

(English version)

**Question for written answer E-002856/24
to the Commission
Stephen Nikola Bartulica (ECR)
(11 December 2024)**

Subject: Protection of the right to use cash in the European Union

In view of the frequent restrictions imposed on cash payments in the retail sector, citizens of Croatia are concerned about their right to use cash, in spite of the Croatian National Bank and the European Central Bank's reassurances regarding the importance of the right to use cash as legal tender.

1. How will European legislation protect the right of citizens to use the only instrument that guarantees payments without intermediaries and costs?
2. How will it protect certain vulnerable social groups from restrictions being imposed on cash payments (the elderly, minors, people without access to banking services)?
3. How will it prevent merchants from violating citizens' rights to use cash in the euro area?

Submitted: 11.12.2024

**Answer given by Mr Dombrovskis on behalf of the European Commission
(4 February 2025)**

Euro cash is granted legal tender status in the euro area ⁽¹⁾. In accordance with the Court's jurisprudence ⁽²⁾, legal tender entails, in principle, the mandatory acceptance of cash, at full face value, with the power to discharge from a payment obligation.

The Commission's proposal ⁽³⁾ for a regulation on the legal tender of euro cash aims to safeguard the role of euro cash in practice, to ensure it is widely accepted as a means of payment and remains easily accessible for everyone across the euro area. The proposal does so by enshrining in legislation that cash acceptance is in principle mandatory across the euro area, and by requiring Member States to monitor cash acceptance and access and to take remedial measures where necessary.

The proposal seeks to preserve the financial inclusion of vulnerable groups by ensuring that these groups, that are more dependent on cash, continue to have access to and are free to choose their preferred payment method, thus preventing discrimination against those who rely on cash for their payments.

The proposal foresees that Member States would have to ensure that the legal tender principle of mandatory acceptance is not undermined by widespread refusals of cash through the unilateral and *ex ante* exclusion of cash by enterprises. They would have the obligation to monitor the level of *ex ante* unilateral exclusions of payments in cash and to take remedial measures if cash non-acceptance levels are deemed to undermine the mandatory acceptance of euro cash.

⁽¹⁾ Article 128 (1) of the Treaty on the Functioning of the European Union lays down the legal tender status of euro banknotes, and Article 11 of Regulation EC/974/98 does so with regard to euro coins.

⁽²⁾ See judgment of 26 January 2021 in Joined Cases C-422/19 and C-423/19, *Hessischer Rundfunk* <https://curia.europa.eu/juris/liste.jsf?num=C-422/19>

⁽³⁾ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3501