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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:	Single Currency Package - LTCR - WP meeting on 31 March 2025 - Presidency drafting suggestions

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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Note from the Presidency: the PL PCY amendments are in red font.

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
2023/0208 (COD) **Proposal for a** **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** **on the legal tender of euro banknotes and coins**	2023/0208 (COD) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the legal tender of euro banknotes and coins		
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			
Having regard to the Treaty on the functioning of the European Union and in particular Article 133,			
Having regard to the proposal form the European Commission,			
Having regard to the opinion of the European Central Bank,			
Acting in accordance with the ordinary legislative procedure,			
Whereas:			

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Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
(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 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.	(3) Commission Recommendation **2010/191/EU of 22 March 2010** on the scope and effects of legal tender of euro		

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.

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	banknotes and coins[3] provides for a common definition of legal tender of euro banknotes and coins.		
(4) In a judgment of 26 January 2021[4], 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 EU[5]. 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"[6]. 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	(4) In a judgment of 26 January 2021[8], 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 EU[9]. Secondly, the Court held that the concept of 'legal tender' of a means of payment denominated in a		

3 OJ L83, 30.3.2010, p.70.

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

5 See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, point45

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

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

9 See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk*, EU:C:2021:63, point45

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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 it[7].	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"[10]. *[following sentence adapted and moved to first part of new recital (4a)]*		
	(4a) As acknowledged in the relevant case law[11], 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		

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.

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

11 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.

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	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.		
	(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,	**(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 ~~unjustified or disproportionate~~** widespread and structural **~~restrictions on the~~** refusals of cash that are undermining the principle of **mandatory**	(Explanation) PRES has adjusted to wording for the purpose of standardisation of language used in the regulation. Addition of *'[…] structural refusals of cash that are undermining the principle of […]'* serves the purpose of preventing the possibility of circumventing the law by contract's parties which would lead to piercing the principle of mandatory acceptance of cash on the national level.

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	does not lead to unjustified or disproportionate restrictions on the 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.	**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.**	
	(4c) For recurring payments or advances to receive from payees, it is common that cash is not used. Gas, water, electricity and telecom providers, insurance companies, tax authorities, etc. are receiving on a monthly, quarterly or yearly basis very large numbers of payments from clients and citizens. 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	**(4c) For recurring payments or advances to receive from payees** within the framework of a single contractual relationship, ~~it is common that~~ **cash is not** always **used.** Companies such as ~~G~~**gas, water, electricity and telecom providers, insurance companies**~~, or tax authorities, etc.~~ generally contract at a distance and receive ~~are receiving~~ **on a monthly, quarterly or yearly basis very large numbers of payments from clients and citizens.** 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. In such a case, the prohibition of unjustified ex ante	(Explanation) The updated draft of this recital aim to better clarify that the prohibition of the ex ante unilateral exclusions of cash is not intended to apply to recurring payments, for which cash is seldomly chosen as the means of payment to settle the debts as it is less suited to this kind of payments. The effectiveness of the legal tender status of euro cash is preserved by a clear prohibition of unilateral exclusions of cash focusing on business to consumer transactions at the point of sale. Hence, the prohibition with a limited scope is appropriate to the objectives of the regulation and does not go beyond what is necessary to achieve them, in line with the principle of proportionality. More specifically, recital 4c also outlines some examples of cases where the exclusion of cash would be justified, such as for

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	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-effectively.	unilateral exclusions of cash would not be breached, 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 cash also for those payments. ~~**The European Court of Justice has also 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-effectively.**~~	companies (such as gas, water, electricity and telecom providers) which usually contract with their customers at a distance.
		(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	(Explanation) Due to changes made in the Recital 4c and in order to avoid deletion of the reference to ECJ verdict it is

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		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-effectively[12].	proposed to introduce a new Recital dedicated solely to the recognition of MS authority and competence in adopting restrictions on the use of cash, where public interest consists of ensuring that monetary debts to public authorities are honoured without involvement of unreasonable expense. This particular Recital is a direct reference to point 73 of the ECJ verdict in *Hessischer Rundfunk* case. By splitting the Recitals PL Presidency hopes for providing more clarity.
(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 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.			

