

**REGULATION  
ON PAYMENT TRANSACTIONS (SEPA)**

**year 2024 / number 04**

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## **PART I INTRODUCTION**

### **Article 1 - Source of law**

1. The regulatory powers of the Central Bank on the management and organisation of the PAYMENT SYSTEM of the Republic of San Marino shall be based on Law No. 96 of 29 June 2005 and in particular on Articles 37 and 38 thereof.
2. This Regulation shall also be one of the implementing measures provided for in Article 39 of Law No 165 of 17 November 2005.

### **Article 2 - Preparation**

1. This Regulation, in accordance with Article 38, paragraph 5 of Law No 165 of 17 November 2005 and the implementing Regulation No 2006-02, was subject to prior consultation.

### **Article 3 - Definitions**

1. For the purposes of this Regulation, the following definitions shall apply:
  - **“Direct debit”** means a payment service for debiting a payer’s payment account, where the payment transaction is initiated by the payee based on the payer’s consent to the payee, the payee’s payment service provider or the payer’s payment service provider;
  - **“Central Bank”** means the Central Bank of the Republic of San Marino;
  - **“Payee”** means a natural or legal person who is the intended recipient of funds that have been the subject of a payment transaction;
  - **“BIC”** means a business identifier code that unambiguously identifies a payment service provider, the elements of which are specified by the International Organisation for Standardisation (ISO);
  - **“Bank payment slip”** means a pre-filled payment slip sent by the payee to the payer and used by the payer to make payment in cash or by other means at any bank counter, regardless of whether or not a payment account is held for the purpose of crediting the payee's payment account;
  - **“Postal current account slip”** means a form pre-filled by the payee, or to be filled in by the payer, by which the payer makes the payment by crediting the payee’s payment account;
  - **“Credit transfer”** means a national or cross-border payment service for crediting a payee’s payment account with a payment transaction or a series of payment transactions from a payer’s payment account by the payment service provider (PSP) which holds the payer’s payment account, based on an instruction given by the payer;
  - **“Instant credit transfer”** means a credit transfer that is executed immediately, 24 hours a day and on any calendar day;
  - **“Payment initiation channel”** means any method, device or procedure through which payers can place payment orders with their PSP for a credit transfer, including online banking, a mobile banking application, an automated teller machine, or in any other way on the premises of the PSP;
  - **“Charge”** means any amount levied on a user by a payment service provider that is directly or indirectly related to a payment transaction, any amount levied on a user by a payment service provider or by an entity providing

currency conversion services within the meaning of the applicable 'Regulation on payment services and issuance of electronic money' for a currency conversion service, or a combination thereof;

- **"Interchange fee"** means a fee paid between the payer's payment service provider and the payee's payment service provider for direct debit transactions;
- **"Consumer"** means a natural person acting for purposes other than trade, business, craft or profession;
- **"Payment account"** means an account as defined in the current "Regulation on payment services and issuance of electronic money";
- **"Framework agreement"** means the agreement governing the future execution of one-off and recurrent payment transactions and which may contain the obligations and conditions to be met by the parties for setting up and operating a payment account;
- **"Settlement date"** means a date on which the obligations with respect to the transfer of funds are discharged between the payer's payment service provider and the payee's payment service provider;
- **"Sanctions Decree"** means Decree no. 76 of 30 May 2006 and subsequent amendments.
- **"Funds"** means banknotes and coins, scriptural money and electronic money";
- **"IBAN"** means an international payment account identification number that unambiguously identifies an individual international payment account in San Marino or in the European Union, the elements of which are specified by the International Organisation for Standardisation (ISO);
- **"Legal entity Identifier" or "LEI"** means a unique alphanumeric reference code, based on the international ISO 17442 standard, which allows legal entities to be uniquely identified;
- **"Collection"** means a part of a direct debit transaction starting from its initiation by the payee until its end through the normal debiting of the payer's payment account;
- **"Name of the payee"** means, in respect of a natural person, the name and surname and, in respect of a legal person, the commercial or legal name;
- **"Mandate"** means the expression of the consent and authorization given by the payer to the payee and (directly or indirectly via the payee) to the payer's payment service provider, to allow the payee to initiate a collection for debiting the payer's specified payment account and to allow the payer's payment service provider to comply with such instructions;
- **"MIF"** means a multilateral interchange fee which is subject to an arrangement between more than two payment service providers;
- **"Targeted financial restrictive measure"** means an asset freeze imposed on a person, body or entity or a prohibition on making funds or economic resources available to a person, body or entity, or for its benefit, either directly or indirectly, pursuant to restrictive measures adopted in accordance with Law Decree 22 March 2022 n. 41 and subsequent amendments and/or Law 29 March 2019 n. 57 and subsequent amendments or anyway in accordance with Article 215 of the Treaty on the Functioning of the European Union;
- **"Payment transaction"** means an act, initiated by the payer or by the payee, or through the payee, of placing, transferring and withdrawing funds, irrespective of any underlying obligations between the payer and the payee;

