

Mr Éric Ducoulombier,
Head of Unit FISMA B3
European Commission
200, Rue de la Loi,
1049 Brussels

By email :

Brussels, 11 February 2025

Dear Mr Ducoulombier,

Re: follow up of our meeting of 4.02.2025

Once again thank you for your and your colleagues' time and flexibility to meet us while we were in Brussels on February 4th. We found the meeting very helpful in clarifying a number of important points of the legislative package, PSD3/PSR, legal tender and to a lesser extent the digital euro.

We thank you for confirming your attendance as a speaker at our conference in May and we fully understand that other duties may take precedence. We took gratefully note that in such case you would be substituted by one of your team members.

The clarification on the exemption of CIT from PSD3/PSR is also welcome. We understand that it is back in the draft and that the Commission will not oppose it. The fact that it also includes processing is important in the light of current processing operations. We also noted the points we raised in relation to independent ATMs deployers in relation to card operators preventing surcharging and that this might be an implementation issue. We have passed this information to our members affected by it.

In relation to the draft Regulation on legal tender for cash, we regret that it is de facto bound to the digital euro proposal which prevents a swift adoption. As said, the Regulation is not a panacea. However, it will tremendously help in securing acceptance of cash. Possible amendments we heard of, such as allowing public restrictions on the basis of the cost of cash, should not be accepted in our view, as all public goods/services other than cash are bound to bear a cost which is justified by the general good. As you acknowledged, some people in society rely heavily on cash. In the same vein, restrictions on ground of "contractual freedom" should not be accepted, as they defeat the purpose of a regulation as the chosen legal act if each retailer is entitled to decide whether legal tender – in other words an EU exclusive competence –, applies in its premises. In this sense, it is crucial to ensure the effectiveness of the legal tender of the euro in any of its possible forms, which requires some coherence in their regulatory framework.

We noted that the current Polish presidency was planning to discuss the above in March and are looking forward to any development in making the legal tender regulation closer to being adopted in the near future. We will also follow with interest the question of the coherence between cash and the digital euro which will be considered by the Polish presidency.

We also noted your confirmation that cash, which has not diminished as strongly as was expected, will remain available as long as there is a demand for it. We stressed that there is a very strong and permanent nudging on consumers for using cards or other electronic payments which contribute to the decline in the use of cash, and in turn, the less frequent use of cash makes that businesses increasingly refuse cash due to the increased cost (cash is a volume driven business), and the decreasing cash services offered to their customers. This affects particularly the deposits of cash by retailers.

Cash cannot be used simply as a fallback for electronic payment networks when they fail, due to network disruptions or, as you said, to possible cyber-attacks: for cash to do so, it needs to work smoothly every day.

With best regards,

Guillaume Nonain
President

Thierry Lebeaux
Secretary general

Cc:

Mr Nuno Epifanio
Mr Laszlo Butt
Mr Gonzalo Suarez