Commission Implementing Regulation (EU) 2018/34 of 28 September 2017 laying down implementing technical standards with regard to the standardised presentation format of the fee information document and its common symbol according to Directive 2014/92/EU of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/34

of 28 September 2017

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features[(1)], and in particular the third subparagraph of Article 4(6) thereof,

Whereas:

(1) Directive 2014/92/EU requires Member States to ensure that payment service providers provide the consumer with a fee information document on paper or another durable medium containing the standardised terms in the final list of the most representative services linked to a payment account and, where such services are offered by a payment service provider, the corresponding fees for each service. The final lists are to be published by Member States, integrating the Union standardised terminology laid down in Commission Delegated Regulation (EU) 2018/32[(2)].

(2) In order to ensure that the fee information document achieves the aims of Directive 2014/92/EU and, at the same time, provides the consumer with all relevant information in a way that enhances comparison and transparency, payment service providers should use a standardised template for the fee information document along with clear instructions on how to complete the fee information document.

(3) Since the fee information document is meant to inform consumers before entering into a contract for a payment account in order to enable them to compare payment account offers, a payment service provider should use the standardised template for producing one fee information document in respect of each of the payment accounts offered to a consumer.

(4) In order to allow consumers to choose the most suitable account offer for their needs, while still ensuring a high level of standardisation, it should be possible to present an

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appropriate combination of packages and therefore the payment service provider should be able to produce more than one fee information document in respect of that payment account, provided that at least one package is included in each document.

(5) In order to make it easier for the consumer to understand the content of the different types of packages and their fees, the fee information document should list the packages separately.

(6) If services that exceed the quantity covered by a package are not included in the national final list of most representative services and therefore, are not displayed in the fee information document, they should be shown in a separate table and not combined with information on the content of the packages, in order to give consumers a clear overview of the package.

(7) As the content of each fee information document provided to consumers depends on the individual payment service provider's offer of services and on each Member State's final list of the most representative services linked to a payment account, in order to ensure comparability of payment account offered in the single market, the template for the fee information document should provide certain headings under which the different services should be grouped.

(8) The template for the fee information document should include a separate table, to be used by those payment service providers which are required to supply also a comprehensive cost indicator.

(9) This Regulation is based on the draft implementing technical standards submitted by the European Supervisory Authority (European Banking Authority) ('EBA') to the Commission.

(10) The EBA has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[3],

HAS ADOPTED THIS REGULATION:

Article 1

Template for the fee information document and its common symbol

1 Payment service providers shall use the template as laid down in the Annex and complete it as set out in Articles 2 to 13.

2 Payment service providers shall not modify the template for the fee information document in completing it other than provided for in this Regulation. In particular, payment service providers shall follow the order of information, headings and sub-headings laid down in the template. The fee information document shall:

a be presented in A4 portrait format;

b contain the title 'Fee Information Document' at the top of the first page, with the title centred and positioned between the logo of the payment service provider at the top left-

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hand side of the document and the common symbol at the top right-hand side of the document;

c contain the common symbol of the size 2,5 cm × 2,5 cm and displayed as shown in the template laid down in the Annex;

d use font type Arial or another font type similar to Arial and font size 11, with exceptions for the title 'Fee Information Document', which uses font size 16 in bold type; font size 14 in bold type for the headings, and font size 12 in bold for the sub-headings, unless an increase in the font size or use of braille font type for visually impaired persons is either required under national law or agreed between the consumer and the payment service provider;

e be produced in black and white, with exception of the logo of the payment service provider and the common symbol which may be presented in colour, as laid down in Article 2;

f contain the headings in semi-dark grey using the colour pattern with reference number 166,166,166 of the RGB colour model and the sub-headings in light-grey colour using the colour pattern with reference number 191,191,191 of the RGB colour model;

g have its pages numbered.

3 A payment service provider shall provide a separate fee information document in respect of each of the payment accounts it offers to consumers.

4 Notwithstanding the provision of a payment account with basic features referred to in Chapter IV of Directive 2014/92/EU, where a payment service provider offers only one payment account to consumers that can be combined with different packages of services referred to in Article 4(3) of Directive 2014/92/EU, the payment service provider may produce more than one fee information document in respect of that account, provided that each fee information document contains at least one package.

