay down specific rules on effective and dissuasive penalties taking into account guidelines issued by EBA on the types and levels of penalties . Any penalty or other measure imposed by competent authorities for a breach of national provisions transposing this Directive should be published without undue delay.***

Or. en

## Amendment 24

### Proposal for a directive Recital 36

*Text proposed by the Commission*

*Amendment*

(36) In order to attain the objectives set out in this Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of identifying the standardised terminology at EU level for payment services common to a number of Member States and the related definitions for these terms

(36) In order to attain the objectives set out in this Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of identifying the standardised terminology at EU level for payment services common to a number of Member States and the related definitions for these terms. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

Or. en

## Amendment 25

### Proposal for a directive

#### Recital 38

*Text proposed by the Commission*

(38) Within three years from entry into force of this Directive **and every two years thereafter**, Member States should obtain reliable annual statistics on the functioning of the measures introduced by the present Directive. They should use any relevant sources of information and communicate that information to the Commission.

*Amendment*

(38) **On an annual basis and for the first time** within three years from entry into force of this Directive, Member States should obtain reliable annual statistics on the functioning of the measures introduced by the present Directive. They should use any relevant sources of information and communicate that information to the Commission. **The Commission should provide an annual report on the basis of the information received.**

Or. en

## Amendment 26

### Proposal for a directive

#### Recital 39

*Text proposed by the Commission*

(39) A review of this Directive should be carried out **five** years after its entry into force in order to take account of market developments, such as the emergence of new types of payment accounts and payment services, as well as developments in other areas of Union law and the experiences of Member States. The review should assess whether the measures introduced have improved consumer understanding of payment account fees, the comparability of payment accounts and the ease of switching accounts. It should also determine how many **basic** payment accounts have been opened including by previously unbanked consumers. It should

*Amendment*

(39) A review of this Directive should be carried out **four** years after its entry into force in order to take account of market developments, such as the emergence of new types of payment accounts and payment services, as well as developments in other areas of Union law and the experiences of Member States. **It should also include an assessment of the integration of retail banking within the Union and on the provision of high-quality services to payment account costumers.** The review should assess whether the measures introduced have improved consumer understanding of payment account fees, the comparability of

also assess whether extended deadlines for payment service providers performing **cross-border switching** are to be maintained for a longer period. Also, it should assess whether the provisions on the information to be provided by payment service providers when offering packaged products are sufficient or whether additional measures are needed. The Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative proposals.

payment accounts and the ease of switching accounts. It should also determine how many payment accounts **with basic features** have been opened including by previously unbanked consumers. **The review should include a detailed roadmap for the introduction of full Union-wide portability of payment account numbers.** It should also assess whether extended deadlines for payment service providers performing **switching from or to accounts outside SEPA** are to be maintained for a longer period. Also, it should assess whether the provisions on the information to be provided by payment service providers when offering packaged products are sufficient or whether additional measures are needed. The Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative proposals.

Or. en

## Amendment 27

### Proposal for a directive Article 2 – paragraph 1 – point k

*Text proposed by the Commission*

(k) ‘fees’ means the charges, **if any**, payable by the consumer to the payment service provider for the provision of payment services or **for transactions operated on** a payment account;

*Amendment*

(k) ‘fees’ means the charges **and penalties** payable by the consumer to the payment service provider for the provision of payment services or **other services relating to the operation of** a payment account;

Or. en

## Amendment 28

### Proposal for a directive Article 2 – paragraph 1 – point n

*Text proposed by the Commission*

(n) 'direct debit' means a payment service debiting a payer's payment account, where a payment transaction is initiated by the payee with the payer's consent;

*Amendment*

(n) 'direct debit' means a payment service debiting a payer's payment account, where a payment transaction is initiated by the payee with the payer's consent ***given to the payee, to the payee's payment service provider or to the payer's own service provider***;

Or. en

**Amendment 29**

**Proposal for a directive  
Article 3 – title**

*Text proposed by the Commission*

***List of the most representative payment services subject to a fee at national level and standardised terminology***

*Amendment*

***Standardised terminology linked to payment accounts***

Or. en

**Amendment 30**

**Proposal for a directive  
Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that the competent authorities referred to in Article 20, determine a provisional list of ***at least 20*** payment services accounting for at least ***80%*** of the ***most representative payment services*** subject to a fee at national level. ***The list*** shall contain terms and definitions for each of the services identified.

*Amendment*

1. Member States shall ensure that the competent authorities referred to in Article 20, determine a provisional list of ***the most representative payment services subject to a fee at national level. The list shall cover the higher of 25*** payment services ***or the services*** accounting for at least ***90%*** of the ***volume of such*** services subject to a fee at national level. ***It shall*** contain terms and definitions for each of the services identified.

## Amendment 31

### Proposal for a directive

#### Article 3 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

The EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities.

##### *Amendment*

The EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities ***with regard to the application of the criteria listed in the first subparagraph and the relative weight of those criteria for the purposes of paragraph 1.***

Or. en

## Amendment 32

### Proposal for a directive

#### Article 3 – paragraph 4

##### *Text proposed by the Commission*

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 24, ***concerning the*** setting out, on the basis of the provisional lists submitted pursuant to paragraph 3, of an EU standardised terminology for those payment services that are common to at least a majority of Member States. The EU standardised terminology ***will*** include common terms and definitions for the common services.

##### *Amendment*

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 24, setting out, on the basis of the provisional lists submitted pursuant to paragraph 3, of an EU standardised terminology for those payment services that are common to at least a majority of Member States. The EU standardised terminology ***shall*** include common terms and definitions for the common services.

Or. en

### Amendment 33

#### Proposal for a directive Article 3 – paragraph 5

##### *Text proposed by the Commission*

5. After the publication in the Official Journal of the European Union of the delegated acts referred to in paragraph 4, each Member State shall without delay integrate the EU standardised terminology adopted pursuant to paragraph 4 into the provisional list referred to in paragraph 1 and shall publish ***this list***.

##### *Amendment*

5. After the publication in the Official Journal of the European Union of the delegated acts referred to in paragraph 4, each Member State shall without delay integrate, ***where applicable***, the EU standardised terminology adopted pursuant to paragraph 4 into the provisional list referred to in paragraph 1 and shall publish ***a complete list of the most representative payment services subject to a fee at national level***.

Or. en

### Amendment 34

#### Proposal for a directive Article 4 – paragraph 1

##### *Text proposed by the Commission*

1. Member States shall ensure that before entering into a contract for a payment account with a consumer, payment service providers provide the consumer with a fee information document containing the list of the most representative services referred to in paragraph 5 of Article 3 and the corresponding fees for each service.

##### *Amendment*

1. Member States shall ensure that before entering into a contract for a payment account with a consumer, payment service providers provide the consumer with a fee information document containing the list of the most representative services referred to in paragraph 5 of Article 3 and the corresponding fees for each service ***and any other fees relating to the provision of the payment account***.