[12] 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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	(5a) Mandatory acceptance of euro cash is a key principle of legal tender. Therefore, retailers or service providers should not be able to unilaterally exclude cash as a payment method ex ante, for example by displaying a 'no cash' sign. However, retailers or service providers should be able to indicate their 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	**(5a) 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, for example by displaying a 'no cash' sign.** In particular, retailers and service providers should not be able to refuse payments in euro banknotes and coins by displaying 'no cash' signs as regards 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. 'No cash' signs' could easily proliferate and lead to widespread refusals of cash which would undermine the principle of mandatory acceptance. **However, retailers or service providers should be able to indicate a ~~their~~ 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**	(Explanation) The terms „*a fundamental obligation stemming from the concept of legal tender*" is more in line the CJEU (the CJEU uses the term „*fundamental obligation*" (see para 55 of the Hessischer Rundfunk"). Apart from that the updated recital aim to better clarify that the prohibition of the ex ante unilateral exclusions of cash is not intended to apply to business to business transactions, for which cash is seldomly chosen as the means of payment to settle the debts as it is less suited to this kind of payments. The effectiveness of the legal tender status of euro cash is preserved by a clear prohibition of unilateral exclusions of cash focusing on business to consumer transactions at the point of sale. Hence, the prohibition with a limited scope is appropriate to the objectives of the regulation and does not go beyond what is necessary to achieve them, in line with the principle of proportionality.

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	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 Recital, 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 principle of mandatory acceptance of cash was not respected.	**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 ~~Recital~~ 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 principle of mandatory acceptance of cash was not respected.**	(Explanation) Technical change. There are no exceptions on the basis of good faith in this Recital.
(6) In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not effectively undermined by widespread and structural refusals of cash payments, it is necessary	(6) In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and	(6) In order to ensure that the principle of mandatory acceptance of payments in euro banknotes and coins is not ~~effectively~~ undermined	(Explanation)

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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 the level of unilateral ex ante exclusions of payments in cash when payments 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. 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 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.	coins is not effectively undermined by widespread and structural refusals of cash payments **going beyond or by the abuse of the exceptions to the mandatory acceptance set out in this Regulation**, Member States should regularly **monitor the acceptance of payments** in cash when 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 **and which may be complemented by specific national indicators. The primary responsibility for assessing whether the mandatory acceptance of payments in cash is ensured lies with the Member States.** If in light of their assessment acceptance of payments in cash is ensured on their territory, Member States would not need to adopt	by widespread and structural refusals of cash payments **going beyond or by the abuse of the exceptions to the mandatory acceptance set out in this Regulation,** Member States should regularly monitor, following complaints or of their own motion, **the acceptance of payments** in cash when 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 and which may be complemented by specific national indicators.~~ 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,	The PRES seeks to clarify, both in Recital 6 on acceptance of cash, and Recital 7 on access to cash, a common understanding that what is envisaged is a framework of common indicators used for individual reporting by the Member States. It clarifies that 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, in response to the call of several Member States to have such national indicators. The collected data should allow the Commission and the ECB to have a clear euro area overview based on objective data. Both the recitals on access and acceptance of cash have been updated in a harmonised way, to ensure clarity. Additionally, based on the previous discussion the PRES proposes to add in recital 6 a range of examples of common indicators

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	specific measures in relation to their respective obligation. However, they would need to continue monitoring the situation. **If a Member State concludes that the principle of mandatory acceptance of payments in euro banknotes and coins is not ensured in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation.**	socio-economic variations and urban-rural 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 and structural refusals of cash are undermining **the principle of mandatory acceptance of payments in euro banknotes and coins** ~~is not ensured~~ **in all or part of its territory, that Member State should take effective and proportionate measures to remedy the situation**.	
(7) With a view to 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	(7) With a view to an effective implementation of their obligation to ensure sufficient and effective access	(7) With a view to ensuring an effective implementation of their obligation to ensure sufficient and effective access to cash, Member	(Explanation) See above

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all their different regions, including urban and non-urban areas, on the basis of common indicators which allow for comparisons between the Member States. Common indicators could include factors that affect access to cash, such as density of cash access points 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. 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 geographic access requirements on payment service providers 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. 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.	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 **and which may be complemented by specific national indicators**. Common indicators could include factors that affect access to cash, such as **distance to and** density of cash access points 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. **The responsibility for assessing whether sufficient and effective access to cash is ensured lies with the Member States.** If in the light of their assessment access to cash is	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 and which may be complemented by specific national indicators~~. 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. Common indicators could include factors that affect access to cash, such as **distance to and** density of cash access points 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. **The primary responsibility for assessing whether sufficient and effective**	

