



WORKING DOCUMENT

**LIST OF MEMBER STATES' OPTIONS OF TRANSPOSITION
 PAYMENT SERVICES DIRECTIVE TRANSPOSITION GROUP (PSDTG)**

		Member States that have transposed the option	Member State that plans to transpose the option	Member State that plans not to transpose the option	Member States that have not transposed the option
		NB! countries listed in the order of protocol (= alphabetical order of the names in the original languages)			
1	Article 2(3) Waiver for institutions under Article 2 of the Capital Requirements Directive	For part of the PSD: FI (Title II), FR, IE (Credit unions exempted from Title 2) For all the PSD: DE, IT, NL, AT & UK		PL	BE, BG, CZ, DK, EE, EL, ES, LV, LT, LU, HU, MT, PT, RO, SI, SK & SE
2	Article 7(3)* Non application of PSD on going capital requirements when a payment institution is included in the consolidated supervision of the parent credit institution	DE, FR, LU, NL, FI & UK Competent authority decision: EE, IE, EL, ES, IT, CY, & LV	PL		BE, BG, CZ, DK, LT, HU, MT, AT, PT, RO, SI, SK & SE

3	Article 9(2) Calculation of safeguarding requirements when funds can be used for future payment transactions and for non-payment services	BE, BG, CZ, DE, EE, IE, ES, FR, IT, CY, LV, LT, LU, HU, MT, NL, PT, RO, SI, FI, SE & UK	PL		DK, EL, AT & SK
4	Article 9(3)* Application of safeguarding requirements to non hybrid payment institutions	BE (partial), BG, DE, ES, FR, IT (partial), CY, LT, HU, MT, NL, AT, PT, RO, SI, SK, SE & UK Competent authority decision: EE, IE & EL	PL		CZ, DK, LV, LU & FI
5	Article 9(4)* Application of safeguarding requirements only to funds that individually exceed EUR 600	DK, IT, LU, RO (EUR 100), FI (EUR 150 + possibility to agree on EUR 600 with non-consumers), SE (EUR 300) & UK (£50) Competent authority decision: EE & IE		PL	BE, BG, CZ, DE, EL, ES, FR, CY, LV, LT, HU, MT, NL, AT, PT, SI & SK
6	Article 22(3) Option to take into account the professional secrecy rules of the Capital Requirements Directive	BE, BG, CZ, EE, IE, EL, ES, FR, IT, CY, LV, LT, LU, MT, NL, AT, PT, RO, SI, SE & UK	PL		DK, DE, HU, SK & FI
7	Article 26(1)* Waiver of authorisation/supervision requirements for small payment institutions	CZ, IE (financial regulator decision), IT (financial regulator decision), LU (all or some) For all the requirements: BE, LV & UK For most requirements: EE, NL, FI & SE For some requirements: DK, LT & SI	For some requirements: PL		BG, DE, EL, ES, FR, CY, HU, MT, AT, PT, RO & SK

