



Council of the European Union
General Secretariat

Brussels, 17 November 2025

**Interinstitutional files:
2023/0208 (COD)**

WK 15635/2025 INIT

LIMITE

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WORKING DOCUMENT

From: General Secretariat of the Council
To: Working Party on Financial Services and the Banking Union (Digital Euro Package)
Financial Services Attachés

N° prev. doc.: WK 14241/2025

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the legal tender of euro banknotes and coins
- Member States comments on Presidency drafting suggestions (ddl 4 November 2025)

Delegations will find attached the consolidated replies by AT, DE, SI, PT, NL, LT, IT, IE, FI, EL on the Presidency drafting suggestions contained in the Presidency note (set out in doc. WK 14241/2025).

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Guidelines to be followed

Please kindly provide your contributions in the table below.

Drafting suggestions: you may use 'track changes'* or formatting (for example bold-underline for additions and ~~strike-through~~ for deletions, where necessary, in a different colour). *Track changes can only be connected once the cursor is placed in editable areas (Drafting or Comments columns).

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted**.

New provisions may only be added in any of the '**existing cells**'.

Name of document: please add the **two initials** of your delegation's country followed by a space (to the MS Word document name), followed by any optional text, for example, for Austria: **AT comments ondocx**

Thank you for your cooperation!

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p style="text-align: center;">2023/0208 (COD)</p> <p style="text-align: center;">Proposal for a</p> <p style="text-align: center;">REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p style="text-align: center;">on the legal tender of euro banknotes and coins</p> <p style="text-align: center;">THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p>	<p>SI</p> <p>(Comments from delegations):</p> <p>Our comments mainly refer to changes and addendums proposed by the DK PCY (text highlighted in grey), other changes compared to the legacy text of LTCR by European Commission were already commented on previous occasions.</p> <p>Apart from that, during the last CWP meeting Slovenia again voiced the need to also address the question of fees for basic free of charge cash services in LTCR. In this respect we also intend to soon submit a non-paper.</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
Having regard to the Treaty on the functioning of the European Union and in particular Article 133,	
Having regard to the proposal from the European Commission,	
Having regard to the opinion of the European Central Bank,	
Acting in accordance with the ordinary legislative procedure,	
Whereas:	
(1) According to Article 3(1), point (c), of the Treaty on the Functioning of the European Union (TFEU), the Union has exclusive competence as regards monetary policy for the Member States whose currency is the euro.	
(2) Pursuant to Article 128(1) of the Treaty on the Functioning of the European Union and Article 10 of Council Regulation (EC) No 974/98 ¹ the euro banknotes are to be the only banknotes which have the status of legal tender in Member States whose currency is the euro. Pursuant to Article 11 of Regulation (EC) No 974/98, euro coins shall be the only coins which have the status of legal tender in the Member States whose currency is the euro.	
(3) Commission Recommendation <u>2010/191/EU of 22 March 2010</u> on the scope and effects of legal tender of euro banknotes and coins ² provides for a common definition of legal tender of euro banknotes and coins.	PT (Comments from delegations): <i>We do not oppose to the proposed addition.</i>

¹ Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (OJ L139, 11.5.1998, p.1).

² OJ L83, 30.3.2010, p.70.

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>(4) In a judgment of 26 January 2021³, the Court of Justice of the European Union clarified that the concept of ‘legal tender’ mentioned in Article 128(1) TFEU is a concept of Union law that must be given an autonomous and uniform interpretation throughout the EU⁴. Secondly, the Court held that the concept of ‘legal tender’ of a means of payment denominated in a currency unit signifies that “that means of payment cannot generally be refused in settlement of a debt denominated in the same currency unit, at its full face value, and without surcharges for the payer, with the effect of discharging the debt”⁵. Thirdly, the Court stated that an obligation to accept euro banknotes and coins may, in principle, be restricted by the Member States whose currency is the euro for reasons of public interest and pursuant to their competences outside of the area of monetary law and policy and of other exclusive Union competences, provided those restrictions are justified by a public interest objective and proportionate to it⁶.</p>	<p>PT (Comments from delegations): <i>We do not oppose to the proposed deletion.</i></p>
<p><u>(4a) As acknowledged in the relevant case law⁷, the mandatory acceptance of euro banknotes and coins may be restricted by the Member States whose currency is the euro for reasons of public interest and pursuant to their own competences outside of the area of monetary law and policy and of other exclusive Union competences, provided those restrictions are justified by a public interest objective and proportionate to it. Such exercise of own competences in a public interest includes the organisation of the public administration by regulating, under public or</u></p>	<p>AT (Comments from delegations): This recital should also include a clarification that Member States could adopt stricter rules on the obligation of mandatory acceptance pursuant to their own competence (e.g. consumer protection law). DE (Drafting suggestions from delegations):</p>

³ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63

⁴ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, point 45

⁵ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, point 46.

⁶ ~~See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, points 67 and 68.~~

⁷ **See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, points 67 and 68.**

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>private law, the procedures for settling pecuniary obligations towards the public administration.</u></p>	<p><u>As acknowledged in the relevant case law⁸, the mandatory acceptance of euro banknotes and coins may be restricted by the Member States whose currency is the euro for reasons of public interest and pursuant to their own competences outside of the area of monetary law and policy and of other exclusive Union competences, provided those restrictions are justified by a public interest objective and proportionate to it. Such exercise of own competences in a public interest includes the organisation of the public administration by regulating, under public or private law, the procedures for settling pecuniary obligations towards the public administration (e.g. payment of taxes or payment of services performed in the public interest, such as public transport).</u></p> <p>DE (Comments from delegations):</p> <p>Explanation: We support the Recital. However, we call for further clarifications regarding the possibility for Member States to adopt and maintain already adopted national measures.</p> <p>PT (Drafting suggestions from delegations):</p> <p><u>(4a) As acknowledged in the relevant case law⁹, the mandatory acceptance of euro banknotes and coins may be, <i>in principle</i>, restricted by the Member States whose currency is the euro for reasons of public interest and pursuant to their own competences outside of the area of monetary law and policy and of other exclusive Union competences, provided those restrictions are justified by a public interest objective and proportionate to it. Such exercise of own competences in a public interest</u></p>

⁸ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, points 67 and 68.

⁹ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, points 67 and 68.

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p><u>includes the organisation of the public administration by regulating, under public or private law, the procedures for settling pecuniary obligations towards the public administration.</u></p> <p>PT (Comments from delegations): <i>We do not oppose to the proposed addition</i>, as it clarifies the reasoning of the cited case law. Nonetheless, please consider our proposed minor adjustment in this regard.</p> <p>NL (Drafting suggestions from delegations): ... Such exercise of own competences in a public interest includes the organisation of the public administration by regulating, under public or private law, the procedures for settling pecuniary obligations towards the public administration <u>(e.g. payment of taxes or payment of services performed in the public interest, such as public transport).</u></p> <p>NL (Comments from delegations): We support the German proposals to further clarify the room for national exceptions in the text, along with the given reasoning.</p> <p>FI (Comments from delegations): We support this amendment because we are inclined to think that national payment habits should taken into account in the mandatory acceptance of euro bank notes and coins. We do not think that 100% cash acceptance should be a reasonable goal of the regulation.</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>(4b) The payer and payee may agree on a means of payment different from cash. The voluntary nature, and the existence of an agreement on the use of a different means of payment should be determined in accordance with the applicable national law of contracts. Member States should regularly monitor that the use of this exception, in its overall effect, does not lead to widespread and structural refusals of cash that are undermining the general obligation of mandatory acceptance of cash across their territory. Where necessary, the Member States should take appropriate measures to ensure that the mandatory acceptance of euro banknotes and coins in their territory is upheld.</u></p>	<p>DE (Comments from delegations): We welcome the amendment regarding “general obligation”.</p> <p>SI (Comments from delegations): We do not oppose to the proposed change.</p> <p>PT (Drafting suggestions from delegations): <u>(4b) The payer and payee may agree on a means of payment different from cash. The voluntary nature, and the existence of an agreement on the use of a different means of payment should be determined in accordance with the applicable national law of contracts. Member States should regularly monitor that the use of this exception, in its overall effect, does not lead to widespread and structural refusals of cash that are undermining the general obligation principle of mandatory acceptance of cash across their territory. Where necessary, the Member States should take appropriate measures to ensure that the mandatory acceptance of euro banknotes and coins in their territory is upheld.</u></p> <p>PT (Comments from delegations): We <i>do not support</i> introducing the reference to “<i>general obligation</i>”. This solution is a new version of an old proposal that did not receive broad support from Member States, which referred to “<i>mandatory acceptance in principle</i>” rather than to the “<i>principle of mandatory acceptance</i>”.</p>

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	<p>Moreover, it is difficult to frame this proposal, as it appears to intend to introduce a new category of obligations: “<i>general obligations</i>”, being unclear its legal nature and practical implications. Similarly to what happened with the proposed reference to “<i>mandatory acceptance in principle</i>”, we remain concerned about whether the current drafting is legally consistent with the legal tender status being defined. The proposed terminology and conceptual framing may risk undermining the coherence and enforceability of the legal framework.</p> <p>Therefore, we question the rationale for reopening this issue and, if this approach is maintained, whether it remains appropriate to address the legal tender status through the proposed Regulation. In our view, the current direction of travel risks undermining the legal tender status of cash and existing practices.</p> <p>Therefore, we consider that <i>the drafting proposed by the PL Presidency should be maintained.</i></p> <p>NL (Drafting suggestions from delegations):</p> <p>(4b) The payer and payee may agree on a means of payment different from cash. The voluntary nature, and the existence of an agreement on the use of a different means of payment should be determined in accordance with the applicable national law of contracts. Member States should regularly monitor that the use of this exception, in its overall effect, does not lead to widespread and structural refusals of cash that are undermining the general obligation of</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>mandatory acceptance of cash across their territory. Where necessary, the Member States should take appropriate measures to ensure that the mandatory acceptance of euro banknotes and coins in their territory is upheld.</p> <p>NL (Comments from delegations): We recommend avoiding the term “<i>structural</i>” in this recital, as it suggests that only isolated or incidental refusals of cash may be accepted. This would narrow the scope for legitimate, predictable and context-specific exceptions that are necessary at national level and who are topic of discussion now in the WP.</p> <p>IE (Comments from delegations): IE supports all changes from ‘principle’ to ‘general obligation’ of mandatory acceptance.</p> <p>FI (Comments from delegations): We find that this addition captures the essence of “contractual freedom” between the payer and payee.</p>
<p><u>(4c) For recurring payments or advances to receive from payees within the framework of a single contractual relationship, cash is not always used. In some Member States, companies such as gas, water, electricity, telecom providers and insurance companies generally contract at a distance and receive on a monthly, quarterly or yearly basis very large numbers of payments from clients and citizens. In such cases, it should be possible for the parties to a contract to provide that these payments should not be made with cash, through written</u></p>	<p>DE (Drafting suggestions from delegations): <u>(4c) For recurring payments or advances to receive from payees within the framework of a single contractual relationship, cash is not always used. In some Member States, companies such as gas, water, electricity, telecom providers and insurance companies generally contract at a distance and receive on a monthly, quarterly or yearly</u></p>