Article 2

Common symbol and logo of the payment service provider

1 Where the common symbol is displayed in colour it shall follow the colour pattern with reference number 0/51/153 (hexadecimal: 003399) of the RGB colour model for the background and colour pattern 255/204/0 (hexadecimal: FFCC00) of the RGB colour model for the symbol.

2 The logo of the payment service provider shall be of an equivalent size to the size of the common symbol.

3 The logo may only be displayed in colour if the common symbol is also displayed in colour. Where printed in black and white the common symbol shall be clearly readable.

Article 3

Name of the account provider

The name of the payment services provider that provides the account shall be included in bold type and left aligned.

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Article 4

Account name

The name of the account shall be included in bold type, left aligned and below the name of the account provider.

Article 5

Date

The date when the payment service provider last updated the fee information document shall be included, using the font prescribed in Article 1(2)(d), left aligned and included below the account name.

Article 6

Introductory statement

1 The text of the introductory statement specified in the template shall be reproduced in the fee information document, using line spacing 1,15, 0 pt before and 10 pt after the text.

2 Payment service providers shall replace the square brackets with the names of the relevant pre-contractual and contractual documents.

Article 7

'Services and Fees' table

1 Payment service providers shall list the services that are included in the national final list of most representative services linked to a payment account referred to in Article 3(5) of the Directive 2014/92/EU, where payment service provider offer such services, and their corresponding fees in the table on services and fees as follows:

a the services shall be inserted in the column 'Service', left aligned, in bold type;

b each service shall be listed only once and shall be displayed under the respective sub-heading shown in the table, such as the provision or the maintenance of the account shall be listed under sub-heading 'General account services';

c the fees corresponding to the services shall be shown in the column 'Fee', right aligned;

d where the fee is charged with regular frequency rather than on a per use basis, the frequency shall be indicated in the column 'Fee', left aligned, followed by the corresponding fee for that period, right aligned; the total annual fee shall be disclosed on the line directly underneath the frequency, in bold type, left aligned and using the wording 'Total annual fee' with the corresponding fee right aligned;

e the line spacing shall be single, 0 pt before and 0 pt after each service and fee.

2 Where none of the services offered by a payment services provider, which would correspond a sub-heading, are included in the national final list of most representative services linked to a payment account, the entire row related to that sub-heading shall be deleted, including the title of the sub-heading.

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3 Where payment service providers do not offer one or more services from the national final list of the most representative services referred to in Article 3(5) of the Directive 2014/92/EU, or where the service is not made available with the account, the phrase 'service not available' shall be used.

4 Where separate fees are charged in one or more of the following ways, payment services providers shall provide, in the column 'Fee' of that service and on a separate line, a description of each fee-charging instance, channel or condition ('types of fees'):

a for different fee-charging instances of the provision of the same service, such as an initial set-up fee and subsequent execution fees for the same service;

b for different channels through which the same service is requested, used or provided, such as by phone, branch or online;

c depending on whether a specific condition for the same service is met, such as adherence to a minimum or maximum threshold amount for credit transfers or cash withdrawals.

The description shall be left aligned and the fee shall be right aligned.

5 Where fees are charged dependent on a combination of several types of fees, such as fees that differ by channel and are then further separated depending on whether a threshold amount is met, payment service providers shall, in addition to applying paragraph 4, **[**[X1]right indent**]** the description of each additional type of fee.

Editorial Information

X1 Substituted by Corrigendum to Commission Implementing Regulation (EC) No 2018/34 of 28 September 2017, laying down implementing technical standards with regard to the standardised presentation format of the fee information document and its common symbol according to Directive 2014/92/EU of the European Parliament and of the Council (Official Journal of the European Union L 6 of 11 January 2018).

Article 8

Presentation of packages of services charged as part of fees under the sub-heading 'General account services'

1 Where a package of services linked to a payment account is charged as part of the fees under the sub-heading 'General account services', all services included in the package, regardless of whether they are included in the final national list of most representative services linked to a payment account referred to in Article 3(5) of the Directive 2014/92/EU, shall be listed in the section of the table on general account service, in the row on package of services.

2 Payment service providers shall include information on the additional fee for any service that exceeds the quantity covered by the package of services as set out in Article 10.

3 Where the number of all services covered by the package of services is not limited, payment service providers shall delete the statement at the bottom of the row 'Services beyond these quantities will be charged separately'.

4 The entire row on package of services shall be deleted, where a package of services is not offered with the account and when the package of services is charged separately from any fees for general account services.