Or. en

### Amendment 35

#### Proposal for a directive Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that payment service providers do not levy any fees or charges not listed in the fee information document.***

Or. en

### **Amendment 36**

#### **Proposal for a directive Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where one or more payment services ***referred to in paragraph 1*** is offered as part of a package of ***financial*** services, the fee information document shall disclose ***which of the services referred to in paragraph 1 are*** included in the package, ***the fee for the entire package*** and the fee for any service that is not ***referred to in paragraph 1***.

2. Where one or more payment services is offered as part of a package of ***payment*** services, the fee information document shall disclose ***the fee for the entire package, the services*** included in the package ***and their number***, and the fee for any service that is not ***included in the package***.

Or. en

### **Amendment 37**

#### **Proposal for a directive Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The fee information document shall include the relevant services from the complete list of the most representative services referred to in Article 3(5), the corresponding fees for each service.***

***It should also indicate whether a deposit guarantee scheme is applicable to the account and at least two independent***

*assessments of the payment service provider's credit worthiness, where available.*

Or. en

#### **Amendment 38**

##### **Proposal for a directive Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Member States shall ensure that payment service providers make available to consumers a glossary of at least the list of payment services referred to in paragraph 1 and the related definitions.***

***deleted***

Or. en

#### **Amendment 39**

##### **Proposal for a directive Article 4 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. Member States shall establish an obligation for payment service providers to ensure that the glossary is drafted in clear, unambiguous and non-technical language.***

***5. Member States shall establish an obligation for payment service providers to develop a glossary of the terms used in relation to payment services offered on payment accounts.***

Or. en

#### **Amendment 40**

##### **Proposal for a directive Article 4 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The glossary shall contain:**

**(a) the complete list of the most representative services referred to in Article 3(5), using the Union standardised terminology and the related definitions;**

**(b) explanations of any additional payment services offered by the payment service provider in relation to payment accounts not covered under point (a), having regard to the functioning of the accounts;**

**Member States shall ensure that the glossary provided pursuant to the first subparagraph is drafted in clear, unambiguous and non-technical language and that it is not misleading.**

Or. en

#### **Amendment 41**

##### **Proposal for a directive Article 4 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. The fee information document and the glossary shall be made available free of charge **at all times** by payment service providers on a durable medium at premises accessible to consumers and shall be made available in electronic form on their websites.

6. The fee information document and the glossary shall be made available free of charge by payment service providers on a durable medium at **all** premises accessible to consumers and shall be made available **at all times** in electronic form on their websites.

Or. en

#### **Amendment 42**

##### **Proposal for a directive Article 4 – paragraph 7**

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*Text proposed by the Commission*

7. The Commission shall be empowered to adopt implementing acts pursuant to Article 26 to define **the** format of the fee information document, its common symbol and the order in which the services referred to in paragraph 5 of Article 3 shall be presented in the fee information document.

*Amendment*

7. The Commission shall be empowered to adopt implementing acts pursuant to Article 26 to define **a standardised presentation** format of the fee information document, its common symbol and the order in which the services **included in the complete list** referred to in paragraph 5 of Article 3 shall be presented in the fee information document **after a consumer testing has been conducted in order to ensure that the fee information document is consumer-friendly**.

Or. en

**Amendment 43**

**Proposal for a directive  
Article 5 – title**

*Text proposed by the Commission*

***Statement of fees***

*Amendment*

***Personal account statement***

Or. en

**Amendment 44**

**Proposal for a directive  
Article 5 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that payment service providers provide **the consumer** with a statement **of all fees incurred** on their payment account **at least annually**.

*Amendment*

1. Member States shall ensure that payment service providers provide **consumers, free of charge**, with a statement on their payment account **on a monthly and annual basis**.

Or. en

## Amendment 45

### Proposal for a directive Article 5 – paragraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) where applicable, the interest rates applied to the account;***

Or. en

## Amendment 46

### Proposal for a directive Article 5 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) the total amount of fees incurred for each service provided during the relevant period;

(b) the total amount of fees incurred for each ***payment*** service ***or other services relating to the operation of the account*** provided during the relevant period;

Or. en

## Amendment 47

### Proposal for a directive Article 5 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) the average balance and the total amount of interest earned during the relevant period;***

Or. en

## Amendment 48

### Proposal for a directive Article 5 – paragraph 2 – point c b (new)

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*Text proposed by the Commission*

*Amendment*

***(cb) the number of days the account was overdrawn and the total amount of interest paid or charges relating to the overdraft during the relevant period;***

Or. en

#### **Amendment 49**

**Proposal for a directive  
Article 5 – paragraph 2 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) ex ante and ex post notices of changes to fees or interest rates applied to the account;***

Or. en

#### **Amendment 50**

**Proposal for a directive  
Article 5 – paragraph 2 – point c d (new)**

*Text proposed by the Commission*

*Amendment*

***(cd) where applicable, pre-notifications of fees to be charged in the following period and of fees that will be charged unless the consumer takes necessary steps to avoid them.***

Or. en

#### **Amendment 51**

**Proposal for a directive  
Article 5 – paragraph 3**

*Text proposed by the Commission*

3. The title '**statement of fees**' shall prominently appear at the top of the first page of the statement next to a common symbol to distinguish the document from other documentation.

*Amendment*

3. The title '**personal account statement**' shall prominently appear at the top of the first page of the statement next to a common symbol to distinguish the document from other documentation.

Or. en

**Amendment 52**

**Proposal for a directive  
Article 5 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall be empowered to adopt implementing acts pursuant to Article 26 to define the format of the **statement of fees**, its common symbol and the order in which the services referred to in paragraph 5 of Article 3 shall be presented in the statement **of fees**.

*Amendment*

4. The Commission shall be empowered to adopt implementing acts pursuant to Article 26 to define the format of the **personal account statement**, its common symbol and the order in which the services **included in the complete list** referred to in paragraph 5 of Article 3 shall be presented in the **personal account** statement.  
**Consumer testing of the personal account statement and the glossary shall be conducted in all Member States before their implementation in order to ensure that they are consumer-friendly.**

Or. en

**Amendment 53**

**Proposal for a directive  
Article 6 – title**

*Text proposed by the Commission*

**Contractual and commercial information**

*Amendment*

**Communications using standardised terminology**

Or. en

## Amendment 54

### Proposal for a directive Article 6 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that in ***their*** contractual and ***commercial information***, payment service providers use, where ***relevant, the terms and definitions*** contained in the list of the most representative payment services referred to in Article 3, paragraph 5.

*Amendment*

1. Member States shall ensure that in ***all communications to consumers, including*** contractual and ***marketing communications***, payment service providers use, where ***applicable, the Union standardised terminology*** contained in the ***complete*** list of the most representative payment services referred to in Article 3, paragraph 5.

Or. en

## Amendment 55

### Proposal for a directive Article 6 – paragraph 2

*Text proposed by the Commission*

2. Payment service providers may use brand names ***to designate their*** services in their contractual and ***commercial information, subject to the condition*** that they identify, where ***relevant***, the corresponding term in the list referred to in Article 3, paragraph 5. Payment service providers ***shall not use*** brand names in the fee information document or the statement of fees.