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<p><u>contractual terms to which the payer has freely and validly agreed. This Regulation is without prejudice to such contractual practices, as long as the essence of legal tender is preserved for those persons that are only able to or want to pay in cash. In addition, Member States should maintain the possibility, pursuant to their own competences in the field of consumer protection and the regulation of those services and utilities, in particular with a view to ensuring financial inclusion, to adopt stricter measures that oblige retailers and service providers to accept or facilitate the acceptance of cash also for those payments.</u></p>	<p><u>basis very large numbers of payments from clients and citizens. Regarding such recurring payments, if the services are not performed directly with a consumer or the goods are not immediately delivered or services are not fully performed at the point of sale, even if the initial contract was concluded between the payer and the payee in the physical premises of the payee. In such cases, it should be possible for the parties to a contract to provide that these payments should not be made with cash, through written contractual terms and conditions to which the payer has freely and validly agreed. This Regulation is without prejudice to such contractual practices, as long as the essence of legal tender is preserved for those persons that are only able to or want to pay in cash. In addition, Member States should maintain the possibility, pursuant to their own competences in the field of consumer protection and the regulation of those services and utilities, in particular with a view to ensuring financial inclusion, to adopt stricter measures that oblige retailers and service providers to accept or facilitate the acceptance of cash also for those payments.</u></p> <p>DE (Comments from delegations):</p> <p>Explanation: The issue of recurring payments becomes relevant when contracts are concluded in the physical premises but the service/goods are only being performed at a later point in time and on a continuous basis. Therefore, we suggest the following amendment, mirroring the wording in Recital 5a. “Regarding such recurring payments, if the services are not performed directly with a consumer or the goods are not immediately delivered or services are not fully performed at the point of sale, even if the initial contract was concluded between the payer and the payee in the physical premises of the payee, it...”</p>

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	<p>Moreover, we suggest to add the term “standard contractual terms and conditions” and to delete the term “freely and validly” as show in the following amendment.</p> <p>SI (Comments from delegations):</p> <p>We do not oppose to the proposed change.</p> <p>PT (Drafting suggestions from delegations):</p> <p><u>(4c) For recurring payments or advances to receive from payees within the framework of a single contractual relationship, cash is not always used. In some Member States, companies such as gas, water, electricity, telecom providers and insurance companies generally contract at a distance and receive on a monthly, quarterly or yearly basis very large numbers of payments from clients and citizens. In such cases, it should be possible for the parties to a contract to provide that these payments should not be made with cash, through written contractual terms to which the payer has freely and validly agreed. This Regulation is without prejudice to such contractual practices. The prohibition of unjustified ex ante unilateral exclusions of cash would not be breached in these situations, as long as the essence of legal tender is preserved for those persons that are only able to or want to pay in cash. In addition, Member States should</u></p>

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	<p><u>maintain the possibility, pursuant to their own competences in the field of consumer protection and the regulation of those services and utilities, in particular with a view to ensuring financial inclusion, to adopt stricter measures that oblige retailers and service providers to accept or facilitate the acceptance of cash also for those payments.</u></p> <p>PT (Comments from delegations):</p> <p><i>We continue to oppose this approach.</i></p> <p>We understand that the proposed wording for this Recital aims to address the specificities of certain Member States while safeguarding those of others. Nonetheless, we consider that the proposed text will constitute a negative incentive in Member States (like Portugal) where cash is widely accepted in the referred services.</p> <p>Moreover, we also have doubts regarding the legal soundness of this proposal. It is important to bear in mind that the proposed segment will be introduced in a Regulation, which should ensure a high level of harmonization within the Union.</p> <p>This being said, we reiterate that the segment “companies such as gas, water, electricity and telecom providers, insurance companies” should be deleted. The specific reference to these types of services will create negative incentives</p>

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	<p>in these areas, which provide essential services, resulting in an increase in the refusals of cash payments, and it may also create uncertainty, while not providing any benefit. For instance, in Portugal, it is possible to pay bills to companies such as gas and electricity in retailers. Therefore, the question may be raised as to whether retailers are required, in those cases, to accept cash payments or not.</p> <p>Therefore, <i>we suggest adjustments to the text and the removal of this segment.</i></p> <p>IE (Comments from delegations): IE supports the additions.</p>
<p><u>(4d) The European Court of Justice has recognized that Member States may, in the exercise of their own competence, adopt restrictions on the use of cash where the public interest pursued consists of ensuring that monetary debts to public authorities are honoured in a way that does not involve those authorities in unreasonable expense which would prevent them from providing services cost-effectively¹⁰.</u></p>	<p>DE (Comments from delegations): DEU We support this amendment and propose to include in Article 5 (1) a mirroring provision in the operative provisions (see below).</p>
<p>(5) The acceptance of euro banknotes and coins tendered as means of payment can exceptionally be refused if the refusal is made in good faith, based on legitimate grounds and concrete circumstances, which are beyond the control of the payee, and if the refusal is proportionate. For example, the</p>	

¹⁰ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, point 73

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<p>refusal can be justified if for the settlement of a monetary debt the tendered euro banknote is disproportionate compared to the amount owed to the payee, such as the tendering of a two hundred euro banknote for the settlement of a debt of less than five euro. In accordance with Council Regulation 974/98, except for the issuing authority and for those persons specifically designated by the national legislation of the issuing Member State, no party should be obliged to accept more than 50 coins in any single payment.</p>	
<p><u>(5a) The provisions of this Regulation should be without prejudice to Regulation (EU) 2024/1624 of the European Parliament and of the Council, of 31 May 2024, on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and to Directive (EU) 2024/1640 of the European Parliament and of the Council, of 31 May 2024, on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849. Furthermore, this Regulation does not intend to exclude provisions in other Union acts or in national law addressing, outside of the area of monetary law, how parties conclude contracts or for which reasons a party may validly refuse entering into or concluding a contract.</u></p>	<p>DE (Comments from delegations): We fully support the amendments.</p> <p>SI (Comments from delegations): We do not see the need to further specify or make reference in the text of LTCR for possible national specificities. We propose to delete the newly added text of the recital (marked in grey).</p> <p>PT (Drafting suggestions from delegations): <u>(5a) The provisions of this Regulation should be without prejudice to Regulation (EU) 2024/1624 of the European Parliament and of the Council, of 31 May 2024, on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and to Directive (EU) 2024/1640 of the European Parliament and of the Council, of 31 May 2024, on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849. Furthermore, this Regulation does not intend to exclude provisions in other Union acts or in national law addressing, outside of the area of</u></p>

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	<p>monetary law, how parties conclude contracts or for which reasons a party may validly refuse entering into or concluding a contract.</p> <p>PT (Comments from delegations): <i>We believe the previous version of the text should be kept.</i> The new segment is unclear, unnecessary, and only contributes to the ambiguity of the text.</p> <p>IE (Comments from delegations): IE agrees with the addition to the recital.</p>
<p><u>(5b) Mandatory acceptance of euro cash is a fundamental obligation stemming from the concept of legal tender. Therefore, as regards business-to-consumer transactions, at the point of sale, retailers or service providers should not be able to unilaterally exclude cash as a payment method ex ante as regards transactions where the consumer are physically present, for example by displaying a ‘no cash’ sign. ‘No cash’ signs’ could easily proliferate and lead to widespread refusals of cash which would undermine the mandatory acceptance and ultimately the status of legal tender. However, the general obligation of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this Regulation and with national law, a payee may validly refuse concluding a contract with the payer. Furthermore, retailers or service providers should be able to indicate a preference to receive payments by card or electronic means, for example by clearly displaying a sign ‘electronic means of payment preferred’. Should the payer agree to pay by electronic means, in line with such an expressed preference, it should be considered, in accordance with applicable national law, that an agreement on the use of</u></p>	<p>DE (Comments from delegations): We support these very important clarifications.</p> <p>SI (Comments from delegations): We do not agree with the interpretation that it would be only obligatory to accept cash at points of sale where both the seller and the buyer are physically present, and otherwise, where only the buyer is present then there is no obligation to accept cash.</p> <p>We also do not agree to further elaborate that mandatory acceptance of cash should not grant the payer a right to unilaterally impose an obligation onto the payee. Maybe this is true at the exact point of sale, but the payer should always have the right to raise this issue at the national competent authority which shall ensure that the concept of legal tender is being followed by all payees. We propose to delete this part of the addendum (highlighted in grey).</p> <p>PT</p>

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<p><u>a different means of payment was validly concluded. However, where, in spite of the expressed preference of the retailer or the service provider, the payer prefers to discharge a payment obligation by using euro cash, the retailer or the service provider should respect this choice. Competent authorities should monitor refusals to accept cash as means of payment. For instance, ‘cards preferred’ signs and exceptions foreseen in this Regulation, under the principle of good faith, should not be used by payees to, in practice, refuse cash payments in all circumstances. Member States should ensure that payers have the possibility to complain to the competent authority if they consider that the mandatory acceptance of cash was not respected.</u></p>	<p><u>(Drafting suggestions from delegations):</u></p> <p><u>(5b) Mandatory acceptance of euro cash is a fundamental obligation stemming from the concept of legal tender. Therefore, as regards to business to consumer transactions at the point of sale where the payer is physically present, retailers or service providers should not be able to ex ante and unilaterally exclude cash as a payment method ex ante as regards transactions where the consumer are physically present, for example by displaying a ‘no cash’ sign. ‘No cash’ signs’ could easily proliferate and lead to widespread refusals of cash which would undermine the principle of mandatory acceptance and ultimately the status of legal tender. However, the general obligation principle of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this Regulation and with national law, a payee may validly refuse concluding a contract with the payer. Furthermore However, retailers or service providers should be able to indicate a preference to receive payments by card or electronic means, for example by clearly displaying a sign ‘electronic means of payment preferred’. Should the payer agree to pay by electronic means, in line with such an expressed preference, it should be considered, in accordance with applicable national law, that an agreement on the use of a different means of payment was validly concluded. However, where, in spite of the expressed preference of the retailer or the service provider, the payer prefers to discharge a payment obligation by using euro cash, the retailer or the service provider should respect this choice. Competent authorities should monitor refusals to accept cash as means of payment. For instance, ‘cards preferred’ signs and exceptions foreseen in this Regulation, under the principle of good faith, should not be used by payees to, in practice, refuse cash payments in all circumstances. Member States should ensure that payers have the possibility to complain to the competent authority if they consider that the mandatory acceptance of cash was not respected.</u></p>

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	<p>PT (Comments from delegations): <i>We do not agree with the proposed adjustments.</i></p> <p>First, the scope of this prohibition of ex ante unilateral exclusions should not depend on assessing the purpose for which a payer is acting in a transaction. Therefore, we would prefer the expression “<i>payer</i>” than “<i>consumer</i>”. We believe the condition for the payer to be “<i>physically present</i>” is sufficient to ensure a well-balanced approach.</p> <p>Second, we do not agree with the reference to “<i>general obligation</i>”, for the reasons previously mentioned.</p> <p>Third, freedom of contract is a core principle in EU and national civil laws, being the exceptions very narrow. These exceptions, as far as we know, are mostly justified by public interest or consumer protection (and not by the legal tender status of the euro). Therefore, the new segment (identified below) should be deleted.</p> <p>“However, the general obligation of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>Regulation and with national law, a payee may validly refuse concluding a contract with the payer. Furthermore,”</p> <p>LT (Drafting suggestions from delegations):</p> <p><...> However, the general obligation of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this Regulation and with national law, a payee may validly refuse concluding a contract with the payer. Furthermore, retailers or service providers should be able to indicate a preference to receive payments by card or electronic means, for example by clearly displaying a sign ‘electronic means of payment preferred’. Should the payer agree to pay by electronic means, in line with such an expressed preference, it should be considered, in accordance with applicable national law, that an agreement on the use of a different means of payment was validly concluded. However, where, in spite of the expressed preference of the retailer or the service provider, the payer prefers to discharge a payment obligation by using euro cash, the retailer or the service provider should respect this choice. <...>”</p> <p>LT (Comments from delegations):</p> <p>The proposed explanation may create confusion regarding the overall concept of mandatory acceptance. It should also be noted that this particular aspect has not yet been thoroughly discussed and therefore requires a detailed assessment.</p> <p>IT (Comments from delegations):</p>

