



EUROPEAN COMMISSION

Internal Market and Services DG

FINANCIAL INSTITUTIONS

Retail issues, consumer policy and payment systems

Update of 8.1.2010

WORKING DOCUMENT

**LIST OF MEMBER STATES' OPTIONS OF TRANSPOSITION
PAYMENT SERVICES DIRECTIVE TRANSPOSITION GROUP (PSDTG)**

		Member States that have transposed the option	Member States that plan to transpose the option	Member States that have not decided yet, but will probably transpose the option	Member States that have not decided yet	Member States that have not decided yet, but will probably not transpose the option	Member States that plan not to transpose the option	Member States that have not transposed the option
1	Article 2 Paragraph 3 Waiver for institutions under Article 2 of the Capital Requirements Directive	For part of the PSD: FR, IE (Credit unions exempted from Title 2) For all the PSD: UK, AT, DE	HR For part of the PSD: FI (Title II) For all the PSD: NL		ES, IT	For all the PSD: SE, EE	RO, LV, LU, PL, MT, SK	BG, PT, HU, EL, NO For all the PSD: DK, CZ, SI, LT

2	Article 7 Paragraph 3* Non application of PSD on going capital requirements when a payment institution is included in the consolidated supervision of the parent credit institution	UK, FR, DE, IE (financial regulator decision), CY (national law will allow competent authority to apply the exemption) , EL (competent authority decision)	NL, ES, PL, LV, FI, LU, NO	EE (if consolidated supervision is conducted by local authority)	BE, IT	RO, SE	MT, SK, HR	DK, BG, PT, CZ, HU, AT, LT, SI
3	Article 9 Paragraph 2 Calculation of safeguarding requirements when funds can be used for future payment transactions and for non-payment services	UK, BG, PT, CZ, FR, HU, DE, IE, SI, CY, LT	ES, PL, LV, MT, FI, LU, HR, NL, NO	RO, EE, BE	IT	SE	SK	DK, EL, AT
4	Article 9 Paragraph 3* Application of safeguarding requirements to non hybrid payment institutions	UK, BG, PT, FR, HU, AT, DE, SI, IE (financial regulator decision), CY, EL (competent authority decision), LT	NL, ES, PL, SK, MT, HR, NO	RO, SE, EE, BE (partial)	IT		LV, FI, LU	DK, CZ

5	Article 9 Paragraph 4* Application of safeguarding requirements only to funds that individually exceed EUR 600	UK (£50), DK, IE (financial regulator decision)	FI (EUR 150 + possibility to agree on EUR 600 with non-consumers), LU	RO, SE (EUR 300)	IT	PL, EE, BE	ES, LV, MT, NL, SK, HR, NO	BG, PT, CZ, FR, HU, AT, SI, DE, CY, LT, EL
6	Article 22 Paragraph 3 Option to take into account the professional secrecy rules of the Capital Requirements Directive	UK, BG, PT, CZ, FR, AT, IE, CY, SI, LT	ES, NL, PL, LV, MT, LU, NO	RO, EE, BE, SE	HR, EL, IT		FI, SK	DK, HU, DE
7	Article 26 Paragraph 1* Waiver of authorisation/supervision requirements for small payment institutions	CZ, LU (all or some), IE (financial regulator decision) For all the requirements : UK For some requirements : LT, DK, SI	NL, FI (for most requirements), NO For all the requirements: LV, SE For some requirements: PL		EE, IT	RO	ES, SK, HR, BE (but royal decree possible to use the option)	BG, PT, FR, HU, AT, DE, CY, MT, EL
8	Article 26 Paragraph 4 Limitation of the activities carried out by waived entities under Article 26	SI, IE (financial regulator decision)	LU, PL, NO	EE, NL	IT	RO, BE	ES, LV, MT, FI, SK, HR, SE	UK, DK, BG, PT, CZ, FR, HU, AT, EL, DE, LT
9	Article 30 Paragraph 2 Application of information requirements to micro enterprises in the same way as to consumers	UK, PT, CZ, HU, CY, IE	ES, SK	MT	IT, RO	BE	EE, FI, NL, PL, LV, LU, SE, HR	DE, DK, BG, FR, AT, SI, EL, NO, LT