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	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 **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.)** providing cash withdrawal services to maintain cash services at	**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.** 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 **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.)** providing cash withdrawal services to maintain cash services at a sufficient number of their branch offices where they conduct business, or through an appointed agents, or maintain a sufficient density of automated teller machines (ATMs) where they	

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	a sufficient number of their branch offices where they conduct business, or through an appointed agents, 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 remedial measures.**	conduct business taking into account a good geographic spread in relation to population, also taking into account possible pooling of ATMs, **or other remedial measures.**	
(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. In view of the preparation of such implementing acts, the Commission should consult the European Central Bank.	(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	(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 ~~annual~~ report, the Member States may use more specific indicators at national level	

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	both a degree of comparability of data and results in the euro area and take account of the heterogeneity of national situations. In their annual 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 **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**	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 **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.**	

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	indicators to be adopted, redundancies and duplications of work should be avoided.		
(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.			
(10) In accordance with the principle of sincere cooperation, the Commission, 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 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	(10) In accordance with the principle of sincere cooperation, the Commission, **in cooperation with** the European Central Bank, and the designated national competent authorities should closely collaborate on issues related to	(10) In accordance with the principle of sincere cooperation, the Commission, **in cooperation with** the European Central Bank, and the designated national competent authorities should closely collaborate on issues related to acceptance of payments in cash and access to cash. A regular dialogue among these institutions and authorities,	

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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 inadequate access to cash in specific national territories or regions. It would also aim at designing and adopting remedial measures that Member States should adopt as a means to comply with their obligations to ensure acceptance of cash and sufficient and effective access to cash.	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 and structural refusals of cash payments** and inadequate access to cash in specific national territories or regions. **It would also seek to assist Members States in designing remedial measures for the purpose of complying** with their obligations to ensure acceptance of cash and sufficient and effective access to cash.	based notably on the ~~annual~~ reports of Member States to the Commission and the European Central Bank, should aim at identifying **cases of widespread and structural refusals of cash payments** and inadequate access to cash in specific national territories or regions. **It would also seek to assist Members States in designing remedial measures for the purpose of complying** with their obligations to ensure acceptance of cash and sufficient and effective access to cash.	
(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			

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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 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.			
(12) In order to ensure uniform conditions for the provisions on the acceptance of payments in cash and sufficient and effective access to cash, implementing powers should be conferred on the Commission.	**(12)** In order to ensure uniform conditions for **the monitoring and assesment of the** acceptance of		

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[13]. The advisory procedure should be used for the adoption of the implementing acts on 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.	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 Council[14]. The **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 in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.**		
(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	**(13)** This Regulation ensures full respect for the fundamental right of freedom to conduct a business and		

13 OJ L55, 28.2.2011, p.13.

14 OJ L55, 28.2.2011, p.13.

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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 receive payments. 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.	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 **a payee receives** payments. The interference with those fundamental rights is therefore indirect and justified **by** the general interest objective of ensuring the effectiveness of legal tender, and is proportionate to this objective.		
(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	**(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		

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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Accessibility Act[15], which 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.	and lower income levels. This proposal is consistent with the European Accessibility Act[16], which 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		

15 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).

16 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).

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	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.		
(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.	**(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		

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.		
HAVE ADOPTED THIS REGULATION:	*(unchanged)*		
Article 1 Subject matter	Article 1 Subject matter		
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 lays down rules on the scope and effects of the legal tender of 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 use as a single currency. **This Regulation also lays down rules on the access to euro banknotes and coins.**		
Article 2 Scope	Article 2 Scope		

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
1. This Regulation applies to the settlement of pecuniary debts in so far as they are to be settled in cash, in whole or in part, 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.	1. This Regulation applies to **the settlement of pecuniary debts in cash, in whole or in part and the access to and acceptance of cash, in order to ensure the effectiveness of the legal tender of cash.**		
2. This Regulation shall not apply to payments for goods or services purchased at a distance, including online.	2. This Regulation shall not apply to payments for goods or services purchased at a distance, including online.		
	3. Euro banknotes and coins shall have legal tender status for payments of a monetary debt within the euro area.	3. In accordance with Article 128 TFEU and Regulation (EC) No. 974/98, ~~E~~**euro banknotes and coins shall have legal tender status for payments of a** ~~monetary~~ pecuniary **debt within the euro area**.	(Explanation) This wording will provide better coherence with the Treaty. The addition of Regulation No. 974/98 is dictated by the fact that it concerns coins. Change from monetary to pecuniary aims to make this provision consistent with the terms used in Article 2(1).