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	<p>IT. It is not clear the rationale behind the decision to add “<i>the general obligation of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this Regulation and with national law, a payee may validly refuse concluding a contract with the payer</i>”. It seems in contrast with “<i>where, in spite of the expressed preference of the retailer or the service provider, the payer prefers to discharge a payment obligation by using euro cash, the retailer or the service provider should respect this choice</i>”.</p> <p>Therefore, we would ask for its deletion from the recital.</p> <p>IE (Drafting suggestions from delegations):</p> <p>IE suggests changing “where the consumer are physically present” to “where the consumer is physically present”.</p> <p>IE (Comments from delegations):</p> <p>IE broadly agrees with the changes to the recital, which provide enhanced legal clarity.</p> <p>FI (Comments from delegations):</p> <p>We support this amendment for the reasons displayed in our previous comment, especially for the practical applicability of the the regulation.</p> <p>EL (Drafting suggestions from delegations):</p> <p>.....where the consumers are physically present...</p> <p>Preferred option to delete the following:</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>However, the general obligation of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this Regulation and with national law, a payee may validly refuse concluding a contract with the payer.</p> <p><u>Alternatively, amend as follows:</u></p> <p>In particular, in accordance with where allowed under this Regulation and with or under national law, a payee may validly refuse concluding a contract with the payer.</p> <p>EL (Comments from delegations):</p> <p>We welcome that the phrase referring to “<i>transactions that are performed directly with a consumer and whereby the goods are immediately delivered or services are fully performed at the point of sale</i>” has been deleted and replaced by a reference to “<i>transactions where the consumer[s] are physically present</i>”.</p> <p>As it is stated, “Mandatory acceptance of euro cash is a fundamental obligation stemming from the concept of legal tender”; therefore, the payer does not need to impose unilaterally a contractual agreement in order to pay with cash. The proposed clause can be confusing and give space for interpretations out of the scope of the regulation. We propose the deletion of the phrase: “However, the general obligation of mandatory acceptance shall not grant the payer a right to unilaterally impose an obligation onto the payee to enter into a contractual relation with the payer. In particular, in accordance with this Regulation and with national law, a payee may validly refuse concluding a contract with the payer.”</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	As an alternative to deletion, we propose a few drafting amendments, for clarity purposes and in order to bring the recital more in line with the content of the corresponding Article 4a.
<p>(6) In order to ensure that the principle general obligation of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread, and structural and unjustified refusals of cash payments <u>going beyond, or by the abuse of, the exceptions to the mandatory acceptance set out in this Regulation</u>, it is necessary for Member States to monitor the level of ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor, <u>following complaints or of their own motion</u>, the level of unilateral ex ante exclusions of <u>the acceptance of payments in cash when payments-transactions are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Such monitoring should be done on the basis of a framework of common indicators used for individual reporting by the Member States. These common indicators should allow for comparisons between Member States where appropriate, while they could be complemented by specific national indicators to capture different country-specific situations. Common indicators could include the percentages of retailers and service providers that do not accept cash at their physical premises in any circumstances, the percentage of citizens who perceive their ability to pay with cash to be difficult, the number of complaints received from citizens, and qualitative assessments of key sectors or areas, socio-economic variations and geographical differences. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data. The primary responsibility for</u></p>	<p>AT (Comments from delegations): We agree with the examples for common indicators as they are non-exhaustive. However, the example of “<i>the percentage of retailers and service providers that do not accept cash at their physical premises in any circumstances</i>” should not be included in the set of common indicators as this would undermine the mandatory character of cash acceptance. The inclusion of the indicator is a contradiction to the prohibition of ex ante unilateral exclusion of cash, since such practice should be not possible or be punished.</p> <p>DE (Comments from delegations): We welcome the amendments</p> <p>SI (Comments from delegations): We do not oppose to the proposed change.</p> <p>PT (Drafting suggestions from delegations): 6) In order to ensure that the principle general obligation of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread, and structural and unjustified refusals of cash payments <u>going beyond, or by the abuse of, the exceptions to the mandatory acceptance set out in this Regulation</u>, it is necessary for Member</p>

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<p><u>assessing whether the mandatory acceptance of payments in cash is ensured in the national territory lies with the Member States, subject to a possible dialogue with the Commission and the ECB.</u> If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that widespread, structural and unjustified refusals of cash are undermining the general obligation of ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.</p>	<p>States to monitor the level of ex ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor, following complaints or of their own motion, the level of unilateral ex ante exclusions of the acceptance of payments in cash when payments-transactions are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Such monitoring should be done on the basis of a framework of common indicators used for individual reporting by the Member States. These common indicators should allow for comparisons between Member States where appropriate, while they could be complemented by specific national indicators to capture different country-specific situations. Common indicators could include the percentages of retailers and service providers that do not accept cash at their physical premises in any circumstances, the percentage of citizens who perceive their ability to pay with cash to be difficult, the number of complaints received from citizens, and qualitative assessments of key sectors or areas, socio-economic variations and geographical differences. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data. The primary responsibility for assessing whether the mandatory acceptance of payments in cash is ensured in the national territory lies with the Member States, subject to a possible dialogue with the Commission and the ECB. If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that widespread, structural and unjustified refusals of cash are undermining the principle general obligation of ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a</p>

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	<p>prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.</p> <p>PT (Comments from delegations): <i>We oppose to introducing the reference to “general obligation”, for the reasons previously mentioned.</i></p> <p>NL (Drafting suggestions from delegations): In order to ensure that the principle general obligation of mandatory acceptance of payments in euro banknotes and coins is not undermined by widespread, structural and unjustified refusals of cash payments going beyond, or by the abuse of, the exceptions to the mandatory acceptance set out in this Regulation...</p> <p>NL (Comments from delegations): We propose maintaining the wording “principle of mandatory acceptance” rather than a “general obligation” to ensure consistency with the Regulation’s structure, which already provides for justified exceptions under Articles 5 and 6. This formulation preserves the core objective of safeguarding cash acceptance and also maintains flexibility for legitimate national circumstances, which is under discussion now in the WP.</p> <p>LT (Drafting suggestions from delegations): “<...> Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.”</p> <p>LT (Comments from delegations):</p> <p>It is commonly expected to be able to pay with cash for essential services or goods, therefore it is important to clearly state this in the regulation.</p> <p>IE (Comments from delegations):</p> <p>IE supports the changes. IE also welcomes the change to “geographical differences”.</p> <p>EL (Drafting suggestions from delegations):</p> <p>(6) In order to ensure that the principle principle general obligation of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread, and structural and unjustified refusals of cash payments going beyond, or by the abuse of, the exceptions to the mandatory acceptance set out in this Regulation, it is necessary for Member States to monitor the level of ex-ante unilateral exclusions of payments in cash when transactions are performed in physical premises. Therefore, Member States should regularly monitor, following complaints or of their own motion, the level of unilateral ex-ante exclusions of the acceptance of payments in cash when payments transactions are performed in physical premises throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Such monitoring should be done on the basis of a framework of common indicators used for individual reporting by the Member States. These common indicators should allow for comparisons between Member States where</p>

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	<p><u>appropriate, while they could be complemented by specific national indicators to capture different country-specific situations. Common indicators could include the percentages of retailers and service providers that do not accept cash at their physical premises in any circumstances, the percentage of citizens who perceive their ability to pay with cash to be difficult, the number of complaints received from citizens, and qualitative assessments of key sectors or areas, socio-economic variations and geographical differences. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data. The primary responsibility for assessing whether the mandatory acceptance of payments in cash is ensured in the national territory lies with the Member States, subject to a possible dialogue with the Commission and the ECB.</u> If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that widespread, structural and unjustified refusals of cash are undermining the principle general obligation of ex ante unilateral exclusions of cash undermine the mandatory acceptance of payments in euro banknotes and coins in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation, such as a prohibition or restrictions on ex ante unilateral exclusions of cash in all or parts of its territory, for example in rural areas, or in certain sectors which are deemed essential such as post offices, supermarkets, pharmacies or healthcare, or for certain types of payments which are deemed essential.</p> <p>EL (Comments from delegations): It can be argued that the use of the term “general obligation” instead of “principle” undermines the obligation that, as it is mentioned in recital 5b, is</p>

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	<p>fundamental. Same comment applies to all other mentions of “principle of mandatory acceptance” in the LTCR. <u>“Mandatory acceptance of euro cash is a fundamental obligation stemming from the concept of legal tender...”</u></p>
<p>(7) With a view to <u>ensuring</u> an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. <u>Such monitoring should be done on the basis of a framework of common indicators used for individual reporting by the Member States. These common indicators should allow for comparisons between Member States where appropriate, while they could be complemented by specific national indicators to capture different country-specific situations. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data.</u> Common indicators could include factors that affect access to cash, such as <u>distance to and</u> density of cash access points <u>including ATMs and other customer operated machines</u> in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. <u>The primary responsibility for assessing whether sufficient and effective access to cash is ensured in the national territory lies with the Member States, subject to a possible dialogue with the Commission and the ECB. The aim of such dialogue is for the Commission, the ECB and the Member State to reach a common understanding of the access to cash and discuss whether there is a need for potentially further measures to be taken in order to ensure the access</u></p>	<p>DE <u>(Drafting suggestions from delegations):</u> (7) With a view to <u>ensuring</u> an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. <u>Such monitoring should be done on the basis of a framework of common indicators used for individual reporting by the Member States. These common indicators should allow for comparisons between Member States where appropriate, while they could be complemented by specific national indicators to capture different country-specific situations. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data.</u> Common indicators could include factors that affect access to cash, such as <u>distance to and</u> density of cash access points <u>including ATMs and other customer operated machines</u> in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. <u>The primary responsibility for assessing whether sufficient and effective access to cash is ensured in the national territory lies with the Member States. There may be, subject to a possible dialogue with the Commission and the ECB. The aim of such dialogue is for the</u></p>