- **“R-transaction”** means a payment transaction which cannot be properly executed by a payment service provider or which results in exception processing, inter alia, because of a lack of funds, revocation, a wrong amount or a wrong date, a lack of mandate or wrong or closed account;
- **“Payment order”** means any instruction by a payer or payee to his payment service provider requesting the execution of a payment transaction;
- **“SEPA country”** means a country member of the European Union or of the Single Euro Payments Area;
- **“National payment”** means an electronically processed payment transaction initiated by the payer or by, or through, the payee where the payer’s payment service provider and the payee’s payment service provider are located in San Marino;
- **“Cross-border payment”** means an electronically processed payment transaction initiated by the payer or by, or through, the payee where the payer’s payment service provider and the payee’s payment service provider are located in San Marino and in a SEPA country, or vice versa, respectively;
- **“Payer”** means the person(s) who holds a payment account and allows a payment order from that payment account, or, where there is no payer’s payment account, the person(s) who make a payment order;
- **“Reference party”** means a natural or legal person on behalf of whom a payer makes a payment or a payee receives a payment;
- **“Payment service provider”** or **“PSP”** means a provider falling under any of the categories referred to in the current “Regulation on payment services and issuance of electronic money”;
- **“Payment initiation service provider”** means a payment service provider pursuing the activity of payment initiation service;
- **“Bank receipt”** means a collection order issued by the payee to its bank and sent by the latter, through a dedicated interbank procedure via an electronic data transmission system, to the payer’s bank, which sends a payment notice to the payer;
- **“Money remittance”** means a payment service where funds are received from a payer, without any payment accounts being created in the name of the payer or the payee, for the sole purpose of transferring a corresponding amount to a payee or to another payment service provider acting on behalf of the payee, and/or where such funds are received on behalf of and made available to the payee;
- **“Payment scheme”** means a single set of rules, practices, standards and/or implementation guidelines agreed between payment service providers for the execution of payment transactions, which is separated from any infrastructure or payment system that supports its operation;
- **“Payment System”** means a funds transfer system with formal and standardised arrangements and common rules for the processing, clearing and/or settlement of payment transactions;
- **“Retail payment system”** means a payment system the main purpose of which is to process, clear or settle credit transfers or direct debits which are primarily of small amount, and that is not a large-value payment system;
- **“Large-value payment system”** means a payment system the main purpose of which is to process, clear or settle single payment transactions of high priority and urgency, and primarily of large amount;

- **“National payment system”** means the set of payment instruments, infrastructures, entities and rules used to transfer money from one operator to another within the territory of the Republic of San Marino;
- **“ISO 20022 XML standard”** means a standard for the development of electronic financial messages as defined by the ISO, encompassing the physical representation of the payment transactions in XML syntax, in accordance with business rules and implementation guidelines of Union-wide schemes for payment transactions falling within the scope of this Regulation;
- **“User”** means a natural or legal person making use of a payment service in the capacity of payer or payee or both.

2. The terms defined above are written in SMALL CAPS hereinafter.

3. For all terms not defined above, reference shall be made to the definitions and notions contained in Law No. 57 of 17 November 2005, and subsequent amendments.

#### **Article 4 - Addressees of the Regulation**

1. This Regulation shall apply to PAYMENT SERVICE PROVIDERS and USERS.

2. Limited to payment services provided by the CENTRAL BANK in its capacity as PSP pursuant to Law No. 35 of 3 March 1993, as amended ("Establishment of the Treasury Service") and the Convention under Article 4 of the same Law, this Regulation shall apply in accordance with Decree No. 53 of 24 April 2003, as amended ("Accounting Regulation"), taking into account any amendments and supplements made to the aforementioned Convention.

#### **Article 5 - Purpose and structure of the Regulation**

1. This Regulation, replacing Regulation No 2013-05 and supplementing Regulation No 2020-04, shall aim to bring San Marino's rules on PAYMENT TRANSACTIONS, whether NATIONAL or CROSS-BORDER, in line with the most up-to-date standards applied by all SEPA COUNTRIES, consistently with the entry of the Republic of San Marino into the Single Euro Payments Area (so called SEPA) since 2014 and in accordance with the Monetary Agreement in force between San Marino and the European Union on the use of the euro as national currency.