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	4. This Regulation is without prejudice to restrictions to the principle 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.		
Article 3 Definitions	Article 3 Definitions		
For the purposes of this Regulation, the following definitions apply:			
1. ‘cash’ means euro banknotes and coins;			

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Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
2. 'cash industry' means credit institutions offering payment accounts to customers and cash service providers involved in the managing of the distribution and circulation of euro banknotes and coins;	2. 'cash industry' means **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[17] 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 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;	4. 'ex ante unilateral exclusions of cash' means a situation when a retailer or service provider unilaterally, **and without the consent of the payer, to be determined in accordance with applicable national law,** excludes	(deleted and moved to Article 4a)	(Explanation) Following the discussion held during CWP meeting in order to secure the principle of mandatory acceptance and provide more clarity that will eliminate any ambiguity in legal interpretation instead of the definition a new provision was added (article 4a).

[17] 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.

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	cash as a payment method **in a retail transaction.**		
5. ’payer’ means any person who makes a payment in euro cash;	5. ’payer’ means any **natural or legal** person, **irrespective of its private or public nature,** who makes a payment in euro cash;		
6. ’payee’ means any person who is the intended recipient of funds which have been the subject of a payment transaction in euro cash;	6. ’payee’ means any **natural or legal** person, **irrespective of its private or public nature,** who is the intended recipient of funds which have been the subject of a payment transaction in euro cash;		
7. ‘face value’ means the denomination in euros of a euro banknote or coin, as printed on that banknote or minted on that coin;			
	7a. ‘High denomination banknotes’ means banknotes with face value of 100, 200, and 500 euros.		

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Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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.	**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.		
		9. 'retailer' means a business that sells goods to the public for use or consumption rather than for resale	(Explanation) PRES proposes to add a definition of a retailer as requested by several MS.
Article 4 Legal tender	Article 4 Legal tender	Article 4 Legal tender	
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.			

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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.	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. **Ex ante unilateral exclusions of cash shall be prohibited.**	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. ~~Ex ante unilateral exclusions of cash shall be prohibited.~~	(Explanation) Following the discussion held during CWP meeting in order to secure the principle of mandatory acceptance and provide more clarity that will eliminate any ambiguity in legal interpretation the last sentence has been removed and transformed into a new provision (art. 4a).
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 of debt with euro banknotes and coins shall be prohibited.			
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 euro banknotes and coins to the payee.			
		Article 4a (NEW) Prohibition of ex ante unilateral exclusion of payments in cash 1. In order to ensure the mandatory acceptance of cash for the purpose of Article 4(2) and without prejudice to the	(Explanation) As discussed during CWP meetings ex ante unilateral exclusion needs clarity. Therefore to facilitate an agreement on this issue the Presidency suggests adding a new, stand-alone Article containing all relevant provisions on ex ante unilateral exclusions of cash. The scope is

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
		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 payer is physically present. 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.	limited to point of sale and business to consumer transactions where goods are offered or services in public premises by either retailers or service providers. It is to ensure that the legal tender of cash is not undermined.
Article 5 Exceptions to the principle of mandatory acceptance of euro banknotes and coins	Article 5 Exceptions to the principle of mandatory acceptance of euro banknotes and coins		
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:			

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
(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;			
(b) where, prior to the payment, the payee has agreed with the payer on a different means of payment.	(b) where, prior to the payment, the payer and payee **have agreed in accordance with applicable national law** on a different means of payment.		
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.			
	(c) where the payee is a natural person acting in the course of a purely personal or household activity;	**Deleted**	(Explanation) This provision has been contested during CWP discussion therefore Presidency suggests deleting it.

