

(English version)

**Question for written answer E-001828/24
to the Commission
Matjaž Nemec (S&D)
(26 September 2024)**

Subject: Disproportionate or usury fees for cash withdrawal from ATMs in the EU

Regulation (EU) 2021/1230 ⁽¹⁾ on cross-border payments in the Union regulates cash withdrawals from ATMs within the EU, including the application of the principle of equality of charges for cross-border cash withdrawals.

However, this regulation does not regulate the amounts of those fees, creating ‘Wild West’ conditions on the market, with certain banks or ATM providers charging disproportionately high or usury fees for cash withdrawals, often irrespective of the withdrawn amount. Nova Ljubljanska Banka (NLB) in Slovenia charges EUR 5.99 per cash withdrawal from their ATMs for cards issued by other EU banks ⁽²⁾.

NLB is one of the biggest banks in Slovenia, and particularly in certain rural areas, has a monopoly on ATM presence. Consumers are sometimes left with no choice but to pay such usurious fees for cash withdrawals.

Due to a risk of unfair or misleading commercial practices, I ask the Commission the following:

1. Are such fees in line with the relevant EU *acquis*?
2. Does the Commission consider NLB’s cash withdrawal fees, irrespective of the withdrawn amount, as fair, and does the Commission intend to propose a cap on such fees at EU level?
3. What is the Commission doing to protect EU citizens from such disproportionate and usury fees?

Submitted: 26.9.2024

**Answer given by Ms Albuquerque on behalf of the European Commission
(20 December 2024)**

The Second Payment Services Directive (PSD2) ⁽¹⁾ and the Cross-Border Payments Regulation ⁽²⁾ (CBPR2) do not regulate the amount of charges that payment service providers (PSPs) levy for the use of their automated teller machines (ATMs) by payment service users (PSUs).

PSPs are, therefore, free to determine such charges as long as they are in line with the principle of equality of charges enshrined in Article 3(1) CBPR2.

However, the Commission’s proposal on the legal tender of cash ⁽³⁾ would require Member States to ensure sufficient and effective access to cash. Member States would be required to monitor access to cash based on common indicators, such as density of cash access points in relation to population and withdrawal and deposit conditions, including fees. If a Member State concludes that access to cash is not sufficient and effective, they would be required to take remedial measures.

The Commission is not, at this stage, considering proposing caps on cash withdrawal charges. However, the final report of the Euro Legal Tender Expert Group (ELTEG) ⁽⁴⁾ concludes that Member States should report to the ELTEG and the Commission unjustified and/or disproportionate cash withdrawal charges, and if appropriate, the Commission should assess the need for measures at EU level on such charges, also taking into account the obligations under the CBPR2 regarding cross-border ATM withdrawals.

Regarding the charges levied by the Nova Ljubljanska Banka and whether or not they can be considered fair, since PSD2 does not regulate the levels of cash withdrawal charges, the Commission is not in a position to assess those concrete charges under the provisions of that directive.

The Slovenian national competition authority would appear well placed to assess whether such charges for ATM cash withdrawal services in Slovenia would be anticompetitive.

¹ OJ L 274, 30.7.2021, p. 20, ELI: <http://data.europa.eu/eli/reg/2021/1230/oj>.

² <https://nlb.si/osebno/pomoc-in-orodja/stroski-in-obrestne-mere>.

⁽¹⁾ OJ L 337, 23.12.2015, p. 35-127.

⁽²⁾ OJ L 274, 30.7.2021, p. 20-31.

⁽³⁾ COM(2023) 364 final: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52023PC0364>

⁽⁴⁾ Final report of the Euro Legal Tender Expert Group of 6 July 2022: <https://ec.europa.eu/transparency/expert-groups-register/screen/meetings/consult?lang=en&meetingId=44035&fromExpertGroups=3754>

The Commission's proposal for a Payment Services Regulation (PSR) ⁽⁵⁾ states that, in order to be able to make an informed choice, payment service users should be able to compare ATM charges with those of other providers.

Therefore, the proposal introduces, in Article 20, point (c)(ii), new enhanced information requirements for ATM withdrawals on charges to be paid by users. This proposal is currently being discussed by the co-legislators.

The Commission's proposal for a directive on payment services and electronic money services in the internal market (PSD3) ⁽⁶⁾ also improves the availability of cash by, *inter alia*, allowing retailers, under certain conditions and without having to obtain a license, to offer a cash provision service, including in the absence of a purchase by a customer.

⁽⁵⁾ COM(2023) 367 final : <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0367>

⁽⁶⁾ COM(2023) 366 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023PC0366>