2. The purpose of this Regulation, in particular, shall be to transpose the following legal acts of the European Union:

- a) Regulation (EU) No 260/2012 of 14 March 2012 establishing technical and business requirements for CREDIT TRANSFER and DIRECT DEBITS, as amended by Regulation (EU) 2024/886 of 13 March 2024 as regards INSTANT CREDIT TRANSFERS;
- b) Regulation (EU) 2021/1230 of 14 July 2021, replacing the repealed Regulation (EC) No 924/2009, on CROSS-BORDER PAYMENTS and on the transparency of currency conversion charges within the Union, as last supplemented by Regulation (EU) 2024/886 of 13 March 2024.

3. This Regulation shall consist of 4 Parts and 3 Annexes that form an integral part of it. The first Part shall contain an introduction and the definitions; the second Part and the Annexes are dedicated to the above mentioned requirements for SEPA PAYMENT TRANSACTIONS; the third Part shall illustrate general principles for CROSS-BORDER PAYMENTS within SEPA COUNTRIES; the fourth Part shall contains final and transitional provisions.

## **PART II**

### **TECHNICAL AND BUSINESS REQUIREMENTS FOR CREDIT TRANSFERS AND DIRECT DEBITS IN EURO**

#### **Article 6 - Subject matter and scope**

1. This Regulation shall apply to CREDIT TRANSFER and DIRECT DEBIT transactions denominated in euro where:
  - a) both PSPs are located in the Republic of San Marino;
  - b) the sole PSP involved in the CREDIT TRANSFER or DIRECT DEBIT transaction is located in the Republic of San Marino;
  - c) one PSP is located in the Republic of San Marino and the other in a SEPA COUNTRY.
2. Cash CREDIT TRANSFERS, i.e. CREDIT TRANSFER transactions where FUNDS are provided in cash by the PAYER to the PSP shall fall within the scope of the CREDIT TRANSFER TRANSACTIONS referred to in the preceding paragraph.
3. Without prejudice to paragraphs 1 and 2 above, this Regulation shall not apply to the following:
  - a) PAYMENT TRANSACTIONS carried out:
    - a.1) for their own account:
      - between PSPs;
      - within PSPs, including their agents and branches;
    - a.2) for the account of another PSP;
  - b) PAYMENT TRANSACTIONS processed and settled through LARGE-VALUE PAYMENT SYSTEMS, excluding DIRECT DEBIT which the PAYER has not explicitly requested be routed via a LARGE-VALUE PAYMENT SYSTEM;
  - c) PAYMENT TRANSACTIONS through a payment card or similar device, including cash withdrawals, unless the payment card or similar device is used only to generate the information required to directly make a CREDIT TRANSFER or DIRECT DEBIT to and from a PAYMENT ACCOUNT identified by IBAN;
  - d) PAYMENT TRANSACTIONS by means of any telecommunication, digital or IT device, if such PAYMENT TRANSACTIONS do not result in a CREDIT TRANSFER or DIRECT DEBIT to and from a PAYMENT ACCOUNT identified by IBAN;
  - e) PAYMENT TRANSACTIONS transferring electronic money as defined in Directive 2009/110/EC on the taking up, pursuit and prudential supervision of the business of electronic money institutions, unless such transactions result in a CREDIT TRANSFER or DIRECT DEBIT to and from a PAYMENT ACCOUNT identified by IBAN;
  - f) BANK PAYMENT SLIPS;
  - g) POSTAL CURRENT ACCOUNT SLIPS;
  - h) credit collection orders based on notices sent to the PAYER who can make the payment at a PSP by means of a dedicated interbank procedure (so-called MAV, payment by notice);



- i) collection orders based on notices sent to the PAYER for the collection of amounts entered into debtor registers by persons in charge of the collection by means of a special interbank procedure (so-called RAV, collection by notice);
- j) BANK RECEIPTS (so-called Ri.Ba.);
- k) MONEY REMITTANCES.

4. Without prejudice to paragraphs 1, 2 and 3 above, where PAYMENT SCHEMES are based on PAYMENT TRANSACTIONS by CREDIT TRANSFERS or DIRECT DEBITS but have additional optional features or services, this Regulation shall only apply to the underlying CREDIT TRANSFERS or DIRECT DEBITS.

### **Article 7 - Application to currencies other than the euro**

1. This Regulation shall also apply to CREDIT TRANSFER and DIRECT DEBIT transactions denominated in the national currencies of the Member States of the European Union that have notified the decision to extend the application of Regulation (EU) 2021/1230.