10	Article 33 Burden of proof on the payment service provider for information requirements	DE, PT, CZ, FR, HU, CY, SI, LT	ES, RO, LV, SK, FI, IT	PL, HR, BE	EE		LU, NL, MT, SE	DK, UK, BG, AT, NO, IE, EL (already in place)
11	Article 34 Paragraph 2 (low-value/e-money payment)* Reduction or doubling of the amounts for national payment transactions	CZ Doubling: UK, AT, IE, DE (EUR 200), EL, LU	Reduction: Doubling: IT (raising), NL, FI	Reduction: RO Doubling:		PL, EE, BE ¹	ES, SK, LV, HR, SE	DK, BG (both reduction and doubling), SI (both reduction and doubling), PT, CY, FR, HU, NO, LT
12	Article 34 Paragraph 2 (low-value/e-money payment) Increase of the amounts for prepaid instruments up to EUR 500	UK, CZ, AT, EL, IE	NL, FI (EUR 500), LU		IT, BE ¹	PL, EE	ES, RO, SK, LV, HR, SE	DE, DK, BG, PT, FR, HU, SI, CY, NO, LT
13	Article 45 Paragraph 6 More favourable provisions on termination conditions for framework contracts	DK, PT, AT (partly), DE (partly), NO (requirement of reasoned reason to terminate agreement)	FI, PL, IT	RO, BE		EE	ES, LV, LU, HR, NL, SK, SE	UK, BG, CZ, FR, CY, HU, SI, IE, EL, LT
14	Article 47 Paragraph 3 Provision of information to the payer on paper once a month free of charge	PT, AT (partly) Only on request of payer: FR, SI, HU	RO Only on request of payer: NL, SE	Only on request of payer: HR	EE, BE, ES		PL, FI, LU, SK, LV, IT, NO	DE, UK, DK, BG, CY, CZ, IE, LT, EL

15	Article 48 Paragraph 3 Provision of information to the payee on paper once a month free of charge	PT, AT (partly) Only on request of payer: FR, SI, HU	RO Only on request of payer: NL, SE	Only on request of payer: HR	BE, ES	EE	PL, FI, LU, SK, LV, IT, NO	DE, UK, DK, BG, CY, CZ, IE, LT, EL
16	Article 51 Paragraph 2 Non application of out-of-court procedures to enterprises	UK, DK, FR, SI, LT	ES, FI, SE	EE	HR	PL, BE	LV, LU, NL, SK, IT	BG, DE, PT, CZ, CY, HU, AT, NO, EL
17	Article 51 Paragraph 3 Application of Title IV to micro-enterprises in the same way as to consumers	UK, PT, CZ, CY, HU	SK, SE, IT		EE	BE	ES, NL, PL, LV, FI, LU, HR	DE, DK, BG, FR, AT, SI, NO, IE, EL, LT
18	Article 52 Paragraph 3 Interdiction or limitation of surcharging practices	DK, FR Interdiction: AT, CY, LT, EL (for specific instruments), LU Limitation: BG, DE	SK, LV, IT Interdiction: RO, LT Limitation: FI	MT, PL Interdiction: HR	SE, ES	EE	NL	UK, PT, CZ, HU, SI, NO, IE, BE (but royal decree possible to use the option)
19	Article 53 Paragraph 2 (low-value/e-money payment)* Reduction or doubling of the amounts for national payment transactions	CZ Doubling: UK, AT, IE, DE (EUR 200), EL, LU	Reduction: Doubling: NL, FI, IT	Reduction: RO Doubling:	BE ¹	PL, EE, HR	ES, SE, SK, LV	DK, BG, PT, FR, SI (both reduction and doubling), NO, CY, HU, LT