*Amendment*

2. Payment service providers may use brand names ***designating specific payment services or payment accounts*** in their contractual and ***marketing communications to clients, provided*** that they ***clearly*** identify, where ***applicable***, the corresponding term ***using the Union standardised terminology as integrated*** in the ***complete*** list referred to in Article 3, paragraph 5. Payment service providers ***may use such*** brand names in the fee information document or the statement of fees ***provided that this is in addition to the standardised terminology and as a secondary designation of the services or account offered.***

Or. en

## Amendment 56

### Proposal for a directive Article 7 – title

*Text proposed by the Commission*

Comparison websites

*Amendment*

Comparison websites *at national level*

Or. en

## Amendment 57

### Proposal for a directive Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 7 a*

*Union portal for comparison websites*

*1. Member States shall notify the Commission and EBA of the comparison websites operating in accordance to Article 7(1) and (2).*

*2. The Commission, in cooperation with EBA, shall establish a publicly accessible Union portal for comparison websites at national level. In order to complement that information, the Union portal shall provide to consumers a glossary containing the Union standardised terminology adopted in accordance with Article 3(4) and practical guidelines about cross-border switching of payment accounts.*

Or. en

## Amendment 58

### Proposal for a directive Article 7 – paragraph 1

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*Text proposed by the Commission*

1. Member States shall ensure that consumers have access to at least one website **comparing** fees charged by payment service providers for services offered on payment accounts at national level in accordance with paragraphs 2 and 3.

*Amendment*

1. Member States shall ensure that consumers have access to at least one **independent and publicly accessible** website **operated by or on behalf of a competent authority or any other competent public authority, which compares interest paid or charged on the account balance and** fees charged by payment service providers for services offered on payment accounts at national level in accordance with paragraphs 2 and 3. **Additionally, the comparison website shall provide consumers with information on Union standardised terminology, access to payment accounts including to payment accounts with basic features and on switching procedures available at Union and national level.**

Or. en

**Amendment 59**

**Proposal for a directive**

**Article 7 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Member States shall establish a voluntary accreditation scheme for websites comparing fees charged by payment service providers for services offered on payment accounts operated by private operators. In order to be granted accreditation, comparison websites operated by private operators shall:

*Amendment*

2. **In addition,** Member States shall establish a voluntary accreditation scheme for websites comparing **interest paid or charged on the account balance and** fees charged by payment service providers for services offered on payment accounts operated by private operators. In order to be granted accreditation, comparison websites operated by private operators shall:

Or. en

## **Amendment 60**

### **Proposal for a directive**

#### **Article 7 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) have systems in place to avoid and manage conflicts of interest between the comparing website operator and payment service providers in order to ensure that any direct or indirect ownership, control or commercial relationship between payment service providers and website operators does not impede compliance with points (ab), (ac), (ad) and (d);***

Or. en

## **Amendment 61**

### **Proposal for a directive**

#### **Article 7 – paragraph 2 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(ab) clearly disclose their owners and funding;***

Or. en

## **Amendment 62**

### **Proposal for a directive**

#### **Article 7 – paragraph 2 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

***(ac) clearly set out criteria used to determine a recommended payment account to a payment service user;***

Or. en

## Amendment 63

### Proposal for a directive

#### Article 7 – paragraph 2 – point a d (new)

*Text proposed by the Commission*

*Amendment*

***(ad) be impartial insofar as advertisements from payment service providers, their agents, affiliates or brands shall not be displayed on the home page or on the price comparison pages;***

Or. en

## Amendment 64

### Proposal for a directive

#### Article 7 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) use plain language and, ***where relevant, the terms*** referred to in Article 3, paragraph 5;

(b) use plain ***and unambiguous*** language and, ***as applicable, the Union standardised terminology*** referred to in Article 3, paragraph 5;

Or. en

## Amendment 65

### Proposal for a directive

#### Article 7 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

(c) provide ***up-to-date*** information;

(c) provide ***accurate and updated*** information ***and state the time of the last update;***

Or. en

## Amendment 66

### Proposal for a directive

#### Article 7 – paragraph 2 – point d

*Text proposed by the Commission*

(d) provide *a sufficiently broad overview of the payment accounts* market;

*Amendment*

(d) provide *users with objective and exhaustive results taking full account of any search criteria selected by users and, where the presented information is not a complete overview of the market, a clear statement to that effect before displaying results*;

Or. en

## Amendment 67

### Proposal for a directive

#### Article 7 – paragraph 3

*Text proposed by the Commission*

*3. Where no website is accredited pursuant to paragraph 2, Member States shall ensure that a website operated by the competent authority referred to in Article 20 or any other competent public authority is established. Where a website has been accredited pursuant to paragraph 2, Member States may decide to establish an additional website operated by the competent authority referred to in Article 20 or any other competent public authority. Websites operated by a competent authority pursuant to paragraph 1 shall comply with paragraphs 2 (a) to (e).*

*Amendment*

*3. Websites operated by or on behalf of a competent authority or any other competent public authority pursuant to paragraph 1 shall comply with paragraphs 2 (a) to (e).*

Or. en

## Amendment 68

### Proposal for a directive

#### Article 7 – paragraph 3 a (new)

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*Text proposed by the Commission*

*Amendment*

**3a. EBA shall prepare draft regulatory technical standards to further develop and specify the criteria for accreditation of comparison websites set out in Article 7(2).**

**EBA shall submit those draft regulatory technical standards to the Commission by ....**

**Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.**

Or. en

## **Amendment 69**

### **Proposal for a directive Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States shall **retain the right to** refuse or withdraw accreditation from private operators in the event of **a** failure to comply with the obligations in paragraph 2.

4. Member States shall refuse or withdraw accreditation from private operators in the event of **recurrent or persistent** failure to comply with the obligations in paragraph 2.

Or. en

## **Amendment 70**

### **Proposal for a directive Article 7 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Member States shall ensure that consumers are informed about the availability of websites referred to in paragraph 1 and about accredited**

*websites in accordance with paragraph 2. Competent authorities shall make available adequate information including, where applicable, the maintenance of a publicly accessible register of accredited comparison websites at national level.*

Or. en

## Amendment 71

### Proposal for a directive Article 8 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that when a payment account is offered together with another service or product as part of a package, the payment service provider informs the consumer of whether it is possible to buy the payment account separately and provides separate information regarding the costs and fees associated with each of the products and services offered in the package.

#### *Amendment*

1. ***Without prejudice to Article 4(2)*** Member States shall ensure that when a payment account is offered together with another service or product as part of a package the payment service provider informs the consumer of whether it is possible to buy the payment account separately; and ***if so*** provides separate information regarding the costs and fees associated with each of the ***other*** products and services offered in the package.