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<p>to cash. If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation. Such as <u>measures could include soft law measures or policy actions as well as legislative actions and could concern geographic access requirements on the cash industry (such as payment service providers, credit institutions, independent ATM operators, but also retailers offering cash-back, post offices offering also financial services, etc.)</u> providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs, or <u>Other</u> remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks.</p>	<p><u>Commission, the ECB and the Member State to reach a common understanding of the access to cash and discuss whether there is a need for potentially further measures to be taken in order to ensure the access to cash. [...]</u></p> <p>SI (Comments from delegations): We do not oppose to the proposed addendum.</p> <p>PT (Comments from delegations): We do <i>not oppose</i> to the proposed adjustments.</p> <p>IT (Comments from delegations): IT. According to article 9 (5) the dialogue would be open after the assessment conducted at national level for the purpose of reaching a common view and assisting the Member State in designing remedial measures to ensure acceptance of cash and sufficient and effective access to cash. We suggest deleting “<u>The aim of such dialogue is for the Commission, the ECB and the Member State to reach a common understanding of the access to cash and discuss whether there is a need for potentially further measures to be taken in order to ensure the access to cash.</u>”.</p> <p>IE (Comments from delegations): IE supports engagement with the commission to ensure effective access to cash in member states. The addition provides sufficient clarity regarding such dialogue.</p> <p>FI (Comments from delegations):</p>

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	<p>While common indicators are good for euro area comparasons, we would like emphasise also the importance of national indicators taking into account of country spesifities in payment habits (acceptability: role of cash in everyday payments) and geography (access to cash). In these aspects, Finland differs from some other Member States.</p> <p>EL</p> <p>(Drafting suggestions from delegations):</p> <p>With a view to ensuring an effective implementation of their obligation to ensure sufficient and effective access to cash, Member States should regularly monitor the level of access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. <u>Such monitoring should be done on the basis of a framework of common indicators used for individual reporting by the Member States. These common indicators should allow for comparisons between Member States where appropriate, while they could be complemented by specific national indicators to capture different country-specific situations. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data.</u> Common indicators could include factors that affect access to cash, such as <u>distance to and</u> density of cash access points including ATMs and other customer operated machines in relation to population, withdrawal and deposit conditions, including fees, the existence of different networks with different access modalities for customers, urban-rural and socio-economic variations, and access difficulties for certain population groups. <u>The primary responsibility for assessing whether sufficient and effective access to cash is ensured in the national territory lies with the Member States, subject to a possible dialogue with the Commission and the ECB. The aim of such dialogue is for the Commission, the ECB and the Member State to reach a common understanding of the access to cash and discuss whether there is a need for potentially further measures to be taken in</u></p>

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	<p><u>order to ensure the access to cash.</u> If in the light of their assessment access to cash is deemed sufficient and effective on their territory, Member States would not need to adopt specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. If a Member State concludes that access to cash is not sufficient and effective in all or part of its territory, or is at risk of deteriorating in the absence of action, appropriate remedial measures should be taken to remedy the situation. sSuch as <u>measures could include soft law measures or policy actions as well as legislative actions and could concern</u> geographic access requirements on <u>the cash industry</u> (such as payment service providers, credit institutions, independent ATM operators, but <u>and also retailers offering cash-back, post offices offering also financial services, etc.</u>) providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agent for online only credit institutions, or maintain a sufficient density of automated teller machines (ATMs) where they conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs, or Other other remedial measures could include recommendations addressed to non-credit institutions, such as independent ATM operators, retailers or post offices, encouraging to complement the cash services of banks.</p> <p>EL (Comments from delegations): The term “cash access points” includes any type of ATM or other customer-operated machines and cash back services or any other technical solution for cash access. We believe that any list of machines or solution may limit the scope of the Regulation.</p>
<p>(8) The Commission should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the</p>	<p>DE (Drafting suggestions from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. <u>The Commission should adopt a broad set of common indicators to ensure both a degree of comparability of data and results in the euro area and take account of the heterogeneity of national situations. In their report, the Member States may use more specific indicators at national level with the aim of offering more detailed information allowing for an in-depth view of the specific circumstances of their national territories, regions and urban areas as regards acceptance of cash and access to cash. These national specific indicators should not, under any circumstances, substitute the common indicators.</u> In view of the preparation of such implementing acts, the Commission should consult the European Central Bank <u>to the extent possible, rely on existing reporting indicators, surveys and methodologies for data gathering and should take account of existing reporting frameworks, surveys and mechanisms for data gathering, in particular with regard to existing survey's and data collected by the Eurosystem. Under the broad set of common indicators to be adopted, redundancies and duplications of work should be avoided.</u></p>	<p>(8) The Commission should be empowered to adopt implementing acts on a set of common indicators of general application in the euro area, which would allow the Member States to effectively monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. The Commission should adopt a broad set of common indicators to ensure both a degree of comparability of data and results in the euro area and take account of the heterogeneity of national situations. In their report, the Member States may use more specific indicators at national level with the aim of offering more detailed information allowing for an in-depth view of the specific circumstances of their national territories, regions and urban areas as regards acceptance of cash and access to cash. These national specific indicators should not, under any circumstances, substitute the common indicators. In view of the preparation of such implementing acts, the Commission should consult the European Central Bank to the extent possible, rely on existing reporting indicators, surveys and methodologies for data gathering and should take account of existing reporting frameworks, surveys and mechanisms for data gathering, in particular with regard to existing survey's and data collected by the Eurosystem and should take account of existing reporting frameworks, surveys and mechanisms for data gathering, in particular with regard to existing survey's and data collected by the Eurosystem. Under the broad set of common indicators to be adopted, redundancies and duplications of work should be avoided <u>While Member States and their national competent authorities are responsible for designing appropriate data reporting and collection mechanisms, redundancies and duplications of work should be minimized where possible.</u></p> <p>DE (Comments from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>The reference to the existing data collection frameworks is already clear; however, it is important to emphasize the responsibility of Member States and their national competent authorities.</p> <p>SI (Comments from delegations): We do not oppose to the proposed addendum.</p> <p>PT (Comments from delegations): We do <i>not oppose</i> to the proposed adjustments.</p> <p>IE (Comments from delegations): IE supports the use of existing methodologies to the extent possible for data collection.</p>
<p><u>(8a) Cash is a particularly resilient and effective means of payment in contingency situations, as it can be used to pay when there is no electricity or internet. It also requires no third party or technology to settle an in-person payment and it is instant. In this respect, it is essential to ensure that Member States are prepared appropriately to respond in different exceptional circumstances where the demand for cash could rapidly increase or cashless payments are significantly disrupted. This could be due to different exceptional situations that may affect both citizens and businesses. These could include military conflicts, geopolitical tensions, natural, environmental or technological disasters, hybrid or cyber-attacks, power outages or several such reasons at the same time. To achieve overall EU resilience in terms of stable circulation and money flow, it is important that all Member States prepare for such scenarios by adopting a cash resilience plan in a timely manner and that</u></p>	<p>DE (Drafting suggestions from delegations):</p> <p><u>(8a) Cash is a particularly resilient and effective means of payment in contingency situations, as it can be used to pay when there is no electricity or internet. It also requires no third party or technology to settle an in-person payment and it is instant. In this respect, it is essential to ensure that Member States are prepared appropriately to respond in different exceptional circumstances where the demand for cash could rapidly increase or cashless payments are significantly disrupted. This could be due to different exceptional situations that may affect both citizens and businesses. These could include military conflicts, geopolitical tensions, natural, environmental or technological disasters, hybrid or cyber-attacks, power outages or several such reasons at the</u></p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>competent authorities have pre-planned measures in place to respond in exceptional circumstances. Such plans should, as far as possible, be based on existing plans in place. Member States shall furthermore inform the European Central Bank of the existence of their cash resilience plans</u></p>	<p><u>same time. To achieve overall EU resilience in terms of stable circulation and money flow, it is important that all Member States prepare for such scenarios, in accordance with applicable national law. One possible measure adopted at national level to achieve this resilience is by adopting a cash resilience plan in a timely manner and that competent authorities have pre-planned measures in place to respond in exceptional circumstances. Such measures may include different scenarios of situations which would seriously affect access to and distribution of euro banknotes and coins, or significantly disrupt the continuity of electronic means of payments, specifically addressing the risks of each scenario. Such measures may also include specific measures to be taken over the cash-related market activities of the cash industry in order to ensure access to cash and the continuity of payments in such situations. Any measure plans should, as far as possible, be based aligned with existing plans and strategies in place. Member States shall furthermore inform the European Central Bank of the existence of their cash resilience plans</u></p> <p>DE (Comments from delegations): Explanation: Generally, we support the concept of strengthening cash resilience.</p> <p>However, we believe there are several ways and strategies how to reach this goal. These measures should be adopted at national level and should align well with existing strategies and plans in the context of resilience. Therefore, we do not see the necessity to establish the – undefined – concept of a ‘cash resilience plan’ as this provides no added value but only imposes additional burdens on Member States which might reach the same result in a different way.</p> <p>Please see also comments on Article 8a.</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>SI (Comments from delegations): In general we agree with the proposed text concerning resilience.</p> <p>PT (Comments from delegations): We do <i>not oppose</i> to introducing the proposed Recital.</p> <p>NL (Drafting suggestions from delegations): (8a) — Cash is a particularly resilient and effective means of payment in contingency situations, as it can be used to pay when there is no electricity or internet. It also requires no third party or technology to settle an in-person payment and it is instant. In this respect, it is essential to ensure that Member States are prepared appropriately to respond in different exceptional circumstances where the demand for cash could rapidly increase or cashless payments are significantly disrupted. This could be due to different exceptional situations that may affect both citizens and businesses. These could include military conflicts, geopolitical tensions, natural, environmental or technological disasters, hybrid or cyber attacks, power outages or several such reasons at the same time. To achieve overall EU resilience in terms of stable circulation and money flow, it is important that all Member States prepare for such scenarios by adopting a cash resilience plan in a timely manner and that competent authorities have pre-planned measures in place to respond in exceptional circumstances. Such plans should, as far as possible, be based on existing plans in place. Member States shall furthermore inform the European Central Bank of the existence of their cash resilience plans</p> <p>NL (Comments from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>We agree that cash is very important for resilience purposes and we are already working on this matter. However, resilience matters should be tackled holistically, taking into account the framework of existing Union regulations such as the Critical Entities Resilience Directive (CER) and the NIS 2 Directive. We fear that this article leads to a fragmented patchwork and inconsistent approach to resilience. Furthermore, it seems to overstep the Union's exclusive competence to monetary law matters. We therefore suggest to delete this recital.</p> <p>IT (Comments from delegations): IT. Please, see comments on article 8(a) and related drafting proposal.</p> <p>IE (Comments from delegations): IE supports this recital, and reaffirms the importance of accounting for the resilience of cash in the regulation.</p> <p>Member states will be aware that IE has recently legislated to ensure sufficient and effective access to cash. Cash resilience planning is a feature of this legislation.</p> <p>FI (Comments from delegations): We would like to emphasise this resiliency aspect of cash as an existing means of payment. For example, the Bank of Finland has communicated: “Keep cash for several days’ needs A small amount of cash is good to have at home as part of a normal level of preparedness. The recommendation is to have enough for three days. Take a moment to think about how much your household would need over such a 72-hour period if you could not use payment cards. It is not advisable, however, to keep large amounts of cash at home.” See;</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>https://www.suomenpankki.fi/en/money-and-payments/varautuminen/maksamisen-kotivara/</p> <p>Regarding the cash resilience plans, we would like to emphasise that national specificities in each country’s cash cycle should be taken into account. We support that such plans should, as far as possible, be based on existing plans in place.</p> <p>EL (Drafting suggestions from delegations):</p> <p>Such plans should, as far as possible, be based on existing plans in place and require the consultation of the National Central Banks. Member States shall furthermore inform the European Central Bank of the existence of their cash resilience plans or their updates.</p>
<p>(9) — The Commission should be empowered to adopt implementing acts addressed to a specific Member State when the measures proposed by that Member State appear insufficient or in cases where, in spite of the findings of the annual report sent by that Member State, ex-ante unilateral exclusions of cash are undermining the principle of mandatory acceptance of payments in euro banknotes and coins and/or where access to cash is not sufficient and effective. Such an implementing act could require the Member State concerned to take measures such as those outlined in recitals 7 and 8, or measures that have been considered effective in other Member States in ensuring that the principles of mandatory acceptance of payments in cash or sufficient and effective access to cash are not undermined.</p>	
<p>(10) In accordance with the principle of sincere cooperation, the Commission, in cooperation with the European Central Bank and the designated national competent authorities with the required powers as regards acceptance of payments in cash and access to cash, and over the</p>	<p>EL (Drafting suggestions from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>cash-related market activities of the cash industry should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities, based notably on the annual reports of Member States to the Commission and the European Central Bank, should aim at identifying cases of widespread ex ante unilateral exclusions of cash and structural refusals of cash payments and inadequate access to cash in specific national territories or regions. It would also seek to assist Member States in aim at designing and adopting remedial measures that Member States should adopt as a means to comply for the purpose of complying with their obligations to ensure acceptance of cash and sufficient and effective access to cash.</p>	<p>“the Commission, in cooperation with the European Central Bank and the designated national competent authorities should closely collaborate...”</p> <p>EL (Comments from delegations):</p> <p>Having “principle of sincere cooperation”, “in cooperation with” and “should closely collaborate” in the same sentence is repetitive and unnecessary.</p>
<p>(11) — In order to ensure that additional exceptions to the mandatory acceptance of euro cash may be introduced at a later stage if they are required, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by introducing additional exceptions to the principle of mandatory acceptance for the euro area as a whole. The Commission may only adopt such additional exceptions if they are necessary, proportionate to their aim, and preserve the effectiveness of the legal tender status of euro cash. The power of the Commission to adopt delegated acts for the introduction of additional exceptions to the mandatory acceptance of accept euro cash should be without prejudice to the possibility for Member States, pursuant to their own powers in areas of shared competence, to adopt national legislation introducing exceptions to the mandatory acceptance deriving from the legal tender status in accordance with the conditions laid down by the Court of Justice of the European Union in the judgment in Joined Cases C-422/19 and C-423/19. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>Better Law Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	
<p>(12) In order to ensure uniform conditions for the monitoring and assessment of provisions on the acceptance of payments in cash and sufficient and effective access to cash, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹¹. The advisory examination procedure should be used for the adoption of the implementing acts on a set of common indicators for monitoring the acceptance of and access to cash as they concern measures with a low impact, namely indicators for monitoring the acceptance of and access to cash, or acts addressed to individual Member States which in certain circumstances may need to adopt appropriate measures which would reflect the specificities of their national territories, regions and urban areas, in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</p>	
<p>(13) This Regulation ensures full respect for the fundamental right of freedom to conduct a business and the fundamental right of consumer protection enshrined in Article 16 and 38 of the Charter of Fundamental Rights of the European Union respectively. This Regulation concerns the preferred payment method of the currency that has legal tender status, which citizens legitimately may choose to settle their debts. Thus, the measures in this Regulation only concern the way enterprises a payee receives payments.</p>	<p>DE (Comments from delegations): General comment: As set out in our written comments in December of last year, we continue to wonder about the potential restrictions of Article 6 (right to liberty and security) and Article 17 (right to property).</p>