8	Article 26(4) Limitation of the activities carried out by waived entities under Article 26	LU, NL (no money remittance) & SI Competent authority decision: EE & IE	PL		BE ¹ , BG, CZ, DK, DE, EL, ES, FR, IT, LV, LT, HU, MT, AT, PT, RO, SK, FI, SE & UK
9	Article 30(2) Application of information requirements to micro enterprises in the same way as to consumers	CZ, IE, IT, CY, HU, MT, PT, SK (if decided by the PSP) & UK		PL	BE, BG, DK, DE, EE, EL, ES, FR, LV, LT, LU, NL, AT, RO, SI, FI & SE
10	Article 33 Burden of proof on the payment service provider for information requirements	BE, CZ, DE, ES, FR, IT, CY, LV, LT, HU, MT, PT, RO, SI, SK (partly, in relation to Art 47 and 48) & FI	PL		BG, DK, EE, IE, EL (already in place), LU, NL, AT, SE & UK
11	Article 34(2) (low-value/e-money payment)* Reduction or doubling of the amounts for national payment transactions	CZ Doubling: DE (EUR 200), IE, EL, IT, LU, NL, AT, FI & UK Reduction: RO		PL	BE ¹ , BG, DK, EE, ES, FR, CY, LV, LT, HU, MT, PT, SI, SK & SE
12	Article 34(2) (low-value/e-money payment) Increase of the amounts for prepaid instruments up to EUR 500	CZ, IE, EL, IT, LU, NL, AT, FI (EUR 500) & UK		PL	BE ¹ , BG, DK, DE, EE, ES, FR, CY, LV, LT, HU, MT, PT, RO, SI, SK & SE
13	Article 45(6) More favourable provisions on termination conditions for framework contracts	BE, DK, DE (partly), IT AT (partly), PT & FI	PL		BG, CZ, EE, IE, EL, ES, FR, CY, LV, LT, LU, HU, MT, NL, RO, SI, SK, SE & UK
14	Article 47(3) Provision of information to the payer on paper once a month free of charge	AT (partly), PT & RO Only on request of payer: ES (partly: provision of information once a month, but not necessarily on paper), FR, HU, NL (and when payer does not use internet banking), SI & SE		PL	BE ¹ , BG, CZ, DK, DE, EE, IE, EL, IT, CY, LV, LT, LU, MT, SK (partly), FI & UK

15	Article 48(3) Provision of information to the payee on paper once a month free of charge	AT (partly), PT & RO Only on request of payer: ES (partly: provision of information once a month, but not necessarily on paper), FR, HU, NL (and when payer does not use internet banking), SI & SE		PL	BE ¹ , BG, CZ, DK, DE, EE, IE, EL, IT, CY, LV, LT, LU, MT, SK (partly), FI & UK
16	Article 51(2) Non application of out-of-court procedures to enterprises	BE (partly for Titles III and IV), DK, EE (already existing legislation), ES, FR, LT, NL (already existing legislation), SI, FI, SE & UK		PL	BE (partly for Title II), BG, CZ, DE, EL, CY, LV, LU, HU, MT, AT, PT & SK
17	Article 51(3) Application of Title IV to micro-enterprises in the same way as to consumers	CZ, IT, CY, HU (if decided by the PSP), MT, PT, SK, SE & UK		PL	BE, BG, DK, DE, EE, IE, EL, ES, FR, LV, LT, LU, NL, AT, RO, SI & FI
18	Article 52(3) Interdiction or limitation of surcharging practices	LV Prohibition: BG, DK (partly), EL (for specific instruments), FR (rebates accepted; possibility to authorise surcharge through secondary legislation), IT, CY, LT, LU, AT, PT, RO, SK & SE Limitation: DE, ES & FI		PL	BE ¹ , CZ, DK, EE ² , IE, HU, MT, NL (partly), SI & UK
19	Article 53(2) (low-value/e-money payment)* Reduction or doubling of the amounts for national payment transactions	CZ Doubling: DE (EUR 200), IE, EL, IT, LU, NL, AT & UK Reduction: RO	Doubling: FI	PL	BE ¹ , BG, DK, EE, ES, FR, CY, LV, LT, HU, MT, PT, SI, SK & SE
20	Article 53(2) (low-value/e-money payment)* Increase of the amounts for prepaid instruments up to EUR 500	CZ, IE, EL, IT, LU, NL, AT (EUR 500), FI (EUR 500) & UK		PL	BE ¹ , BG, DK, DE, EE, ES, FR, CY, LV, LT, HU, MT, PT, RO, SI, SK & SE