Or. en

## Amendment 72

### Proposal for a directive Article 8 – paragraph 2

#### *Text proposed by the Commission*

2. Paragraph 1 does not apply when only payment services as defined in Article 4(3) of Directive 2007/64/EC are offered together with a payment account.

#### *Amendment*

2. Paragraph 1 does not apply when only payment services as defined in Article 4(3) of Directive 2007/64/EC ***or in point 1 of Annex I to Directive 2013/36/EU [CRD IV]*** are offered together with a payment account.

Or. en

## Amendment 73

### Proposal for a directive Article 10 – paragraph 2

*Text proposed by the Commission*

2. The switching service shall be initiated by the receiving payment service provider. The receiving payment service provider shall **request** written authorisation from the consumer to perform the switching service. The authorisation shall allow the consumer to provide specific consent to the transferring payment service provider to perform each of the tasks indicated in paragraphs 3(e) and 3(f) and to provide specific consent to the receiving payment service provider to perform each of the tasks indicated in paragraphs 4(c), 4(d) and 5. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in paragraphs 3(a) and 3(b). The authorisation shall also specify the date from which recurrent payments are to be operated from the account opened with the receiving payment service provider.

*Amendment*

2. The switching service shall be initiated by the receiving payment service provider. **In order to do so**, the receiving payment service provider shall **obtain** written authorisation from the consumer to perform the switching service. The authorisation shall allow the consumer to provide **or withhold** specific consent to the transferring payment service provider to perform each of the tasks indicated in paragraphs 3(e) and 3(f) and to provide **or withhold** specific consent to the receiving payment service provider to perform each of the tasks indicated in paragraphs 4(c), 4(d) and 5. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in paragraphs 3(a) and 3(b). The authorisation shall also specify the date from which recurrent payments are to be operated from the account opened with the receiving payment service provider.

Or. en

## Amendment 74

### Proposal for a directive Article 10 – paragraph 3 – point c

*Text proposed by the Commission*

(c) transmit to the receiving payment service provider **any** additional information **deemed** necessary **by** the receiving payment service provider to perform the switch;

*Amendment*

(c) transmit to the receiving payment service provider **such** additional information **as is** necessary **for** the receiving payment service provider to perform the switch;

## Amendment 75

### Proposal for a directive Article 10 – paragraph 3 – point d

*Text proposed by the Commission*

(d) where the transferring payment service provider does not provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel standing orders and stop accepting direct debits on the date specified in the authorisation;

*Amendment*

(d) where the transferring payment service provider does not **yet** provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel standing orders and stop accepting direct debits on the date specified in the authorisation;

Or. en

## Amendment 76

### Proposal for a directive Article 10 – paragraph 4 – point a

*Text proposed by the Commission*

(a) set up within seven **calendar** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

*Amendment*

(a) set up within seven **business** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;

Or. en

## Amendment 77

### Proposal for a directive Article 10 – paragraph 4 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) where applicable, inform consumers of their rights in relation to SEPA direct***

*debits provided for by Article 5(3)(d) of Regulation 260/2012/EC;*

Or. en

## **Amendment 78**

### **Proposal for a directive Article 10 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. The payment service provider shall not be required to close the payment account in accordance with point (d) of paragraph 6 where the consumer has outstanding obligations to the payment service provider. The payment service provider shall immediately inform the consumer where such outstanding obligations prevent his payment account from being closed.***

Or. en

## **Amendment 79**

### **Proposal for a directive Article 10 – paragraph 6 – point a**

*Text proposed by the Commission*

*Amendment*

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **calendar** days of receiving the request;

(a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **business** days of receiving the request;

Or. en

## **Amendment 80**

### **Proposal for a directive Article 10 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) where the transferring payment service provider does not provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel any standing orders and stop accepting direct debits on the payment account on the date requested by the receiving payment service provider;

*Amendment*

(b) where the transferring payment service provider does not **yet** provide a system for automated redirection of the standing orders and direct debits to the account held by the consumer with the receiving payment service provider, cancel any standing orders and stop accepting direct debits on the payment account on the date requested by the receiving payment service provider;

Or. en

**Amendment 81**

**Proposal for a directive  
Article 10 – paragraph 6 – point c**

*Text proposed by the Commission*

(c) transfer **the** remaining positive balance from the payment account to the account held with the receiving payment service provider;

*Amendment*

(c) transfer **any** remaining positive balance from the payment account to the account held with the receiving payment service provider;

Or. en

**Amendment 82**

**Proposal for a directive  
Article 10 – paragraph 9**

*Text proposed by the Commission*

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled. The present provision shall be subject to review pursuant to Article 27.

*Amendment*

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled ***except in relation to transactions falling within the scope of Article 1 of Regulation (EU) No 260/2012 [SEPA]***. The present provision shall be subject to review pursuant to Article 27.

Or. en

## Amendment 83

### Proposal for a directive Article 11 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 11a*

##### *Automated redirection*

***1. Member States shall ensure that a facility is established to provide automated redirection of payments from one payment account to another payment account combined with automated notifications to payees or payers when their transfers are redirected.***

***2. EBA shall provide technical assistance to competent authorities in the establishment of automated redirection systems.***

Or. en

## Amendment 84

### Proposal for a directive Article 11 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Member States shall ensure that fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate and in line with the actual costs of that payment service provider.

4. Member States shall ensure that fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1 to 3, shall be appropriate and in line with the actual costs of that payment service provider. ***Member States shall ensure that such fees are applied by the transferring payment service provider only where the consumer has held the payment account for a period of less than 12 months prior to the receipt of the switching service request pursuant to***

## Amendment 85

### Proposal for a directive Article 15 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that ***at least one payment service provider in their territory offers*** a payment account with basic features ***to consumers. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely with online banking facilities.***

*Amendment*

1. Member States shall ensure that ***consumers legally resident in the Union have the right to open and use*** a payment account with basic features. ***Such a right shall apply irrespective of the consumer's place of residence. Criteria such as the consumer's level of income, employment, credit history, level of indebtedness or expected turnover shall not be taken into account for the opening of a payment account with basic features.***

## Amendment 86

### Proposal for a directive Article 15 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that a system is in place within their territory to offer a payment account with basic features to consumers.***

***Member States shall ensure that the system referred to in the first subparagraph satisfies the following conditions:***

***(a) an obligation is placed at least on payment service providers which provide payment accounts including all the services indicated in Article 16 must offer***

*and provide a payment account with basic features except in the cases referred to in paragraph 3 of this Article;*

*(b) payment accounts with basic features are not only offered by payment service providers that provide the account solely through online facilities;*

*(c) a mechanism is in place to enable consumers with no fixed address to meet the requirements of Chapter II of Directive 2005/60;*

*(d) a mechanism is in place to ensure that unbanked, vulnerable consumers as well as mobile consumers are informed about the availability of payment accounts with basic features;*

*(e) the exercise of the right referred to in paragraph 1 shall not be made excessively difficult or burdensome for the consumer.*

*(f) a mechanism is in place to enable payment providers to verify in a transparent, reliable and rapid way whether a consumer already holds a payment account with basic features in that Member State;*

*(g) the switching service provided for in Articles 10 and 11 applies where a consumer wishes to switch to a payment account with basic features from another payment account within the scope of the switching service;*

*Member States may exempt payment service providers other than those listed in point (b) from the obligation to provide a payment account with basic features where objectively justified in the light of the nature of the payment institution or the range of payment services provided by that payment service provider and where the exemption does not undermine the right of access for consumers.*

Or. en

## Amendment 87

### Proposal for a directive Article 15 – paragraph 2

*Text proposed by the Commission*

**2. Member States shall ensure that consumers legally resident in the Union have the right to open and use a payment account with basic features with the payment service provider or providers identified pursuant to paragraph 1. Such a right shall apply irrespective of the consumer's place of residence. Member States shall ensure that the exercise of the right is not made excessively difficult or burdensome for the consumer.** Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds **or does not hold** a payment account in their territory.