¹¹ OJ L55, 28.2.2011, p.13.

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>The interference with those fundamental rights is therefore indirect and very limited. It is justified by the general interest objective of ensuring the effectiveness of legal tender, and is proportionate to this objective.</p>	<p>With a view to the respect for fundamental rights, the principle of proportionality must be respected. We have difficulties recognising how the prohibition of ex ante unilateral exclusions would be necessary. When assessing whether or not an obligation to accept cash and the proposal is proportionate, it must be considered that the Commission proposal foresees clear obligations vis-à-vis Member States to ensure availability of cash and access to it. Asking Member States to ensure access to cash and its availability – both constituting the corner stones of the Commission proposal – certainly is a means suitable to ensure that euro cash is being safeguarded. However, this must be duly considered when assessing (complementing) strict acceptance obligations and the overall proportionality of the Proposal. Thus, we are wondering to what extent a strict mandatory acceptance and, eventually, the possibility for payers to unilaterally impose cash as means of payment on the payee (Recital 5a seems to point in this direction) is truly necessary.</p> <p>Overall, we remain sceptic that prohibitions of certain types of contracts are indeed warranted. The empiric relevance of such prohibitions remains questionable. Several Member States exist where cash prevails as the most used method of payment at the Point of Sale without any obligations on merchants to mandatorily accept cash. Conversely, there appears to be no clear indication that in Member States where the acceptance of cash, in certain instances, is mandatory, the usage of cash is higher.</p>
<p>(14) The share of cash payments compared to electronic payments is higher for certain vulnerable groups including older age groups, persons with disabilities, and people with limited digital skills and lower income levels. This proposal is consistent with the European Accessibility Act¹², which</p>	

¹² Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L151, 7.6.2019, p.70).

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>covers automated teller machines (ATMs). Furthermore, financially excluded people, such as the unbanked, asylum seekers and migrants, who may not be able or willing to use means of payment supplied by the private sector, rely on cash as their payment method. Cash is considered to provide for a clear overview of expenses, with high degrees of ease of use, speed, safety and privacy. These vulnerable groups are more at risk of losing their access to a method of payment if their access to cash deteriorates. Thus, this Regulation would aim to preserve financial inclusion of vulnerable groups with a dependency on cash payments by ensuring that everyone in the euro area would be free to choose the preferred payment method and has access to basic cash services, while supporting Member States in continuing their policy efforts to promote digital financial inclusion, for example through measures aimed to increase financial and specifically digital finance literacy in education and training systems, as well as to address gaps in digital infrastructure, including in rural areas.</p>	
<p>(15) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of ensuring the acceptance of cash and access to cash to lay down the necessary rules. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.</p>	
<p>HAVE ADOPTED THIS REGULATION:</p>	
<p><i>Article 1</i></p>	
<p>Subject matter</p>	
<p>This Regulation lays down detailed rules on the scope and effects of the legal</p>	<p>LT</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>tender of, and access to, euro banknotes and coins, as provided for, respectively, by Article 128(1) TFEU and by Article 11 of Regulation (EC) No 974/98, in order to ensure its effective use as a single currency. <u>This Regulation also lays down rules on the access to euro banknotes and coins.</u></p>	<p>(Comments from delegations): Access to euro banknotes and coins is mentioned twice. EL (Drafting suggestions from delegations): This Regulation lays down detailed rules on the scope and effects of the legal tender of, and access to, euro banknotes and coins, as provided for, respectively, by Article 128(1) TFEU and by Article 11 of Regulation (EC) No 974/98, in order to ensure its effective use as a single currency. This Regulation also lays down rules on the access to euro banknotes and coins. EL (Comments from delegations): Repetitive</p>
<i>Article 2</i>	
Scope	
<p>1. This Regulation applies to the settlement of pecuniary <u>monetary</u> debts in so far as they are to be settled in cash, in whole or in part, and the access to and acceptance of cash, in order to where a payment obligation exists in accordance with the applicable law or established legal practices. To ensure the effectiveness of the legal tender of cash, this Regulation applies also to ex ante unilateral exclusion of payments in cash and to the access to cash.</p>	
<p>2. This Regulation shall not apply to payments for goods or services purchased at a distance, including online.</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>3. _____</p>	<p>DE (Comments from delegations): We support the deletion</p> <p>PT (Drafting suggestions from delegations): 3. In accordance with Article 128 TFEU and Regulation (EC) No. 974/98, Eeuro banknotes and coins shall have legal tender status for payments of a monetary pecuniary debt within the euro area.</p> <p>PT (Comments from delegations): We do not understand the rationale for deleting this paragraph. We believe it should be reintroduced, retaining the drafting proposed by the PL Presidency.</p> <p>EL (Comments from delegations): We would welcome a clarification on why this paragraph has been deleted.</p>
<p>4. <u>This Regulation is without prejudice to restrictions to the general obligation of mandatory acceptance of euro banknotes and coins that the Member States may adopt, pursuant to their own competence, for reasons of public interest, provided that these restrictions are justified by the public interest objective pursued and proportionate to it and provided that other means for the payment of monetary debts are available.</u></p>	<p>AT (Comments from delegations): This provision should also include a clarification that Member States could adopt stricter rules on the obligation of mandatory acceptance pursuant to their own competence (e.g. consumer protection law).</p> <p>DE (Comments from delegations): We support the amendments.</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>SI (Comments from delegations): We do not oppose to the proposed change.</p> <p>PT (Drafting suggestions from delegations): 4. This Regulation is without prejudice to restrictions to the <u>general obligation principle</u> of mandatory acceptance of euro banknotes and coins that the Member States may adopt, pursuant to their own competence, for reasons of public interest, provided that these restrictions are justified by the public interest objective pursued and proportionate to it and provided that other means for the payment of monetary debts are available.</p> <p>PT (Comments from delegations): <i>We oppose to introducing the reference to “general obligation”, for the reasons previously mentioned.</i></p> <p>NL (Drafting suggestions from delegations): This Regulation is without prejudice to restrictions to the principle general obligation of mandatory acceptance of euro banknotes and coins that the Member States may adopt, pursuant to their own competence, for reasons of public interest, provided that these restrictions are justified by the public interest objective pursued and proportionate to it and provided that other means for the payment of monetary debts are available.</p> <p>NL (Comments from delegations): See our comment on recital 6.</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	IE (Comments from delegations): IE supports.
<i>Article 3</i>	
Definitions	
For the purposes of this Regulation, the following definitions apply:	
1. ‘cash’ means euro banknotes and coins;	
2. ‘cash industry’ means credit institutions payment service providers offering payment accounts to customers and cash service providers involved in the managing of the distribution and circulation of euro banknotes and coins;	
3. ‘credit institution’ means a credit institution as defined in Article 4 (1) of Regulation (EU) No 575/2013 ¹³ of the European Parliament and of the Council;	
4. ‘ex ante unilateral exclusions of cash’ means a situation when a retailer or service provider unilaterally excludes cash as a payment method	PT (Drafting suggestions from delegations):

¹³ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012, OJ L 176, 27.6.2013, p. 1–337.