21	Article 53(3) (e-money) Option not to apply the liability provisions for unauthorised transactions when the payer's PSP does not have the ability to freeze the payment account or block the payment instrument limited to accounts or instruments of a certain value	BE, BG, DE (EUR 200), ES (EUR 1 000 limit), CY, AT, RO & SI	PL		CZ, DK, EE, IE, EL, FR, IT, LV, LT, LU, HU, MT, NL, PT, SK, FI, SE & UK
22	Article 61(3) Reduction of payer's liability for unauthorised use of payment instrument taking into account the nature of personalised security features of the payment instrument	BE, DK, IE (EUR 75), FR, IT, HU, NL (competence judge under certain circumstances), AT, PT, RO, SK (EUR 100), FI, SE & UK (up to £50)		PL	BG, CZ, DE, EE, EL, ES, CY, LV, LT, LU, MT & SI
23	Article 72 Shorter maximum execution times for purely national payment transactions	BE (partly), BG, CZ, LT, HU, PT, SI, SK & FI (until 1 Jan 2012)		PL	DK, DE, EE, IE, EL, ES, FR, IT, CY, LV, LU, MT, NL, AT, RO, SE & UK
24	Article 88(3) Transitional provision for legal persons that have commenced their activities before 25 December 2007	BG, DE, EE, IE (financial regulator decision), EL, ES, IT, CY, LU, HU, NL, AT, PT, RO, FI, SE & UK	PL		BE, CZ, DK, FR, LV, LT, MT, SI & SK
25	Article 88(4) Transitional provision for natural or legal persons that would eligible for the waiver under Article 26	CZ, DK, IE, EL, LT, LU, NL, SI, FI, SE & UK	PL		BE ¹ , BG, DE, EE, ES, FR, IT, LV, HU, MT, AT, PT, RO & SK

* These provisions provide for options that may be used by Member States or by competent authorities. Please provide answers only from a Member State point of view, i.e. corresponding to what will be inserted in the transposition laws.

¹ The option is not carried out in the transposition act itself, however the act foresees a possibility to use this option later by means of a secondary legislation.

² However, according to Estonian payment services legislation payee and payment service provider may agree that the payee has a right to request a charge from payer or provide him reduction for the use of a given payment instrument.

Additional information

	Member States that have transposed the option	Member States that plan to transpose the option	Member States that plan not to transpose the option	Member States that have not transposed the option
Application of Titles III and IV (or some of their provisions) to one-leg transactions	BG, CZ, DK, ES (Titles III and IV apply to all contractual agreements in which a Spanish payments service provider is involved; regardless of the nationality of the counterparty), FR, CY, LT (unless otherwise agreed between PSU and PSP except Art. 73), HU, MT, AT (most of the provisions) & SI Partly: BE, DE (certain provisions do not apply, parties may derogate from the rest), EE (most Title III, partly Title IV), SK & FI (most Title III, some Title IV)		EL, PL	IE, IT, LV, LU, NL, PT, RO, SE & UK
Application of Titles III and IV (or some of their provisions) to currencies other than those of Member States	FR, CY, LT (unless otherwise agreed between PSU and PSP), AT (most of the provisions), RO & SI Partly: BE, DK, DE (certain provisions do not apply, parties may derogate from the rest), EE (most Title III, partly Title IV), ES, HU (Title III), SK & FI (most Title III, some Title IV)		PL	IE, EL, IT, LV, MT, NL, PT, SE & UK

Country codes in the order of protocol:

BE	= Belgium	LT	= Lithuania
BG	= Bulgaria	LU	= Luxembourg
CZ	= Czech Republic	HU	= Hungary
DK	= Denmark	MT	= Malta
DE	= Germany	NL	= Netherlands
EE	= Estonia	NO	= Norway
IE	= Ireland	AT	= Austria
EL	= Greece	PL	= Poland
ES	= Spain	PT	= Portugal
FR	= France	RO	= Romania
IS	= Iceland	SI	= Slovenia
IT	= Italy	SK	= Slovakia
CY	= Cyprus	FI	= Finland
LV	= Latvia	SE	= Sweden
LI	= Liechtenstein	UK	= United Kingdom