*Amendment*

2. Before opening the payment account with basic features, payment service providers shall verify whether the consumer holds a payment account in their territory.

Or. en

## Amendment 88

### Proposal for a directive Article 15 – paragraph 3 – point a

*Text proposed by the Commission*

(a) Where a consumer **already** holds a payment account, with a payment service provider located in their territory, which **allows** him to make use of the payment services listed in Article 17(1);

*Amendment*

(a) Where a consumer holds a payment account, with a payment service provider located in their territory, which **enables** him to make use of the payment services listed in Article 16(1);

Or. en

## Amendment 89

### Proposal for a directive Article 15 – paragraph 4

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*Text proposed by the Commission*

4. Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, unless such disclosure would be contrary to the objectives of national security **or public policy**.

*Amendment*

**4. Member States shall ensure that payment service providers process applications for access to a payment account with basic features within two calendar weeks of receiving a complete application including proof of identity.** Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer of the refusal, in writing and free of charge, **of a reason for such rejection** unless such disclosure would be contrary to the objectives of national security **and of available alternative dispute resolution mechanisms**.

Or. en

**Amendment 90**

**Proposal for a directive**

**Article 16 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall ensure that a payment account with basic features includes the following **payment** services:

*Amendment*

1. Member States shall ensure that a payment account with basic features includes the following services:

Or. en

**Amendment 91**

**Proposal for a directive**

**Article 16 – paragraph 1 – point d – point 3**

*Text proposed by the Commission*

(3) credit transfers.

*Amendment*

(3) credit transfers, **including standing orders**.

Or. en

## Amendment 92

### Proposal for a directive Article 16 – paragraph 4

*Text proposed by the Commission*

4. Member States shall ensure that the consumer is not **offeredany** overdraft facilities in conjunction with the payment account with basic features.

*Amendment*

4. Member States shall ensure that the consumer is not **offered any** overdraft facilities in conjunction with the payment account with basic features. **Member States may allow payment service providers to provide access to a very small amount of funds to provide a temporary buffer for consumers where the charges for such funds are separately disclosed to the consumer and at least as favourable as the provider's charges for overdrafts.**

Or. en

## Amendment 93

### Proposal for a directive Article 16 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 in order to update the list of services that are part of a payment account with basic features, having regard to the evolution of means of payment and technology.**

Or. en

## Amendment 94

### Proposal for a directive Article 17 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a reasonable fee.

*Amendment*

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a reasonable fee. ***Member States shall ensure that the payment account with basic features is always the payment account with the lowest fee for the provision of the minimum package of payment services specified within the Member State pursuant to Article 16(1) and (2).***

Or. en

**Amendment 95**

**Proposal for a directive  
Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Member states shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable .

*Amendment*

2. Member states shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable ***and in accordance with the usual pricing policy of the provider.***

Or. en

**Amendment 96**

**Proposal for a directive  
Article 17 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Member States shall ensure that the competent authorities establish ***what constitutes a reasonable fee*** according to one or several of the following criteria:

*Amendment*

3. Member States shall ensure that the competent authorities establish ***a reasonable upper limit for the total annual fees*** according to one or several of

the following criteria:

Or. en

### Amendment 97

#### Proposal for a directive Article 17 – paragraph 3 – point c

*Text proposed by the Commission*

*Amendment*

**(c) total costs relating to the provision of the payment account with basic features;**

**deleted**

Or. en

### Amendment 98

#### Proposal for a directive Article 18 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) there has been no transaction on the account for more than **12** consecutive months;

(b) there has been no transaction on the account for more than **24** consecutive months;

Or. en

### Amendment 99

#### Proposal for a directive Article 18 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination at least 2 months before the termination enters into force, in writing and

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination **and of alternative dispute resolution mechanisms available**, at least

free of charge.

2 months before the termination enters into force, in writing and free of charge.

Or. en

## Amendment 100

### Proposal for a directive Article 19 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that ***measures are in place to raise awareness among the public*** about ***the*** availability of payment accounts with basic features, their pricing conditions, the procedures to be followed in order to exercise the right to access payment accounts with basic features and the methods for having access to alternative resolution for the settlement of disputes.

*Amendment*

1. Member States shall ensure that ***the public is made aware*** about availability of payment accounts with basic features, their pricing conditions, the procedures to be followed in order to exercise the right to access payment accounts with basic features and the methods for having access to alternative resolution for the settlement of disputes. ***Member States shall ensure that communication measures are sufficient and well-targeted, addressing the particular needs and concerns of unbanked, vulnerable and mobile consumers.***

Or. en

## Amendment 101

### Proposal for a directive Article 20 – paragraph 2

*Text proposed by the Commission*

2. The authorities referred to in paragraph 1 shall possess all the powers necessary for the performance of their duties. Where more than one competent authority is empowered to ensure and monitor effective compliance with this Directive, Member States shall ensure that those authorities collaborate closely so that they can discharge their respective duties

*Amendment*

2. The authorities referred to in paragraph 1 shall ***be independent from payment service providers and*** possess all the powers ***and resources*** necessary for the performance of their duties. Where more than one competent authority is empowered to ensure and monitor effective compliance with this Directive, Member States shall ensure that those authorities

effectively.

collaborate closely so that they can discharge their respective duties effectively.

Or. en

## Amendment 102

### Proposal for a directive Article 21 – paragraph 1

*Text proposed by the Commission*

Member States shall ***ensure that consumers have access to effective and efficient out-of-court*** redress procedures for the settlement of disputes concerning rights and obligations established under this Directive.