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>for example by introducing a ‘no cash’ sign. In this case, the payer and payee do not freely agree to a means of payment for a purchase;</p>	<p>4. ‘ex ante unilateral exclusions of cash’ means a practice or situation where a retailer or service provider unilaterally, and without the express agreement of the payer, excludes cash as a payment method as a condition to sell. For example, a sign informing customers that a retailer or service provider refuses to accept cash as a payment method shall constitute an ex ante unilateral exclusion of cash;</p> <p>PT (Comments from delegations): We favor maintaining the definition of “<i>ex ante unilateral exclusions of cash</i>” in Article 3(4), as it is a central definition in this regulation and, therefore, crucial to be easily and normally accessible. We suggest incorporating the new definition, as proposed by the PL Presidency, in Article 3(4), and reserve Article 4a solely for the prohibition of ex ante unilateral exclusion of payments in cash.</p>
<p>5. ‘payer’ means any <u>natural or legal person, irrespective of its private or public nature,</u> who makes a payment in euro cash;</p>	
<p>6. ‘payee’ means any <u>natural or legal person, irrespective of its private or public nature,</u> who is the intended recipient of funds which have been the subject of a payment transaction in euro cash;</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>7. ‘face value’ means the denomination in euros of a euro banknote or coin, as printed on that banknote or minted on that coin;</p>	
<p><u>7a. ‘high denomination banknotes’ means banknotes with face value of 200 and 500 euros;</u></p>	<p>PT (Drafting suggestions from delegations):</p> <p><u>7a. ‘high denomination banknotes’ means banknotes with face value of 100, 200 and 500 euros;</u></p> <p>PT (Comments from delegations):</p> <p><i>We cannot agree with the proposal to remove the reference to 100 euros banknotes from the definition of “high denomination banknotes”.</i></p> <p>This approach would imply that a merchant would no longer be able to justify the refusal of a payment made with a 100 euros banknote, which, in some Member States (particularly those where 100 euros represents a significant amount) may not be considered reasonable or proportionate.</p>
<p>8. ‘enterprise’ means a person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity;-</p>	
<p><u>9. ‘retailer’ means an enterprise that sells goods to the public for use of consumption rather than for resale;</u></p>	<p>AT (Comments from delegations):</p> <p>We would like to point out that the definition of a retailer seems to be too narrow: “‘retailer’ means a business that sells goods to the public for use or</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>consumption rather than for resale”. The definition of a retailer needs to include also services and the restriction of resale products is not clear. A retailer or enterprise as counterpart of a consumer in AT is “any permanent organization of independent economic activity, even if it is not profit-oriented.” A possible way forward could be to define businesses and consumers to make Art. 4a applicable to B2C contracts, rather than “retailer”.</p>
<p><u>10. ‘public premises’ means, regardless the ownership structure, a building, structure or area that is open and accessible to the public and used for the provision of goods and services;</u></p>	<p>SI (Comments from delegations): We agree with the proposed addition.</p> <p>PT (Drafting suggestions from delegations): 10. ‘premises’ means any immovable retail premises where a retailer or service provider carries out his activity on a permanent basis or any movable retail premises where a retailer or service provider carries out his activity on a usual basis.</p> <p>PT (Comments from delegations): We suggest a definition for “premises” (instead of “public premises”), aligned with the Consumer Rights Directive.</p> <p>IE (Comments from delegations): IE agrees with the addition</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>11. ‘recurring payments’ means a series of payment transactions initiated by the payer or by the payee with the payer’s consent, made at fixed intervals, and used to pay for goods or services, including subscription services, utility bills, or other periodic payments;</u></p>	<p>PT (Drafting suggestions from delegations): <u>11. ‘recurring payments’ means a series of payment transactions initiated by the payer or by the payee with the payer’s consent, made at fixed intervals, and used to pay for goods or services, including subscription services, utility bills, or other periodic payments;</u></p> <p>PT (Comments from delegations): We prefer for this definition to be deleted, as we believe it is not necessary.</p> <p>NL (Drafting suggestions from delegations): <u>11. ‘recurring payments’ means a series of payment transactions initiated by the payer or by the payee with the payer’s consent, made at fixed intervals, and used to pay for goods or services, including subscription services, utility bills, or other periodic payments;</u></p> <p>NL (Comments from delegations): We once again propose to delete ‘fixed intervals’ from this definition, as payment might be due not only on certain moments in time, but could be linked to other aspects, such as the irregular provision of a service, or reaching a pre-set debt threshold. The most important aspect to set a recurring payment apart from other payments, is that the payment obligation emanates from a framework contract.</p>
<p><u>12. ‘service providers’ means an enterprise that offers services to the public for direct use or benefit, rather than for their commercial or independent professional activity.</u></p>	<p>SI (Comments from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>The rationale behind the added text highlighted in grey is not vivid or straightforward. The term was in our opinion sufficiently defined without this addendum.</p> <p>PT (Drafting suggestions from delegations):</p> <p>12. ‘service providers’ means an enterprise that offers services to the public for direct use or benefit, rather than for their commercial or independent professional activity.</p> <p>PT (Comments from delegations):</p> <p>We <i>do not agree</i> with the proposed new drafting as it introduces subjectivity.</p> <p>IE (Comments from delegations):</p> <p>IE agrees with the change.</p>
<i>Article 4</i>	
Legal tender	
<p>1. The legal tender status of euro banknotes and coins shall entail their mandatory acceptance, at full face value, with the power to discharge from a payment obligation.</p>	
<p>2. In accordance with the mandatory acceptance of cash, the payee shall not refuse euro banknotes and/or coins tendered in payment to comply with that obligation.</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>3. In accordance with the acceptance at full face value of cash, the monetary value of euro banknotes and/or coins tendered in settlement of a debt shall be equal to the amount in euro indicated on the banknotes and/or coins. Surcharges on the settlement payment of debt with euro banknotes and coins shall be prohibited.</p>	
<p>4. In accordance with the power to discharge from a payment obligation, a payer shall be able to discharge from a payment obligation by tendering in euro banknotes and coins to the payee.</p>	<p>DE (Comments from delegations): We fully support this amendment and thank the PCY for taking up this important issue.</p> <p>SI (Comments from delegations): We agree with the proposed correction.</p> <p>IE (Comments from delegations): IE supports.</p>
<p><u>Article 4a</u></p>	
<p><u>Prohibition of ex ante unilateral exclusion of payments in cash</u></p>	
<p><u>1. In order to ensure the mandatory acceptance of cash for the purpose of Article 4(2) and without prejudice to the exceptions provided in Article 5, ex ante unilateral exclusions of cash shall be prohibited in transactions where retailers or service providers offer goods and services in public premises and the</u></p>	<p>DE (Drafting suggestions from delegations): <u>In order to ensure the mandatory acceptance of cash for the purpose of Article 4(2) and without prejudice to the exceptions provided in Article 5, ex ante unilateral exclusions of cash shall be prohibited in transactions</u></p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>consumer is physically present.</u></p>	<p><u>where retailers or service providers offer goods and services that are performed directly with a consumer and whereby the goods are immediately delivered or services are fully performed at the point of sale in public premises and the consumer is physically present</u></p> <p>DE (Comments from delegations):</p> <p>Explanation: In accordance with Recitals 4c and 5^a it is important to ensure that recurring payments are not covered by the new Art. 4a. To this effect, the wording should be more precise here.</p> <p>PT (Drafting suggestions from delegations):</p> <p><u>In order to ensure the mandatory acceptance of cash for the purpose of Article 4(2) and without prejudice to the exceptions provided in Article 5, ex ante unilateral exclusions of cash shall be prohibited in transactions where retailers or service providers offer goods and services in public premises and the consumer payer is physically present.</u></p> <p>PT (Comments from delegations):</p> <p>In line with our previous comments, we consider the reference to “<i>consumer</i>” should be replace by a reference to “<i>payer</i>”.</p>
<p>2. <u>For the purpose of this article, ex ante unilateral exclusion of cash shall mean a practice or situation where a retailer or service provider unilaterally, and without the express agreement of the consumer, excludes cash as a payment method as a condition to sell. In particular, a sign informing customers that a</u></p>	<p>AT (Comments from delegations):</p> <p>In general, we support the current compromise. However, we recommend amending the definition of ex ante unilateral exclusion of cash as follows:</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>retailer or service provider refuses to accept cash as a payment method shall constitute an ex ante unilateral exclusion of cash.</u></p>	<p>“... shall mean a practice or situation where a retailer or service provider unilaterally, and, without the express and individually negotiated agreement of with the payer, excludes cash as a payment method as a condition to sell.” Thus, a circumvention by using General Terms and Conditions, would be avoided.</p> <p>DE (Drafting suggestions from delegations):</p> <p><u>For the purpose of this article, ex ante unilateral exclusion of cash shall mean a practice or situation where a retailer or service provider unilaterally, and without the express agreement of the consumer, in accordance with applicable national law, excludes cash as a payment method as a condition to sell. In particular, a sign informing customers that a retailer or service provider refuses to accept cash as a payment method shall constitute an ex ante unilateral exclusion of cash.</u></p> <p>DE (Comments from delegations):</p> <p>Explanation: We continue to strongly oppose to the reference of an ‘expressed’ agreement. The deletion of the word ‘express’ is necessary, as there might be several ways how to conclude a contract, e.g. by implicit conduct, certain actions or customs. Otherwise scope would be too narrow.</p> <p>A reference to applicable national law is important here to clarify, that the way a contract is concluded is not going to be affected from this provision.</p> <p>PT (Drafting suggestions from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>2. For the purpose of this article, ex ante unilateral exclusion of cash shall mean a practice or situation where a retailer or service provider unilaterally, and without the express agreement of the payer, excludes cash as a payment method as a condition to sell. In particular, a sign informing customers that a retailer or service provider refuses to accept cash as a payment method shall constitute an ex ante unilateral exclusion of cash.</p> <p>PT (Comments from delegations): <i>We favor maintaining the definition of “ex ante unilateral exclusions of cash” in Article 3(4) because, as stated above, this is a central definition in this regulation and crucial to be easily and normally accessible. Therefore, we suggest incorporating the new definition, as proposed by the PL Presidency, in Article 3(4), and reserve Article 4a solely for the prohibition of ex ante unilateral exclusion of payments in cash.</i></p>
<i>Article 5</i>	
<p>Exceptions to the principle general obligation of mandatory acceptance of euro banknotes and coins</p>	<p>SI (Comments from delegations): We do not oppose to the proposed change.</p> <p>PT</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>(Drafting suggestions from delegations):</p> <p>Exceptions to the principle general obligation of mandatory acceptance of euro banknotes and coins</p> <p>PT</p> <p>(Comments from delegations):</p> <p><i>We oppose to including the reference to “general obligation”.</i></p> <p>This solution is a new version of an old proposal that did not receive broad support by Member States, which referred to “<i>mandatory acceptance in principle</i>” rather than to the “<i>principle of mandatory acceptance</i>”. Therefore, it poses the same already identified problems.</p> <p>From a technical perspective, it is difficult to frame this proposal, as it appears to intend to introduce a new category of obligations: “general obligations”, being unclear its legal nature and practical implications. Similarly to what happened with the proposed reference to “<i>mandatory acceptance in principle</i>”, we remain concerned about whether the current drafting is legally consistent with the legal tender status. The proposed terminology and conceptual framing may risk undermining the coherence and enforceability of the legal framework.</p> <p>Therefore, we question the rationale for reopening this issue and, if this approach is maintained, whether it remains appropriate to address the legal</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>tender status through this regulation. In our view, the current direction of travel risks undermining the legal tender status of cash and existing practices.</p> <p>During the discussions on the digital euro, privacy has consistently been highlighted as a key concern, particularly the need to ensure that payers have access to a means of payment that is both resilient and ensure a high level of privacy. It is worth noting that such a means of payment already exists (cash) and yet, the current trajectory risks undermining its role and effectiveness.</p> <p>IE (Comments from delegations): IE supports.</p>
<p>1. By way of derogation from Article 4(2), a payee shall be entitled to refuse euro banknotes and coins in any of the following cases:</p>	<p>DE (Drafting suggestions from delegations):</p> <p>1. By way of derogation from Article 4(2) and without prejudice to Article 2(4), a payee shall be entitled to refuse euro banknotes and coins in any of the following cases:</p> <p>DE (Comments from delegations):</p> <p>It should be clarified that reasons to exceptionally refuse the acceptance of cash payments may also be provided for in national law. Therefore, it is important to emphasise here that existing national legislation (which is, of course, in accordance with the principles established by the Court in Hessischer Rundfunk), would also provide a valid reason to exceptionally not accept a cash payment.</p> <p>NL</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>(Drafting suggestions from delegations):</p> <p>By way of derogation from Article 4(2) and without prejudice to Article 2(4), a payee shall be entitled to refuse euro banknotes and coins in any of the following cases:[...]</p> <p>NL</p> <p>(Comments from delegations):</p> <p>We support this text proposal because it acknowledges the concerns raised in the CWP about how existing national practices on cash acceptance interact with the LTCR.</p>
<p>(a) where a refusal is made in good faith and where such refusal is based on legitimate and temporary grounds in line with the principle of proportionality in view of concrete circumstances beyond the control of the payee;</p>	
<p>(b) where, prior to the payment, the payer and payee has have agreed in accordance with applicable national law with the payer on a different means of payment.</p>	
	<p>NL</p> <p>(Drafting suggestions from delegations):</p> <p><u>(d) where services are performed in a public interest and where such refusal is justified for reasons of public interest, provided that these restrictions are justified by the public interest objective pursued and proportionate to it and provided that other means for the payment of monetary debts are available.</u></p> <p>NL</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>(Comments from delegations):</p> <p>We propose to add a new article 5 1(d) to reflect MS’ call for retaining necessary flexibility in applying the mandatory acceptance of cash. The detailed EU-level rules in Articles 4–5 risk narrowing this space. A new article would therefore introduce a corresponding public-interest “sense check” at Union level, ensuring that justified and proportionate exceptions remain possible in clearly defined circumstances without undermining the overall principle of mandatory acceptance</p>
<p>For the purposes of point (a), the burden of proof to establish that such legitimate and temporary grounds existed in a particular case and that the refusal was proportionate shall be on the payee.</p>	
<p>2. For the purposes of the application of paragraph 1(a), such legitimate grounds may include:</p>	
<p>i. Regarding high denomination banknotes, if the value of the banknote tendered is manifestly disproportionate compared to the value of the amount to be settled.</p>	
<p>ii. In exceptional cases, if the enterprise has no change available at the moment where the cash is tendered in payment, or if there would be not enough change available as a result of that payment for an enterprise to carry out its normal daily business transactions.</p>	
<p><i>Article 6</i></p>	
<p>Additional exceptions to the principle of mandatory acceptance of euro banknotes and coins of a monetary law nature</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>The Commission is empowered to adopt delegated acts in accordance with Article 10 to supplement this Regulation by identifying additional exceptions of a monetary law nature to the principle of mandatory acceptance. Those exceptions shall be justified by an objective of public interest and proportionate to that aim, shall not undermine the effectiveness of the legal tender status of euro cash, and shall only be permitted provided that other means for the payment of monetary debts are available. When preparing those delegated acts, the Commission shall consult the European Central Bank.</p>	
<p><i>Article 7</i></p>	
<p>Acceptance of payments in cash</p>	
<p>1. In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and the proliferation of the use of the exceptions to the general obligation of mandatory acceptance of level of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission and, if applicable, on the basis of specific national indicators and shall assess the situation.</p>	<p>DE (Comments from delegations): We support the drafting proposals.</p> <p>SI (Comments from delegations): We do not oppose to the proposed change.</p> <p>PT (Drafting suggestions from delegations): 1. In order to ensure the acceptance of cash in accordance with Article 4(2), Member States shall monitor the acceptance of payments in cash and the proliferation of the use of the exceptions not foreseen in this Regulation to the principle general obligation of mandatory acceptance of level of ex ante unilateral exclusions of payments in cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>common indicators adopted by the Commission <u>and, if applicable, on the basis of specific national indicators</u> and shall assess the situation.</p> <p>PT (Comments from delegations): <i>We oppose to introducing the reference to “general obligation”, for the reasons previously mentioned.</i></p> <p>IE (Comments from delegations): IE supports the additions.</p> <p>FI (Comments from delegations): In order to be able to take into account of heterogeneous payment habits in Member States, it is important to have also specific national indicators.</p>
<p>2. Member States shall notify the results of their monitoring and assessment of the situation as regards the level of acceptance of payments in cash in accordance with Article 9(3).</p>	<p>LT (Comments from delegations): References to Article 9 should be aligned with proposed new structure of Article 9 and should likely be the same in Article 7 (Acceptance of payments in cash) and Article 8 (Access to cash).</p>
