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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Financial Services and the Banking Union (Digital Euro Package) Financial Services Attachés
Subject:	Legal Tender of Cash Regulation: WP on 25 November – Presidency discussion note on unmanned points of sale

Danish Presidency
Council of the European Union

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Legal tender – Presidency discussion note on unmanned points of sale

Date: 19 november 2025

Working Party on Financial Services and the Banking Union

Proposal for a regulation on the legal tender of euro banknotes and coins

Meeting on 25 November 2025

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1. Member States discussion on unmanned points of sale

Member States have discussed the issue of exceptions to the mandatory acceptance of cash on several occasions, most recently during the Working Party meeting on 28 October 2025, and through subsequent written feedback. A key part of these discussions concerned the question how the obligation to accept cash should apply in the context of unmanned points of sale.

Several Member States have argued that the mandatory acceptance of cash under this Regulation should primarily apply to transactions where both the consumer and the retailer are physically present. For these Member States, the requirement of physical presence should constitute a key condition for the mandatory acceptance of cash. A number of Member States have thus supported including an exception from the mandatory acceptance of cash in situations where there is no physical presence of the retailer, namely in unmanned or automated points of sale, such as vending machines, ticketing machines (including for public transport) and other unmanned environments.

In view of the specificities associated with unmanned points of sale, the discussions have shown that it could be considered not necessary to impose an absolute obligation to accept cash for unmanned points of sale in this Regulation. Distinguishing between transactions involving a physical presence of both parties and those without such presence would ensure a balanced and proportionate approach. It would, on the one hand, maintain the application of the obligation to accept cash in traditional, attended retail stores, while, on the other hand, allowing to accommodate the specific situations of unmanned environments.

However, it is also appropriate to recognize the existing heterogeneities across the euro area. There is indeed a shared recognition among Member States that the need for, and use of, cash varies considerably across the Union, reflecting differences in economic structure, payment habits, financial inclusion levels, and availability of digital payment infrastructure.

Applying a one-size-fits-all solution to unmanned points of sale across all Member States is neither necessary, nor desirable, as it would entail unintended interference with well-functioning national payment frameworks and established market practices. Instead, a proportionate and flexible approach is proposed that would allow the Regulation to achieve its overarching objectives in respect of cash acceptance; namely, safeguarding the effective use of the euro as a single currency, and more particularly, the euro's status as legal tender, while at the same time not interfering with existing realities in the area of unmanned points of sale.

In view of the above, the Presidency proposes to introduce an explicit exception of unmanned points of sale from the mandatory acceptance of cash in Article 5 of the Regulation, combined

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with a well targeted definition of "unmanned points of sale" that builds on Option 2 of the previous Presidency note. Finally, in order to take into account situations existing heterogeneities, the Presidency suggests to empower the Member States to provide stricter rules on the mandatory acceptance of cash in unmanned points of sale.

2. **Exception of unmanned points of sale from the mandatory acceptance of cash**

In line with the Presidency discussion note on unmanned points of sale distributed for the Working Group on 28 October 2025, the Presidency proposes to use Option 2 consisting of introducing, in Article 5, an explicit exception for unmanned point of sale.

New article 5(1)(c) would be inserted:

"(c) where the point of sale is an unmanned point of sale."

Such exception will provide legal certainty about the legal regime of unmanned points of sale. The scope of such exception must, however, not undermine the obligation of mandatory cash acceptance and, more generally the objectives of this Regulation. To that end, a well targeted definition of unmanned points of sale is needed that would, on the one hand, provide legal certainty and predictability, and, on the other hand, strike a balance between the mandatory acceptance of cash and the real needs for cash acceptance.

3. **Definition on unmanned point of sale**

In its previous note, the Presidency had put forward three possible definitions of the term "*unmanned points of sale*". In light of Member States comments, the Presidency proposes to build on option 2 as it, in the Presidency's view, strikes the right balance between, on the one hand, the need to take into account existing realities and, on the other hand, the need of not undermining the objectives of the Regulation by providing an exception whose effects on the mandatory acceptance would be too broad.

More particularly, the Presidency suggests a few changes to the definition in an effort to slightly narrow the scope in order to accommodate the Member States who had a preference for option 3 at the last Working Party meeting.

Article 3(13) (new)

"Unmanned point of sale" means a physical device or system via which goods or services are provided directly to the payer by or on behalf of the payee, in return for payment, without the presence of any staff or agents of the payee. This includes vending machines, ticketing machines, parking meters, self-service fuel and charging stations, and other similar systems.

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4. Empowering Member States to provide stricter rules

The Presidency notes significant differences in the realities and regulatory approaches to unmanned points of sale across the Member States. More particularly, while in a number of Member States the acceptance of cash in unmanned points of sale is quasi-inexistent, or constitutes rather an exception, in several Member States, the mandatory acceptance of cash in unmanned points of sale is widespread.

Recognizing that it cannot be considered necessary for the use of the euro as the single currency and, more specifically, for the establishment of the status of legal tender of euro cash, to impose the same approach to the obligation to accept cash by unmanned points of sale across all Member States, the Presidency proposes to accommodate these differences by empowering the Member States[, in accordance with Article 2(1) TFEU,] to maintain or introduce stricter rules on the mandatory acceptance of cash in the unmanned points of sale on their territory.

Such approach would allow for a single, generally applicable framework in the Regulation, while at the same time providing for measures that respect specific national contexts where mandatory acceptance of cash in the unmanned points of sale is considered essential.

The Presidency thus suggests to include new Article 5(3), as follows:

Article 5(3)

"The Member States may maintain or introduce provisions that provide for a stricter obligation to accept cash than that provided in Article 5(1)(c). The Member States shall notify such provisions to the Commission within six months from the entry into force of this Regulation or from their adoption."

5. Recital

In order to provide a justification for the legislator´s approach to the mandatory acceptance of cash in unmanned points of sale, the Presidency proposes to include the following recital:

Recital X (new)

"Certain enterprises make goods or services available to the public through unmanned points of sale. Such devices or systems should be considered to operate in an unmanned manner where no staff or agents of the payee, irrespective of their function or title, are present within those public premises. The way in which these unmanned points of sale accept payment has evolved differently across the euro area. For this reason, the obligation of mandatory acceptance of euro banknotes and coins should, as a general rule, not apply for such points of sale. However, in view of these heterogeneities in economic and payment landscapes between the Member States, it is appropriate to empower the Member States whose currency is the

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euro to maintain or introduce national provisions that provide for a stricter obligation to accept cash in unmanned points of sale than the obligation provided for in this Regulation. The Member States should notify such provisions to the Commission within six months from the entry into force of this Regulation or from their adoption."

The Presidency believes that this approach achieves a balance between the integrity of the euro as legal tender and the practical realities of varying national payment environments in respect of unmanned points of sale. It allows flexibility without changing existing national structures that already function effectively in those Member States where there is a policy interest to ensure the acceptance of cash in unmanned points of sale.

6. Next Steps

Delegations are invited to provide feedback on this consolidated approach and to indicate whether the solution proposed in this note could serve as a workable basis for compromise drafting.