*Amendment*

1. Member States shall ***establish adequate and effective out-of-court complaint and redress procedures for the settlement of disputes between consumers and payment service providers*** concerning rights and obligations established under this Directive. ***For those purposes, Member States shall designate existing bodies and, where appropriate, set up new bodies.***

Or. en

## Amendment 103

### Proposal for a directive Article 21 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

2. ***Member States shall ensure that payment service providers adhere to one or more alternative dispute resolution bodies that fulfil the following criteria:***

***(a) the limitation period for bringing the dispute before a court is suspended for the duration of the procedure for alternative dispute resolution;***

***(b) the procedure is free of charge or at moderate cost, as specified in national law;***

*(c) electronic means are not the only means by which the parties can gain access to the procedure;*

*(d) there is equal representation of providers, consumers and other users.*

Or. en

#### **Amendment 104**

##### **Proposal for a directive Article 21 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall require the bodies responsible for such out-of-court redress procedures to cooperate so that cross-border disputes can be resolved.*

Or. en

#### **Amendment 105**

##### **Proposal for a directive Article 21 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*4. Member States shall notify the Commission and EBA of the bodies referred to in paragraph 1 [six months after the entry into force of this Directive] and shall notify the Commission without delay of any subsequent change concerning those bodies.*

Or. en

#### **Amendment 106**

##### **Proposal for a directive Article 22 – title**

*Text proposed by the Commission*

Administrative measures and sanctions

*Amendment*

Administrative measures and ***application***  
***of*** sanctions

Or. en

## **Amendment 107**

**Proposal for a directive**

**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***2. When determining the type of administrative measures and the level of administrative fines, the competent authorities shall take into account:***

***(a) the gravity and duration of the breach;***

***(b) the size of profits gained or losses avoided by the responsible natural or legal person insofar as they can be determined;***

***(c) the losses for third parties caused by the breach insofar as they can be determined;***

***(d) the financial strength of the responsible payment service provider;***

***(e) previous infringements of the provisions adopted in the implementation of the Directive by the payment service provider;***

***(f) the level of cooperation of the responsible payment service provider with the competent authority.***

Or. en

## **Amendment 108**

**Proposal for a directive**

**Article 22 – paragraph 1 b (new)**

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*Text proposed by the Commission*

*Amendment*

***3. EBA shall issue guidelines addressed to competent authorities, in accordance with Article 16 of Regulation (EU) No 1093/2010, on types of administrative penalties and other administrative measures and the level of administrative fines.***

Or. en

## **Amendment 109**

**Proposal for a directive  
Article 22 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***4. Member States shall ensure that the competent authorities publish any penalty or other measure imposed for breach of the national provisions transposing this Directive without undue delay, including information on the type and nature of the infringement.***

Or. en

## **Amendment 110**

**Proposal for a directive  
Article 22 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***5. Member States shall notify the Commission of the provisions relating to penalties by [18 months after entry into force of this Directive] and of any subsequent amendment thereof.***

Or. en

## Amendment 111

### Proposal for a directive Article 24 – paragraph 5

*Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.

*Amendment*

5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or the Council.

Or. en

## Amendment 112

### Proposal for a directive Article 26 – paragraph 1 – introductory part

*Text proposed by the Commission*

***Member States shall provide the Commission with information on the following matters for the first time within 3 years from entry into force of this Directive and every 2 years thereafter:***

*Amendment*

***On an annual basis and for the first time by [3 years after entry into force of this Directive] , Member States shall provide the Commission with information on the following matters:***

Or. en

## Amendment 113

### Proposal for a directive Article 26 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Commission shall provide an annual report on the basis of the information received from Member States.***

Or. en

#### **Amendment 114**

##### **Proposal for a directive Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the number of accredited comparison websites established pursuant to Article 7;

(b) the number of accredited comparison websites established pursuant to Article 7 ***and best practices regarding to user satisfaction regarding comparison websites;***

Or. en

#### **Amendment 115**

##### **Proposal for a directive Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the number of payment accounts that have been switched, the average fee charged for switching, the number of refusals to switch.

(c) the number of payment accounts that have been switched, the average ***time taken to complete the switching process, the average total*** fee charged for switching, the number of refusals to switch, ***the most common problems encountered by consumers during the switching process.***

Or. en

## Amendment 116

### Proposal for a directive

#### Article 26 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) data on the number of unbanked consumers in the Member State.***

Or. en

## Amendment 117

### Proposal for a directive

#### Article 27 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Commission shall present to the European Parliament and the Council, within **five** years of entry into force of this Directive, a report on the application of this Directive accompanied, if appropriate, by a proposal.

1. The Commission shall present to the European Parliament and the Council, within **four** years of entry into force of this Directive, a report on the application of this Directive accompanied, if appropriate, by a proposal.

***The report shall include:***

***(a) a list of all infringement proceedings brought by the Commission for incorrect or incomplete implementation of this Directive;***

***(b) an assessment of the impact of this Directive on the harmonisation and integration of retail banking within the Union and on competition and average fee levels in Member States;***

***(c) strategies to increase Union-wide quality transparency and comparability for payment service provision including transparency on business models and investment strategies and social corporate responsibility;***

***(d) an assessment of the costs and benefits of an implementation of full Union-wide portability of payment account numbers including a roadmap with concrete steps***

- necessary for such implementation;*
- (e) an assessment of the characteristics of consumers who have opened payment accounts with basic features since the transposition of the Directive;*
- (f) examples of best practices among Member States for reducing consumer exclusion from access to payment services;*
- (g) an assessment of the charges levied for basic payment accounts, taking into account the criteria listed in Article 17(3);*
- (h) an assessment of options of establishing a Union-wide upper limit for the total annual fees relating to opening and using a payment account with basic features and ways how to adapt such a limit to national circumstances;*
- (i) an assessment of the impact of the provision of payment accounts with basic features on the market for other payment accounts offering similar services.*

Or. en

## **Amendment 118**

### **Proposal for a directive Article 28 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. By way of derogation from paragraphs 1 and 2, Member States shall adopt, publish and apply the laws, regulations and administrative provisions necessary to comply with:***

***(a) Articles 4 to 8 by [15 months after entry into force of this Directive];***

***(b) Article 11a in relation to transactions within the Member State by 1 January 2016 and in relation to transactions within the Union by 1 January 2020.***



## EXPLANATORY STATEMENT

Die Vorlage des Vorschlags für eine Richtlinie über die Vergleichbarkeit und Zahlungskontogebühren den Wechsel von Zahlungskonten und den Zugang zu Zahlungskonten mit grundlegenden Funktionen ist ein wichtiger und notwendiger Schritt für die Weiterentwicklung des europäischen Marktes für Finanzdienstleistungen für Privatkunden sowie für die wirtschaftliche Eingliederung aller in der EU lebenden Bürgerinnen und Bürger. Obgleich die vorliegende Kommissionsinitiative einen ersten Versuch unternimmt, gesetzgeberisch auf den drei Feldern zu wirken, sollte doch sichergestellt werden, dass effektive und wirkungsvolle Lösungen gefunden werden. Der Bericht soll die Vorschläge der Kommission daher präzisieren und in Teilen ergänzen.