<p>3. If a Member State considers, <u>on the basis of its monitoring and assessment, that the acceptance of payments in cash is undermined by widespread and structural refusals of cash payments,</u> that the level of acceptance of payments in cash in their territory or parts thereof undermines mandatory acceptance of euro banknotes and coins, it shall set out the remedial measures it commits to take in accordance with Article 9(4).</p>	<p>LT (Comments from delegations): References to Article 9 should be aligned with proposed new structure of Article 9 and should likely be the same in Article 7 (Acceptance of payments in cash) and Article 8 (Access to cash).</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<i>Article 8</i>	
Access to cash	
<p>1. Member States shall ensure sufficient and effective access to cash throughout their territory, in all their different regions, including urban and non-urban areas. In order to ensure sufficient and effective access to cash, Member States shall monitor access to cash throughout their territory, in all their different regions, including urban and non-urban areas, on the basis of the common indicators adopted by the Commission <u>and, if applicable, on the basis of specific national indicators</u> and shall assess the situation.</p>	<p>FI (Comments from delegations): In order to be able to take into account of different geaograpy and heterogeneous payment habits in Member States, it is important to have also specific national indicators.</p>
<p>2. Member States shall notify the results of their monitoring and assessment of the situation as regards access to cash in accordance with Article 9(34).</p>	<p>LT (Comments from delegations): References to Article 9 should be aligned with proposed new structure of Article 9 and should likely be the same in Article 7 (Acceptance of payments in cash) and Article 8 (Access to cash).</p>
<p>3. If a Member State considers that sufficient and effective access to cash is not ensured, it shall set out the remedial measures it commits to take in accordance with Article 9(4) <u>and Article 9(5)</u>.</p>	<p>LT (Comments from delegations): References to Article 9 should be aligned with proposed new structure of Article 9 and should likely be the same in Article 7 (Acceptance of payments in cash) and Article 8 (Access to cash).</p>
<u>Article 8a</u>	
<u>Resilience of cash</u>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>In order to ensure access to cash in situations where there is systemic and serious risk or disruption for the continuity of electronic means of payments or an incident that significantly affects access to cash, affecting, in whole or in part, a Member State or the euro area, Member States shall ensure a cash resilience plan is established. This shall include different scenarios of situations which would seriously affect access to and distribution of euro banknotes and coins, or significantly disrupt the continuity of electronic means of payments, specifically addressing the risks of each scenario. It shall also include specific measures to be taken over the cash-related market activities of the cash industry in order to ensure access to cash and the continuity of payments in such situations. Member States shall ensure that the national central bank shall be consulted on any measures requiring the involvement of the national central bank.</u></p>	<p>DE (Drafting suggestions from delegations):</p> <p>(1) Member States shall ensure access to cash in situations where there is systemic and serious risk or disruption for the continuity of electronic means of payments or an incident that significantly affects access to cash, affecting, in whole or in part, a Member State or the euro area. Member States shall ensure a cash resilience plan is established. This shall include different scenarios of situations which would seriously affect access to and distribution of euro banknotes and coins, or significantly disrupt the continuity of electronic means of payments, specifically addressing the risks of each scenario. It shall also include specific measures to be taken over the cash-related market activities of the cash industry in order to ensure access to cash and the continuity of payments in such situations.</p> <p>(2) Member States shall ensure that the national central bank shall be consulted on any measures requiring the involvement of the national central bank.</p> <p>DE (Comments from delegations):</p> <p>Explanation:</p> <p>Generally, we support the concept of strengthening cash resilience.</p> <p>However, we believe there are several ways and strategies how to reach this goal. These measures should be adopted at national level and should align well with existing strategies and plans in the context of resilience. Therefore, we do not see the necessity to establish the – undefined – concept</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>of a ‘cash resilience plan’ as this provides no added value but only imposes additional burdens on Member States which might reach the same result in a different way.</p> <p>NL (Drafting suggestions from delegations):</p> <p>In order to ensure access to cash in situations where there is systemic and serious risk or disruption for the continuity of electronic means of payments or an incident that significantly affects access to cash, affecting, in whole or in part, a Member State or the euro area, Member States shall ensure a cash resilience plan is established. This shall include different scenarios of situations which would seriously affect access to and distribution of euro banknotes and coins, or significantly disrupt the continuity of electronic means of payments, specifically addressing the risks of each scenario. It shall also include specific measures to be taken over the cash-related market activities of the cash industry in order to ensure access to cash and the continuity of payments in such situations. Member States shall ensure that the national central bank shall be consulted on any measures requiring the involvement of the national central bank.</p> <p>NL (Comments from delegations):</p> <p>We agree that cash is very important for resilience purposes and we are already working on this matter. However, resilience matters should be tackled holistically, taking into account the framework of existing Union regulations such as the Critical Entities Resilience Directive (CER) and the NIS 2 Directive. We fear that this article leads to a fragmented patchwork and inconsistent approach to resilience. Furthermore, it seems to overstep the Union's exclusive competence to monetary law matters. We therefore suggest to delete this article.</p> <p>LT</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>(Comments from delegations):</p> <p>The cash resilience plan primarily falls under the responsibility of NCBs. Therefore, statement “Member States shall ensure that the national central bank is consulted on any measures requiring the involvement of the national central bank” should be reviewed to clarify that cash resilience plan may be, or – if this is the common practice across Member States – is approved by the NCB.</p> <p>IT</p> <p>(Drafting suggestions from delegations):</p> <p>In order to ensure access to cash in situations where there is systemic and serious risk or disruption for the continuity of electronic means of payments or an incident that significantly affects access to cash, affecting, in whole or in part, a Member State or the euro area, Member States shall ensure a cash resilience plan is established.</p> <p>This shall include different scenarios of situations which would seriously affect access to and distribution of euro banknotes and coins, or significantly disrupt the continuity of electronic means of payments, specifically addressing the risks of each scenario. It shall also include specific measures to be taken over the cash related market activities of the cash industry in order to ensure access to cash and the continuity of payments in such situations. Member States shall ensure that the national central bank shall be consulted on any measures requiring the involvement of the national central bank.</p> <p><u>Each Member State - in consultation with the national central bank and the national competent authorities designated under Article 9, if different from the national central bank - shall establish a cash resilience plan in order to ensure access to cash in different scenarios of situations where access to and distribution of euro banknotes and coins may be</u></p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p><u>seriously affected, or continuity of electronic means of payments may be significantly disrupted. The cash resilience plan shall include specific measures to be adopted in order to ensure access to cash and the continuity of payments in such situations.</u></p> <p>IT (Comments from delegations):</p> <p>IT. We believe the wording of Article 8a lacks clarity and is repetitive. Moreover, it seems to confer on Member States direct competences on issues that could be assigned to national central banks, also in line with the ESCB Statute. Therefore, we suggest substituting the wording with the one we propose, in order to streamline its content.</p> <p>IE (Comments from delegations):</p> <p>IE is supportive of Article 8(a) in its current form.</p> <p>IE supports the removal of Article 8a(5) in the previous drafting of this sub-article.</p> <p>FI (Comments from delegations):</p> <p>In the cash resiliency plans, it is important to take into account national specificities in each Member States' cash cycle.</p> <p>EL (Drafting suggestions from delegations):</p> <p><u>Member States shall ensure that the national central bank shall be consulted on any such measures requiring the involvement of the national central bank. Member States shall furthermore inform the European Central Bank of the existence of their cash resilience plans or their updates.</u></p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>EL (Comments from delegations): Reference is made to “<i>systemic and serious risk or disruption for the continuity of electronic means of payment</i>”. We are of the view that the wording should be checked against the final corresponding wording that will be included in DER as regard resilience. Two drafting suggestions in order to:- -clarify/extend the consultative role of the NCBs -include also in the text of the Regulation the obligation to inform the ECB, which is included in recital 8a.</p>
<i>Article 9</i>	
Procedural aspects	
<p>1. With a view to implementing the obligations set out in Articles 7 and 8, Member States shall designate one or more national competent authorities to ensure compliance with Articles 7 and 8 with the required powers as regards acceptance of payments in cash and access to cash, and over the cash related market activities of the cash industry.</p>	<p>DE (Comments from delegations): We fully support the amendments.</p> <p>IT (Drafting suggestions from delegations): With a view to implementing and ensuring compliance with the obligations set out in Articles 7 and 8, Member States shall designate one or more national competent authorities.</p> <p>IT (Comments from delegations): IT. The last part of the paragraph (“to ensure compliance with Articles 7 and 8”) replicates to some extent the first part of the paragraph (“with a view to</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>implementing the obligations set out in Articles 7 and 8”). We would suggest an amendment for the sake of clarity.</p> <p>IE (Comments from delegations): IE agrees with the change.</p>
<p>2. For the purposes of Articles 7 and 8, the Commission shall adopt implementing acts of general application on a set of common indicators Member States shall use to monitor and assess the acceptance of payments in cash and access to cash throughout their territory, in all their different regions, including urban and non-urban areas. Those implementing acts shall be adopted [within X months after the entry into force of this Regulation] in accordance with the advisory examination procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.</p>	<p>DE (Comments from delegations): Support.</p> <p>IE (Comments from delegations): IE is in agreement with the change to ‘examination procedure’.</p>
<p><u>3. 3.— For the purposes of Articles 7 and 8, a Member State may use in its report specific national indicators, in addition to common indicators, to provide more detailed information on the specificities of its territory, regions, and urban areas. These specific national indicators shall complement the common indicators allowing for comparability of data and comparisons between Member States where appropriate. The specific national indicators shall not substitute or undermine the common indicators.</u> The designated national competent authorities shall notify the results of their monitoring and assessment of the situation as regards the levels of acceptance of payments in cash and access to cash, giving grounds and data for their assessment, in an annual report to be addressed to the Commission and the European Central Bank as referred to in Article 13.</p>	<p>FI (Comments from delegations): As stated already above, the inclusion of specific national indicators is important to capture also differences in payments habits as well the different geography in the Member States.</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p><u>3a. The designated national competent authorities shall notify the results of their monitoring and assessment of the situation as regards the acceptance of payments in cash and access to cash, giving grounds and data for their assessment, in a report as referred to in Article 13.</u></p>	
<p>4. If a Member State considers that the level of acceptance of payments in cash is undermined <u>undermined by widespread and structural refusals of cash payments,</u> mandatory acceptance of euro banknotes and coins or that <u>there is no</u> sufficient and effective access to cash is not ensured, <u>in all or part of its territory,</u> it shall indicate in the its annual report, <u>set out</u> the remedial measures it <u>that the Member State</u> commits to take in order to comply with the obligations set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.</p>	
<p>5. <u>If, after examining the report, the Commission, in consultation with the European Central Bank, concludes that the remedial measures set out by the Member State concerned appear insufficient, the Commission may open a dialogue with the Member State concerned for the purpose of reaching a common view and assisting the Member State in designing remedial measures to ensure acceptance of cash and sufficient and effective access to cash.</u> The Commission shall examine the annual reports in close consultation with the European Central Bank. If the remedial measures proposed by a Member State pursuant to paragraph 4 appear insufficient, or if the Commission considers that the acceptance of cash payments or sufficient and effective access to cash in a Member State is not in line with the obligations set out in Articles 7 and 8 despite the findings of the annual report, the Commission shall adopt implementing acts providing for adequate and proportionate measures that shall be adopted by the Member State concerned within the deadline laid down in the respective</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.	
<i>Article 10</i>	
— Exercise of the delegation	
1. — The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
2. — The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for an indeterminate period of time from <i>[date of entry into force of this Regulation]</i>.	
3. — The power to adopt delegated acts referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
4. — Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	
<p>6. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.</p>	
<i>Article 11</i>	
Committee procedure	
<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>	
<p>2. <u>2.</u> Where reference is made to this paragraph, Article 45<u>5</u> of Regulation (EU) No 182/2011 shall apply.</p>	
<p><u>3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act.</u></p>	
<i>Article 12</i>	
Penalties	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>Member States shall lay down the rules on penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, within one two years after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.</p>	<p>DE (Drafting suggestions from delegations): Member States shall lay down the rules on penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, within one two years after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.</p> <p>DE (Comments from delegations): We propose to delete Article 12 altogether.</p> <p>It is our firm conviction that such an allocation of public resources is no longer in line with today’s policy priorities. The highest political leaders in the EU have repeatedly and unequivocally emphasized the need to reduce administrative complexity and streamline administrative procedures wherever possible. Our legislative efforts, even in the details, must reflect this guiding principle, to ensure that political commitments are translated into concrete action rather than remaining empty promises.</p> <p>For this reason, we consider the proposed solution via a recital to be insufficient, as it would provide MS with only very limited room for manoeuvre.</p> <p>Instead, we continue to advocate for abandoning Article 12 altogether. We believe, MS should be granted the greatest possible flexibility in determining</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>whether or not sanctions for individual cases of non-compliance with the Regulation should be introduced.</p> <p>As the PCY rightly pointed out, MS are already obliged under the principle of sincere cooperation to ensure compliance with the acceptance obligations. To put it simply: This obligation is enough.</p> <p>We should leave Member States greater discretion in determining how best to implement these obligations in practice. After all, civil liability claims, competition law remedies, and consumer protection can also serve as effective and powerful enforcement tools. We believe that this would ensure a proportionate approach.</p> <p>This approach would also be more consistent with the fact that, in their current form, the cash acceptance obligations are most likely to be understood as being of a civil law nature. A public-law penalty for breaches of this obligations would, at least under German law, be unprecedented. Enforcement through civil law proceedings is thus far more appropriate.</p> <p>PT (Comments from delegations): <i>We support the proposed drafting.</i></p> <p>NL (Drafting suggestions from delegations): Member States may shall lay down the rules on penalties [including financial penalties and non-criminal fines] applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>dissuasive. Member States shall, within one <u>two</u> years after the entry into force of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.</p> <p>NL (Comments from delegations): We would still support “may”. In the spirit of compromise, we can support “shall”, as long as it is clear in the recitals that penalties include civil law remedies. Please see our answers to the questionnaire.</p>
<i>Article 13</i>	
<u>Annual r</u>Reports	
<p>1. Member States shall submit on an annual basis a report to the Commission and the European Central Bank including information on the following aspects:</p>	
<p>(a) the established exceptions to the principle general obligation of mandatory acceptance and their application;</p>	<p>SI (Comments from delegations): We do not oppose to the proposed change.</p> <p>PT (Drafting suggestions from delegations): (a) the established exceptions to the principle general obligation of mandatory acceptance and their application;</p> <p>PT (Comments from delegations):</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p><i>We oppose to introducing the reference to “general obligation”, for the reasons previously mentioned.</i></p> <p>IE (Comments from delegations): IE supports.</p>
<p>(b) detailed data and assessment of the situation in the Member State as regards acceptance of payments in cash and access to cash, and the remedial measures to be taken pursuant to Articles 7 and 8;</p>	
<p>(c) the implemented penalties including financial penalties and non-criminal fines.</p>	
<p>2. The first annual report shall be submitted one two years after the entry into force of <u>the implementing act adopted pursuant to Article 9(2) of this Regulation.</u> Subsequent annual reports shall be submitted yearly after the date of the entry into force of this Regulation <u>every two years.</u></p>	
<p>3. The Commission shall examine the annual reports in close consultation with the European Central Bank.</p>	
<p><u>4. For the purpose of carrying out the tasks under Articles 7, 8 and under Article 13 (1), national competent authorities</u></p>	<p>DE (Drafting suggestions from delegations): <u>4. For the purpose of carrying out the tasks under Articles 7, 8, 8a and under Article 13 (1), national competent authorities</u> DE</p>