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
2. For the purposes of the application of paragraph 1, such legitimate grounds may include:	2. For the purposes of the application of paragraph 1**(a)**, such legitimate grounds may include:		
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.			
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.			
	3. For the purposes of the application of paragraph 1(a), the burden of proof to establish that such legitimate grounds existed in a particular case and that the refusal was proportionate, shall be on the payee.		

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Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
Article 6 Additional exceptions to the principle of mandatory acceptance of euro banknotes and coins of a monetary law nature			
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.			
Article 7 Acceptance of payments in cash	Article 7 Acceptance of payments in cash		
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 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 shall assess the situation.	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 appropriate use of the exceptions to the principle of**		

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	mandatory acceptance of 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.		
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).	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).		
3. If a Member State considers 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).	3. If a Member State considers, **on the basis of their monitoring and assessment, that the acceptance of payments in cash is undermined by widespread refusals of cash payments**, it shall set out the	3. If a Member State considers, **on the basis of their monitoring and assessment, that the acceptance of payments in cash is undermined by widespread** and structural **refusals of cash payments**, it shall set out the remedial measures it commits to take in accordance with Article 9(**4**).	(Explanation) This change was made to standardise the language used in the text i.e. Recitals.

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	remedial measures it commits to take in accordance with Article 9(**4**).		
Article 8 Access to cash	Article 8 Access to cash		
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 and shall assess the situation.	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 **and, if applicable, on the basis of specific national indicators** and shall assess the situation.		

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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(3).	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(4).**		
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).	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(5).**		
Article 9 Procedural aspects	Article 9 Procedural aspects		
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 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.			

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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 procedure referred to in Article 11. When preparing those implementing acts, the Commission shall consult the European Central Bank.			
3. 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.	3. **For the purposes of Articles 7 and 8, a Member State may use in its annual 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 a common approach to the assessment and comparability of data. Under no circumstances shall the specific national indicators substitute or**	**3. For the purposes of Articles 7 and 8, a Member State may use in its ~~annual~~ 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. ~~a common approach to the assessment and comparability of data. Under no circumstances shall~~ The specific national indicators shall not substitute or undermine the common indicators.**	(Explanation) As in Article 13, on the request of Member States, Presidency proposes deletion of annual obligation of reporting. Drafting suggestions in Article 9(3) clarify that the specific national indicators shall complement the common indicators allowing for comparability of data and comparisons between Member States where appropriate, and that the specific national indicators shall not substitute or undermine the common indicators.

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	undermine the common indicators.		
	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 an annual report as referred to in Article 13.	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~~n annual~~ report as referred to in Article 13.	(Explanation) As in Article 13, on the request of Member States, Presidency proposes deletion of annual obligation of reporting.
4. If a Member State considers that the level of acceptance of payments in cash undermines mandatory acceptance of euro banknotes and coins or that sufficient and effective access to cash is not ensured, it shall indicate in its annual report the remedial measures it 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.	**4.** If a Member State considers that **the acceptance of payments in cash is undermined by widespread refusals of cash payments, or that there is no sufficient and effective access to cash, in all or part of its territory, it shall in the annual report, set out the remedial measures that the Member State commits** to take in order to comply with the obligations	4. If a Member State considers that the acceptance of payments in cash is undermined by widespread and structural refusals of cash payments, or that there is no sufficient and effective access to cash, in all or part of its territory, it shall in the ~~annual~~ report, set out the remedial measures that the Member State 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.	(Explanation) As in Article 13, on the request of Member States, Presidency proposes deletion of annual obligation of reporting.

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	set out in Articles 7 and 8. The remedial measures shall enter into force without undue delay.		
5. 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 implementing act. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.	**5. If, after examining the annual report, the Commission, in consultation with the European Central Bank, concludes that the remedial measures set out by the Member State concerned are insufficient, the Commission may open a dialogue with the Member State concerned for the purpose of reaching a common view and assist the Member State in designing remedial measures to ensure acceptance of cash and sufficient and effective access to cash.**	**5. If, after examining the ~~annual~~ report, the Commission, in consultation with the European Central Bank, concludes that the remedial measures set out by the Member State concerned are insufficient, the Commission may open a dialogue with the Member State concerned for the purpose of reaching a common view and assist the Member State in designing remedial measures to ensure acceptance of cash and sufficient and effective access to cash.**	(Explanation) As in Article 13, on the request of Member States, Presidency proposes deletion of annual obligation.
Article 10 Exercise of the delegation			

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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 *[date of entry into force of this Regulation]*.			
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.			
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

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Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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.			
Article 11 Committee procedure	Article 11 Committee procedure		
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.			
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article **5** of Regulation (EU) No 182/2011 shall apply.		