### **Einordnung und Bedeutung der Kommissionsinitiative**

Der europäische Binnenmarkt befindet sich in einem Prozess zunehmender Verflechtung und Modernisierung. Im Zuge der Krise sowie der Aufnahme weiterer Mitglieder der Union wird die Binnenmigration von Arbeitnehmern, Studenten und Auszubildenden auf nahe Sicht wahrscheinlich weiter zunehmen. Gleichzeitig nimmt die Rolle von Bargeld als Gut, das von den Zentralbanken den Nutzern öffentlich und kostenfrei zur Verfügung gestellt wird, stetig ab. Verbraucher tätigen größere Einkäufe heute in den meisten Mitgliedsländern elektronisch. Im Zuge der Bekämpfung der Schattenwirtschaft und des Steuerbetrugs haben einige Mitgliedsländer zudem Regeln eingeführt, die die Möglichkeit von Bargeldtransaktionen deutlich einschränken.

In dieser Situation ist es von gesellschaftlichem und volkswirtschaftlichem Interesse, allen Bürgern Zugang zu modernen Zahlungsdienstleistungen zu garantieren, die hohen Qualitätsstandards genügen und preislich wettbewerbsfähig sind. Die Europäische Union sollte es, auch angesichts der Erfahrungen der Krise, als eine Priorität von langfristigen Interesse ansehen, das Ansehen und Vertrauen der Verbraucher in den europäischen Finanzsektor wiederherzustellen. Verbesserte Transparenz über Kontogebühren für Bankkunden ist ein wichtiges Element in diesem Sinne.

Verbesserte Möglichkeiten zum Kontowechsel können Bankkunden endlich in die Lage versetzen, starre und weitgehend wettbewerbsfreie Märkte aufzubrechen, und im Sinne der Bedürfnisse der Verbraucher weiterzuentwickeln. Rechtssichere Verfahren zum grenzüberschreitenden Kontowechsel sind darüberhinaus wichtig, um vollwertige Rechte mobiler Bürger in ihrem Ankunftsland zu garantieren. Eine Zunahme grenzüberschreitenden Kontowechsels sollte darüber hinaus aber auch dazu beitragen, qualitativ und preislich attraktive Zahlungsdienstleistungs-Angebote in allen Mitgliedsländern durchzusetzen.

Die Vorlage der Initiative der EU-Kommission ist ebenfalls im Sinne einer guten und demokratischen Zusammenarbeit zwischen Kommission und Parlament zu begrüßen. Das EU-Parlament hat mit der Annahme des Initiativberichts zum Zugang zu grundlegenden Zahlungsdiensten die rasche Vorlage einer legislativen Initiative zur Durchsetzung des Zugangsrechts zu grundlegenden Zahlungsdiensten eingefordert. Im Sinne des EU-Parlaments ist die Vorlage des Richtlinienvorschlags zu Zahlungskonten daher zu begrüßen, obgleich die zahlreichen Verzögerungen und Blockaden der Initiative als politisch höchst schädlich einzuschätzen sind. Als Reaktion auf die Krise wären verbesserte soziale Rechte und

Garantien für Bürger und Bankkunden ein Gebot der Stunde gewesen und ein Beitrag zur sozialen Stabilisierung in den von der Krise am schlimmsten betroffenen Mitgliedsländern.

## **1. Vergleichbarkeit von Zahlungskontogebühren**

Nach dem Willen der Kommission sollen Bankkunden einen besseren Überblick über die Angebote an Zahlungskonten erhalten. Zu diesem Zweck sollen Anbieter gleiche Begriffe für gleiche Dienste verwenden. Nationale Aufsichtsbehörden und die Kommission sollen den Marktteilnehmern standardisierte Begriffe und Definitionen für die wichtigsten Zahlungsdienste an die Hand geben. Kunden sollen vor Vertragsabschluss wissen, welche Kosten auf sie mit der Auswahl eines Zahlungskontos auf sie zukommen. Zu diesem Zweck müssen Anbieter von Zahlungskonten standardisierte Aufstellungen zur Gebühreninformation und Glossare mit Definitionen der gängigen Zahlungsdienste erstellen sowie Kunden regelmäßig detailliert über angefallene Kosten für in Anspruch genommenen Dienste informieren. Zusätzlich soll in jedem Mitgliedsland wenigstens eine Vergleichswebsite bestehen, die Kostenstrukturen von Zahlungskontenanbietern vergleicht. Aufsichtsbehörden kontrollieren die Einhaltung qualitativer Mindeststandards dieser Websites oder betreiben eigenständige Vergleichswebsites.

Die Absicht des Berichtsentwurf ist es, dem Bankkunden einen ausreichenden und zufriedenstellenden Standard zu garantieren, was die Qualität der Informationen angeht, die ihm in Bezug auf das Preis-Leistungsverhältnis von Zahlungskonten zur Verfügung gestellt werden.

Zu diesem Zweck sollen Zahlungskonten-Anbieter verpflichtet werden, Verbraucher vor Vertragsabschluss über alle Gebühren zu informieren, die für im Zusammenhang mit der Nutzung des Kontos in Rechnung gestellt werden kann. Dies entspricht der Rechtspraxis in anderen Märkten, in denen die Pflicht zur Kennzeichnung von Preisen etablierte Normalität ist. Es besteht nach Ansicht des Berichterstatters kein Grund, wieso Anbieter von Zahlungskonten von der Pflicht der Offenlegung von Preisen ausgenommen werden sollten. In einigen Mitgliedsländern mit weit verbreiteter Kontolosigkeit zeigen Umfragen, dass es an grundlegendem Verbrauchervertrauen in Banken fehlt. Angesichts der Tatsache, dass Bankkunden einen beträchtlichen Teil ihres Vermögens einer Bank anvertrauen, die Gebühren, Zinsen und Strafzahlungen direkt einziehen kann, geht an voller Transparenz aus Sicht des Berichterstatters kein Weg vorbei. Insofern ist die Frage der Transparenz über Gebühren verknüpft mit der Bekämpfung von Kontolosigkeit, der Modernisierung der europäischen Volkswirtschaften und der Eindämmung der Schattenwirtschaft.

Damit angesichts einer größeren Informationsdichte die Vergleichbarkeit gewährt wird, sollten Gebühreninformationsdokumente und Persönliche Kontoaufstellungen so weit wie möglich standardisiert werden und Verbrauchertests bestehen.

Vergleichswebsites sind ein Instrument von großer Bedeutung für Bankkunden, die auf der Suche nach einem attraktiven Anbieter sind. Es ist jedoch auch hier unabdingbar, dass Verbraucher sicher sein können, dass sie zuverlässige und hochwertige Informationen erhalten. Der Vorschlag der Kommission, Websites zu kennzeichnen, die gewisse Standards erfüllen, was Unabhängigkeit und Vollständigkeit ihres Services angeht, geht daher in die richtige Richtung. Der Berichtsentwurf sieht vor, die Kriterien zur Akkreditierung zu

ergänzen. Außerdem sollten Aufsichtsbehörden in allen Mitgliedsländern ein Angebot zum Vergleich von Zahlungskonten-Angeboten in ihrem Mitgliedsland erstellen. Je breiter, zuverlässiger und innovativer das Angebot an Vergleichsinstrumenten, desto wirkungsvoller sollten die Effekte im Sinne der Bankkunden sein. Um auf die Bedürfnisse mobiler Verbraucher einzugehen, sollte außerdem ein EU-Portal über Vergleichswebsites auf nationaler Ebene informieren.

