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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Directive of the European Parliament and of the Council on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (**First reading**)
– Adoption of the legislative act (**LA + S**)

Statement by Luxembourg

The first payment services directive (2007/64/EC) provided the legal basis for the creation of an EU-wide single market for payments and put in place a single passport for payment services providers.

The new payment services directive which repeals directive 2007/64/EC, undermines the passporting regime established by directive 2007/64/EC and the principle of home Member State supervision, and thereby reintroduces potential for market fragmentation. Such development in the area of cross-border supervision of payment institutions is in contradiction with the aim of the initial proposal which is to help developing an EU-wide market for electronic payments, and runs counter to the existing achievements in other financial services legislation. Luxembourg considers that the text does not reflect a coherent approach on cross-border supervision and on the respective balance between the powers of home and host competent authorities with regard to other financial services files.

In light of the above, Luxembourg votes against the new payment services directive.

Statement by France

France, concerned about the comprehensibility of the Payment Services Directive, specifies that the concept of card payment 'schémas' ('schemes'), used in the French version of the Directive, must be understood as relating to card payment 'systèmes' ('systems'), in accordance with the French version of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market, and with usage in the French language.