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act.		
Article 12 Penalties	Article 12 Penalties		
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 year 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.	Member States **may lay down the rules on penalties** 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. **If penalties are laid down**, Member States shall, within **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.		

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Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

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COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
Article 13 Annual reports	Article 13 Annual reports	Article 13 ~~Annual r~~Reports	(Explanation) On the request of MS PRES proposes to introduce submission of the report every two years.
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:		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:	
(a) the established exceptions to the principle of mandatory acceptance and their application;			
(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;			
(c) the implemented penalties including financial penalties and non-criminal fines.			

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
2. The first annual report shall be submitted one year after the entry into force of this Regulation. Subsequent annual reports shall be submitted yearly after the date of the entry into force of this Regulation.	2. The first annual report shall be submitted **two years** after the entry into force of **the implementing act adopted pursuant to Article 8(2). Subsequent annual reports shall be submitted yearly.**	2. The first ~~annual~~ report shall be submitted two years after the entry into force of the implementing act adopted pursuant to Article 9(2). Subsequent ~~annual~~ reports shall be submitted every two years ~~yearly~~.	
3. The Commission shall examine the annual reports in close consultation with the European Central Bank.		3. The Commission shall examine the ~~annual~~ reports in close consultation with the European Central Bank.	
	4. For the purpose of carrying out their respective obligations and duties pursuant to this Regulation, Member States and their national competent authorities **(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;**	**4. For the purpose of carrying out the monitoring under Articles 7 (1) and 8 (1), the notification under Articles 7 (2) and 8 (2) and the reporting under Article 13 (1)~~, their respective obligations and duties pursuant to this Regulation~~, Member States and their national competent authorities** **(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;**	(Explanation) The PRES proposes to clarify what obligations and duties are meant in this paragraph.

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
	(b) shall be entitled to collect and process necessary and relevant data, including personal data, subject to compliance with applicable data protection rules.	**(b) shall be entitled to collect and process necessary and relevant data, including necessary personal data, subject to compliance with applicable ~~data protection~~ 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.**	(Explanation) For reasons of legal clarity, correct reference to the GDPR seems adequate.
		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 - grant scientific research bodies access to non-personal data.	(Explanation) Following the request of one MS, the PRES suggest to add new par. 5. Data on acceptance of cash and access to cash is valuable for cash-related research projects, for example, on the effect of the cash infrastructure on private cash use, which could generate useful insights on payment behaviour and its future development. Further research benefiting from data on cash access may include competition analyses in the banking sector focusing on ATM and branch network effects.

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
Article 14 Duty of Member States to inform about remedies	Article 14 Duty of Member States to inform about remedies		
Member States shall provide natural persons and enterprises with clear information on the channels and effective remedies they have at their disposal to lodge complaints with competent national authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.	Member States shall provide natural persons and enterprises with clear information on the channels and effective **remedies to lodge** complaints with national competent authorities about cases of unlawful refusal to accept cash and insufficient and ineffective access to cash.		
Article 15 Interaction between euro banknotes and coins and the digital euro	Article 15 Interaction between euro banknotes and coins and the digital euro		
1. Euro banknotes and coins and the digital euro shall be convertible into each other at par.			
2. Payees of a monetary debt denominated in euro shall accept payments in euro banknotes and coins according to the provisions of this			

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
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			
Article 16 Review	Article 16 Review		
By *[date-five years after the entry into force],* 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.			
Article 17 Entry into force	Article 17 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.			

Legal tender of cash Regulation

Correlation Table on Mandatory Acceptance (EC Proposal / HU Text / Redrafted Provisions)

PUBLIC

COM Proposal	HU Presidency drafting suggestions	PL Presidency drafting suggestions	Justification
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.			
Done at Brussels,			
For the European Parliament For the Council			
The President The President			
	end		**end**