## **2. Wechsel von Zahlungskonten**

Der Markt für Zahlungskonten ist in den meisten Mitgliedsstaaten von einer sehr geringen Verbrauchermobilität gekennzeichnet. Von den Befragten einer Eurobarometer-Studie von 2012 haben lediglich 16 Prozent der Kontoinhaber angegeben, im Laufe der zurückliegenden fünf Jahre ein neues Zahlungskonto eröffnet zu haben. Der geringe Wettbewerb hat es möglich gemacht, dass Kontoführungsgebühren in einigen Ländern innerhalb der letzten Jahre teilweise deutlich angehoben wurden. Es ist davon auszugehen, dass durch Erleichterungen und Rechtssicherheiten des Verbrauchers beim Kontowechsel Preise und Angebote von Zahlungskontoanbietern stärker an den Bedürfnissen des Verbrauchers ausgerichtet würden, und dass Innovationen die Wettbewerbsfähigkeit des europäischen Bankkundengeschäfts mittelfristig stärken könnten.

Die Initiative der Kommission zielt darauf ab, klare Verantwortlichkeiten beim Wechsel von Zahlungskonten festzulegen. Das von der Kommission vorgeschlagene Verfahren orientiert sich an den bereits praktizierten EBIC-Standards für den Kontowechsel. Die Schwachstelle dieser freiwilligen Selbstverpflichtung besteht jedoch in ihrem geringen Bekanntheitsgrad und in einer ungleichmäßigen Anwendung durch Zahlungskontenanbieter. Außerdem sieht der Kommissionsvorschlag vor, auch grenzüberschreitende Kontowechsel zu vereinfachen.

Der Ansatz der Kommission ist auch hier im Grundsatz unterstützenswert und notwendig um Marktversagen auszugleichen. Angesichts der hohen Sensibilität des spezifischen Produkts eines Zahlungskontos, ist es richtig, Verbrauchern konkrete Unterstützungsleistungen und Garantien an die Hand zu geben, wenn sie ihr Konto wechseln möchten. Der Berichterstatter unterstützt deshalb das von der Kommission vorgeschlagene Verfahren einschließlich der Nutzbarmachung für grenzüberschreitende Kontowechsel innerhalb der Union. Die Mitgliedsstaaten sollten jedoch zusätzlich automatische Weiterleitungssysteme für Zahlungen anbieten, wie sie bereits in einigen Mitgliedsstaaten mit großem Erfolg genutzt werden. Die Erfahrung zeigt, dass Probleme und Verzögerungen im Zusammenhang mit Kontowechseln in der Regel aus der Versäumnis Dritter entstehen, die ihre Zahlungen nicht zügig umstellen. Die so verbleibende Unsicherheit bzw. der notwendige zeitliche Aufwand, um einen Kontowechsel vollständig abzuschließen, reduziert die Attraktivität eines Anbieterwechsels. Die Europäische Bankenaufsichtsbehörde sollte Mitgliedsstaaten dabei unterstützen, entsprechende Modelle einzurichten. Perspektivisch sollte die Einführung EU-weit portabler Kontonummern angegangen werden.

## **3. Zugang zu Zahlungskonten mit grundlegenden Funktionen**

Neueste Untersuchungen zeigen, dass die Frage des Rechtsanspruchs auf Zahlungskonten eine bislang unterschätzte Dimension aufweist. Die Initiative der Kommission hat zwei Zielgruppen im Auge. Eine Studie der Weltbank kommt zu dem Schluss, dass 56 Millionen in

der EU lebende Bürger bislang kein Konto mit grundlegenden Funktionen nutzen kann. Etwa die Hälfte dieser Gruppe wünscht sich jedoch, ein Zahlungskonto eröffnen zu können. Auch wenn das Problem der Kontollosigkeit in einigen Mitgliedsländern besonders akut auftritt, stoßen bislang in beinahe allen Mitgliedsländern Verbraucher aufgrund ihrer finanziellen Lage auf Probleme beim Zugang zu Konto, das sie sich leisten können. Neben dieser Gruppe sollen jedoch auch Bürger, die außerhalb ihres Herkunftslandes leben, von einem EU-weiten Rechtsanspruch auf ein Zahlungskonto mit grundlegenden Funktionen profitieren. 15,8 Millionen EU-Bürger nutzen derzeit ihre Freizügigkeit innerhalb der Union. Hinzu kommen 20,2 Millionen von Ländern außerhalb der Union stammende Migranten, deren Integration ohne den Rechtsanspruch auf ein Zahlungskonto behindert wird.

Ein Zahlungskonto stellt heute ein grundlegendes Gut dar, das zur Teilhabe an der Gesellschaft immer notwendiger wird. Zahlungskonten sind umso wichtiger, als Bargeldzahlungen zunehmend durch bargeldlose Zahlungsformen einschließlich elektronischer Zahlungsformen ersetzt werden. Die Tatsache, dass die Kommission den Schritt macht, einen EU-weiten Rechtsanspruch auf ein Zahlungskonto mit grundlegenden Funktionen durchzusetzen, ist ein sehr wichtiger Schritt für einen Binnenmarkt im Dienste der Bürger. Damit Bürger ihr Recht auf ein Konto tatsächlich nutzen können, muss die Vorlage der Kommission jedoch an einigen Stellen verbessert werden.

Im Sinne gleicher Wettbewerbsbedingungen im Binnenmarkt, aber auch um das Zugangsrecht von Verbrauchern in entlegenen Regionen nicht auszuhöhlen, sollten möglichst alle Anbieter von Zahlungskonten verpflichtet werden, grundlegende Zahlungskonten im Sinne der Richtlinie in ihr Angebot aufzunehmen. Ausnahmen von dieser Regel müssen restriktiv gehandhabt werden und dürfen nur aufgrund objektiver Kriterien ermöglicht werden. Weiterhin darf der Zugang zu Zahlungskonten mit grundlegenden Funktionen nicht auf Verbraucher beschränkt werden, die im jeweiligen Mitgliedsland kontolos sind. Es muss sichergestellt werden, dass Kunden von einem regulären Zahlungskonto, das ihren Anforderungen nicht genügt, zu einem Konto mit grundlegenden Funktionen wechseln können.

Ein weiterer Kernpunkt betrifft die Kosten, die Bankkunden für die Nutzung eines Basiskontos in Rechnung gestellt werden können. Solche Konten sollten entweder kostenfrei sein oder zu vernünftigen Kosten angeboten werden. Um dies sicherzustellen, sollten die zuständigen Behörden eine verbindliche Kostenobergrenze festlegen. Zahlungskonten mit grundlegenden Funktionen sollten in der Regel das günstigste verfügbare Konto von Zahlungsdiensteanbietern darstellen.