20	Article 53 Paragraph 2 (low-value/e-money payment)* Increase of the amounts for prepaid instruments up to EUR 500	UK, CZ, AT (EUR 500), EL, IE	NL, FI (EUR 500), LU		IT	PL, EE, HR, BE ¹	ES, RO, SK, LV, SE	DE, DK, BG, PT, FR, HU, CY, SI, NO, LT
21	Article 53 Paragraph 3 (e-money) Option not to apply the liability provisions for unauthorised transactions when the payer's PSP does not have the ability to freeze the payment account or block the payment instrument limited to accounts or instruments of a certain value	BG, AT, SI; CY (EUR 1 000 limit), DE (EUR 200)	ES	RO, PL, BE	EE, IT		FI, LU, NL, SK, LV, SE, HR, NO	UK, DK, PT, CZ, FR, HU, IE, LT, EL
22	Article 61 Paragraph 3 Reduction of payer's liability for unauthorised use of payment instrument taking into account the nature of personalised security features of the payment instrument	DK, UK (up to £50), PT, FR, HU, AT, NO, IE (EUR 75)	ES, FI, IT, NL (competence judge under certain circumstances), SK	SE, RO, BE		MT, LI, EE	LU, PL, LV, HR	CY, BG, CZ, DE, EL, LT, SI
23	Article 72 Shorter maximum execution times for purely national payment transactions	BG, PT, CZ, HU, LT, SI	FI (until 1 Jan 2012), HR, SK	RO, BE (some)	EE		ES, LU, LV, NL, SE, IT PL,	CY, UK, DE, DK, FR, AT, IE, NO, EL
24	Article 88 Paragraph 3 Transitional provision for legal persons that have commenced their activities before 25 December 2007	UK, BG, PT, AT, DE, HU, IE (financial regulator decision), CY, EL	ES, NL, PL, FI, LU, SE, NO		FR, EE, IT	RO, BE	LV, MT, SK, HR	DK, CZ, LT, SI

25	Article 88 Paragraph 4 Transitional provision for natural or legal persons that would eligible for the waiver under Article 26	UK, DK, CZ, SI, LT, IE	NL, FI, LU, SE, EL	PL, BE (possibility to use it in the transposition act)	EE, IT	RO	ES, LV, MT, SK, HR, NO	BG, PT, FR, HU, AT, DE
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* These provisions provide for options that may be used by Member States or by competent authorities. Please provide answers only from a Member State point of view, i.e. corresponding to what will be inserted in the transposition laws.

¹ (for Belgium) The option is not carried out immediately in the transposition act itself, however the act foresees the possibility to use this option later by means of a Royal Decree.

Additional information

	Member States that have transposed the option	Member States that plan to transpose the option	Member States that have not decided yet, but will probably transpose the option	Member States that have not decided yet	Member States that have not decided yet, but will probably not transpose the option	Member States that plan not to transpose the option	Member States that have not transposed the option
Application of Titles III and IV (or some of their provisions) to one-leg transactions	DK, CZ, FR, HU (Title III), AT (most of the provisions), DE (partly: certain provisions do not apply, parties may derogate from the rest), SI, CY, LT (unless otherwise agreed between PSU and PSP except Art. 73 which is not at the disposal of the parties)	FI (most Title III, some Title IV), SK, NO	HR, EE, BE (some)	BG, ES, HU (Title IV), LI, SE, RO	MT, EL, PL	LV, LU, NL, IT	UK, PT, IE

<p>Application of Titles III and IV (or some of their provisions) to currencies other than those of Member States</p>	<p>DK (for some provisions), FR, HU (Title III), AT (most of the provisions), DE (partly: certain provisions do not apply, parties may derogate from the rest), SI, CY, LT (unless otherwise agreed between PSU and PSP)</p>	<p>FI (most Title III, some Title IV), SK, NO</p>	<p>EE</p>	<p>RO, EL, ES, IT, SE</p>	<p>PL</p>	<p>NL, LV</p>	<p>UK, PT, IE</p>
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