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
	<p>(Comments from delegations):</p> <p>Explanation: It should also be possible to collect and use data for the purposes of Article 8a.</p>
<p><u>(a) may, where appropriate, require the cash industry and payees to provide relevant data on their operations related to the acceptance of cash and access to cash;</u></p>	
<p><u>(b) shall be entitled to collect and process necessary and relevant data, including necessary personal data, subject to compliance with applicable rules on the protection of personal data, in particular to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC</u></p>	
<p><u>5. Member States, their national competent authorities and other competent authorities performing cash-related tasks may - with the prior explicit consent of the authority which provided the data - use non-personal data for their own scientific research purposes and make the data available to scientific research bodies for their scientific research purposes.</u></p>	
<p><i>Article 14</i></p>	
<p>Duty of Member States to inform about remedies</p>	
<p>Member States shall provide natural persons and enterprises with clear information on the channels and effective remedies they have at their</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<p>disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.</p>	
<p><i>Article 15</i></p>	
<p>Interaction between euro banknotes and coins and the digital euro</p>	
<p>1. Euro banknotes and coins and the digital euro shall be convertible into each other at par.</p>	
<p>2. Payees of a monetary debt denominated in euro shall accept payments in euro banknotes and coins according to the provisions of this Regulation, irrespective of whether they accept payments in digital euro in accordance with Regulation [XXX on the establishment of the digital euro]. Where the acceptance of euro banknotes and coins and the digital euro is mandatory in accordance with the provisions of this Regulation and Regulation (XXX on the establishment on the Digital Euro), the payer is entitled to choose the means of payment</p>	
<p><i>Article 16</i></p>	
<p>Review</p>	
<p>By <i>[date-five years after the entry into force]</i>, the Commission shall carry out a review on the operation and effects of this Regulation and submit a report to the European Parliament and to the Council. Member States shall provide the Commission with necessary information for the preparation of that report.</p>	

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
<i>Article 17</i>	
Entry into force	
This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	
Done at Brussels,	
<i>For the European Parliament</i>	<i>For the Council</i>
<i>The President</i>	<i>The President</i>
END	AT (Drafting suggestions from delegations): END AT (Comments from delegations): ENd DE (Drafting suggestions from delegations): END DE (Comments from delegations): ENd

DK drafting suggestions	Drafting suggestions from delegations and Comments from delegations
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