Commission Implementing Regulation (EU) 2018/33 of 28 September 2017 laying down implementing technical standards with regard to the standardised presentation format of the statement of fees 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) 2018/33

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 second subparagraph of Article 5(4) thereof,

Whereas:

(1) Directive 2014/92/EU requires Member States to ensure that payment service providers provide the consumer, at least annually and free of charge, with a statement of all fees incurred, as well as, where applicable, information regarding the interest rates for services linked to a payment account. Payment service providers are required to use the standardised terms set out in the final list of the most representative services linked to a payment account. 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 statement of fees 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 statement of fees.

(3) As regards the presentation of packages of services linked to a payment account, it needs to be taken into account that there are different kinds of packages offered by payment service providers. The provision of some packages is included in a general fee, such as for maintaining or operating the account, while other packages are charged separately from such general fee and some packages include a certain quantity of services. In order to make it easier for the consumer to understand the content of the different types of packages and their fees, the statement of fees should list the packages separately. In

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particular, if the packages are charged as part of a general fee, such packages should be displayed together with that fee.

(4) Member States are able to require key indicators such as a comprehensive cost indicator to be provided with the statement of fees. Therefore the template for the statement of fees should include a separate table, to be used by those payment service providers which are subject to such conditions.

(5) Furthermore, since the statement of fees should be easily produced by payment service providers, there should be clear instructions for payment service providers on how to complete the statement of fees.

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

(7) 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 statement of fees 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 18.

2 Payment service providers shall not modify the template for the statement of fees 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.

3 The statement of fees shall:

a be presented in A4 portrait format;

b contain the title 'Statement of Fees' at the top of the first page, with the title centred and positioned in the middle between the logo of the payment service provider at the top left-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 not larger than 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 'Statement of Fees', 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;

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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.

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 and contact details of the account provider

1 Payment service providers shall replace indications between square brackets with the name of the account provider in bold type and left aligned.

2 Payment service providers shall replace indications between square brackets with their contact details, such as the geographical address, telephone number, e-mail address, fax number, web address and contact person/point that the payment account holder may use for future correspondence.

Those contact details shall be displayed left aligned.

Article 4

Name and contact details of the payment account holder

1 Payment service providers shall replace indications between square brackets with the name of the payment account holder.

That name shall be displayed in bold type, left aligned.

2 Payment service providers shall replace indications between square brackets with the geographical address of the payment account holder.

That geographical address shall be displayed left aligned and, with the exception of the first letter of each word, in lower cases.

Article 5

Account name and identification

1 Payment service providers shall display the name of the payment account.

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That name shall be displayed in bold type, left aligned and directly after relevant words.

2 Payment service providers shall display details that identify the payment account, such as the Bank Identifier Code (BIC), the International Bank Account Number (IBAN), the national account number and national sort code.

Those details shall be displayed left aligned.

Article 6

Calendar period

Payment service providers shall display in the row ‘period’, left aligned, the calendar period that is covered by the statement of fees.

Article 7

Date

Payment service providers shall display in the row ‘date’, left aligned, the calendar date when they provide the statement of fees.

Article 8

Introductory statement

The text of the introductory statement specified in the template shall be reproduced as such in the statement of fees, using line spacing 1.15, 0 pt before and 10 pt after the text.

Article 9

Summary of fees and interest

1 Payment service providers shall display in bold type and right aligned the total amounts of the fees and interests to be included in the four separate tables under ‘Summary of fees and interest’.

2 Where interest is not applicable to a specific account, and where the inclusion of such information is enabled or required by national provisions transposing Directive 2014/92/EU, payment service providers shall use the wording ‘interest not applicable’, in lower case, right aligned.

3 Where interest is applicable but, for the specific period, it amounts to zero, and where the inclusion of such information is enabled or required by national provisions transposing Directive 2014/92/EU, payment service providers shall indicate this by using ‘0’ in the corresponding table.

4 Payment service providers shall display the comprehensive cost indicator summarising the overall annual cost of the payment account in a separate table, where required by national provisions transposing Directive 2014/92/EU. Payment service providers shall delete the table, if those national provisions do not require payment service providers to display the comprehensive cost indicator.

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Article 10

Detailed statement of fees paid on the account

1 Payment service providers shall list in the table headed ‘Detailed statement of fees paid on the account’ all fees incurred in the relevant period for the corresponding services.

Fees for provision or maintenance of the account shall be listed under sub-heading ‘General account services’.

2 Payment service providers shall insert the services in the sub-column ‘Service’, left aligned, in bold type, using line spacing single, 0 pt before and 0 pt after each service.

3 Payment service providers shall display in the sub-column ‘Number of times the service was used’ the number of times each service has been used during the relevant period of the statement of fees, right aligned, using the font prescribed in Article 1(3)(d).

Payment service providers shall leave the sub-column ‘Number of times the service was used’ blank where:

a a service has been used but the payment service provider did not charge a fee for that service, and

b the inclusion of such information is enabled or required by national provisions transposing Directive 2014/92/EU.

4 Payment service providers shall display in the sub-column ‘Unit fee’ the unit fee structure and cost for each service used, right aligned.

5 Payment service providers shall display in the sub-column ‘Number of times the fee was charged’ the number of times each service has been charged during the relevant period of the statement of fees, right aligned. Payment service providers shall indicate this in the corresponding sub-column by using the wording ‘fee not charged’ where:

a a service has been used but no fee has been charged, and

b the inclusion of such information is enabled or required by national provisions transposing Directive 2014/92/EU.

6 Payment service providers shall display in the sub-column ‘Total’ the resulting total amount of fees paid for using that service during the relevant period, in bold.

7 Where a sub-heading does not contain any service, payment service providers shall delete that sub-heading. Payment service providers shall also delete the sub-heading when the payment account holder did not use any services beyond the quantities indicated in the package of services during the relevant period.

8 Payment service providers shall display the resulting total amount of fees paid by a payment account holder during the relevant period in the row ‘Total fees paid’, in bold.

Article 11

Presentation of types of fees

1 Where separate fees are charged in one or more of the following ways, payment services providers shall provide, in the table ‘Detailed statement of fees paid on the account’