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From:	General Secretariat of the Council
To:	Working Party on Financial Services and the Banking Union (Payment Services/ PSR/PSD) Financial Services Attachés
Subject:	Presidency Discussion Note - Discussion on services where cash is provided in retail stores without a purchase



Polska Prezydencja w Radzie UE
Polish presidency of the Council of the EU
Présidence polonaise du Conseil de l'UE

Payment services package proposals (PSD3/PSR)

Brussels, 29 April 2025

Presidency Discussion Note

Discussion on services where cash is provided in retail stores without a purchase

Services where cash is provided in retail stores without a purchase

Discussions held during CWP meetings on services where cash is provided in retail stores without a purchase revealed that a considerable number of Member States supported the approach outlined in the recent Presidency Discussion Note. However, the Presidency considers that several modifications are necessary to that approach in order to reflect comments that were raised during and after the recent CWP meeting by some Member States.

In this regard, Article 37 PSD3 has been modified to introduce the national discretion to impose an additional withdrawal limit at a global daily level on cash-in-shops services. Although such a global limit was previously introduced by the Presidency (but at EU level) with the aim of addressing the anti-money laundering (AML), countering the financing of terrorism (CFT) and level playing field concerns expressed by some Member States, several Member States would prefer to have this possibility at national level, rather than harmonised at EU level, as they argue that the different level of cash availability across Member States and specific national AML risks should be considered. It is also clarified that a limit per withdrawal is a maximum one and may be lowered by Member States.

Moreover, given the doubts of some Member States on the enforcement of value limits of cash-in-shops services, recital 62 clarifies that account servicing payment service providers (ASPSPs) are the entities that are responsible for implementing these limits.

See the proposed changes below (in track) which reflect the new modifications:

Article 37

Services where cash is provided in retail stores without a purchase

1. Member States shall exempt from the application of this Directive natural or legal persons providing cash in retail stores independently of any purchase provided the following conditions are met:

(a) the service is offered at its premises by a natural or legal person selling goods or services as a regular occupation;

(b) the amount of cash provided per withdrawal does not exceed EUR 150, or the equivalent in national currency, ~~and a total daily withdrawal limit of EUR [200], or the equivalent in national currency, per payment account.~~

Member States may adopt lower limit than the one specified in point (b) of this paragraph, but not lower than EUR 50, or the equivalent in national currency.

1a. Member States may provide for a daily withdrawal limit per payment account for the services as exempted under paragraph 1. The limit shall be set at an adequate level to ensure the protection against money laundering and countering terrorist financing risks.

2. This Article shall be without prejudice to Directive (EU) 2015/849 or any other relevant Union or national anti-money laundering/terrorist financing laws.

~~3. The EBA shall develop draft regulatory technical standards specifying how the limit mentioned in para. 1 (b) shall be enforced in order to avoid any abuse of this limit.~~

Article 42

Full harmonisation

1. Without prejudice to Article 6(3), ~~and~~ Article 34 and Article 37, insofar as this Directive contains harmonised provisions, Member States shall not maintain or introduce provisions other than those laid down in this Directive.
2. A Member State that uses any of the options referred to in Article 6(3), ~~or~~ Article 34 or Article 37, shall inform the Commission thereof and of any subsequent changes. The Commission shall make the information public on a website or other easily accessible means.
3. Member States shall ensure that payment service providers do not derogate, to the detriment of payment service users, from the provisions of national law transposing this Directive except where explicitly provided for therein. However, payment service providers may decide to grant more favourable terms to payment service users.

(62) To further improve access to cash, which is a priority of the Commission, retailers should be allowed to offer, in physical shops, cash provision services even in the absence of a purchase by a customer, without having to obtain a payment service provider authorisation, registration or being an agent of a payment institution. Those cash provision services should, however, be subject to the obligation to disclose fees charged to the customer, if any. These services should be provided by retailers on a voluntary basis and should depend on the availability of cash by the retailer. To prevent unfair competition between independent ATM deployers not servicing payment accounts and retailers offering cash withdrawals without a purchase, and to ensure that shops do not rapidly run out of cash, it is appropriate to impose a cap of EUR ~~50~~ 150 per transaction. This cap is a maximum limit of cash withdrawal and Member States may adopt a lower limit taking into account national specificities, such as the level of cash availability in a Member State and specific national AML risks. Moreover, to prevent the abuse of the set transaction limit and to ensure an adequate level of protection against money laundering and countering terrorist financing risks, Member States may provide that those cash provision services of this recital shall also be subject to a daily withdrawal limit, per payment account. ~~a daily withdrawal limit of EUR [200], or the equivalent in national currency, per payment account is set.~~ The account servicing payment service provider of the payer should be responsible for implementing of the set limits. ~~Moreover, to ensure legal certainty and maximum clarity with regard to this limit, the EBA should be given a mandate to develop draft regulatory technical standards in this regard. The transaction limit alone, without any additional safeguards, may lead to abuse of the set limit.~~

(74) In keeping with the principles of better regulation, this Directive should be reviewed for its effectiveness and efficiency in achieving its objectives, as laid out in the accompanying impact assessment. The review should take place a sufficient time after the entry into force, to base the review on appropriate evidence. Five years is considered to be an appropriate period. While the review should consider the entire Directive, certain topics should be singled out for

*particular attention, namely the scope and the safeguarding of payment institutions funds which may be affected by the rules proposed by the Commission on 18 April 2023 which, when adopted, would amend Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes. **The review should also focus on the provisions on services whereby cash is provided in retail stores without a purchase, especially the withdrawal limit set out in this Directive, in order to ensure an adequate level of access to cash and an adequate level of protection against money laundering and terrorist financing risks.** Regarding the scope of this Directive, however, it is appropriate for a review to take place earlier, three years after its entry into force, given the importance attached to this subject in Regulation (EU) 2022/2554. That review of scope should consider both the possible extension of the list of covered payment services to include services such as those performed by payment systems and payment schemes, and the possible inclusion in the scope of some technical services currently excluded.*

Question for the Member States:

1. *Do you agree with the compromise approach proposed in the Discussion Note?*