2. Where a Member State of the European Union has notified its decision to extend the application of Regulation (EU) 2021/1230, a CREDIT TRANSFER or DIRECT DEBIT transaction denominated in the currency of that Member State shall be considered to correspond to a CREDIT TRANSFER or DIRECT DEBIT transaction denominated in euro.

3. Articles 17 and 18 shall apply to all NATIONAL and CROSS-BORDER PAYMENTS denominated in euro or in the national currency of a Member State other than the euro and involving a currency conversion service.

### **Article 8 - Reachability**

1. For the purpose of this Regulation,

- a) a PAYEE's PSP which is reachable for a national CREDIT TRANSFER under a PAYMENT SCHEME shall be reachable, in accordance with the rules of a Union-wide PAYMENT SCHEME, for CREDIT TRANSFERS initiated by a PAYER through a PSP located in any SEPA COUNTRY;
- b) a PAYER's PSP which is reachable for a national DIRECT DEBIT under a PAYMENT SCHEME shall be reachable, in accordance with the rules of a Union-wide PAYMENT SCHEME, for DIRECT DEBITS initiated by a PAYEE through a PSP located in any SEPA COUNTRY, provided that DIRECT DEBITS are available to CONSUMERS as PAYERS under a PAYMENT SCHEME.

2. PSPs shall apply the same PAYMENT SCHEMES for national CREDIT TRANSFER AND DIRECT DEBIT as for cross-border CREDIT TRANSFER and DIRECT DEBIT, provided that the latter are executed within a SEPA COUNTRY.

### **Article 9 - Requirements for credit transfer and direct debit transactions**

1. PSPs carrying out CREDIT TRANSFER and DIRECT DEBIT transactions shall:

- a) use the PAYMENT ACCOUNT identifier specified in point 1 letter a) of the Annex for the identification of PAYMENT ACCOUNTS regardless of the location of the PSPs concerned;
- b) use the message formats specified in point 1 letter b) of the Annex, when transmitting PAYMENT TRANSACTIONS to another PSP or via a RETAIL PAYMENT SYSTEM;
- c) ensure that USERS use the PAYMENT ACCOUNT identifier specified in point 1 letter a) of the Annex for the identification of PAYMENT ACCOUNTS, whether the PAYER's PSP and the PAYEE's PSP or the sole PSP in the PAYMENT TRANSACTION are located in San Marino or in a different SEPA COUNTRY;
- d) without prejudice to Article 7, paragraph 2, ensure that where a USER initiates or receives individual CREDIT TRANSFERS or individual DIRECT DEBITS which are not transmitted individually, but they are bundled together for transmission, the message formats specified in point 1, letter b) of Annex 1 (ISO 20022 XML STANDARD) are used.

2. Without prejudice to paragraph 1 letter b), PSPs shall, upon the specific request of a USER, use the message formats specified in point 1 letter b) of Annex 1.

3. When carrying out CREDIT TRANSFERS, PSPs shall also:

- a) ensure that their PAYER provides the data elements specified in point 2 letter a) of Annex 1;
- b) provide the data elements specified in point 2 letter b) of Annex 1 to the PAYEE's PSP;
- c) provide or make available to the PAYEE the data elements specified in point 2 letter d) of Annex 1.

4. PSPs shall carry out DIRECT DEBITS in such a way that:

- a) the PAYEE's PSP ensures that the PAYEE provides the data elements specified in point 3 letter a) of Annex 1 with the first DIRECT DEBIT and one-off DIRECT DEBIT, and with each subsequent PAYMENT TRANSACTION;
- b) the PAYER gives consent both to the PAYEE and to its PSP (directly or indirectly via the PAYEE), the MANDATES, together with later modifications or cancellations, are stored by the PAYEE or by a third party on behalf of the PAYEE and the PAYEE is informed of this obligation by the PSP;
- c) the PAYEE's PSP provides the PAYER's PSP with the data elements specified in point 3 letter b) of Annex 1;
- d) the PAYER's PSP provides or makes available to the PAYER the data elements specified in point 3 letter c) of Annex 1;
- e) the PAYER has the right to instruct its PSP:
  - to limit a DIRECT DEBIT COLLECTION to a certain amount or periodicity or both;
  - where a MANDATE under a PAYMENT SCHEME does not provide for the right to a refund, to verify each DIRECT DEBIT transaction, and to check whether the amount and periodicity of the submitted DIRECT DEBIT transaction is equal to the amount and periodicity agreed in the MANDATE, before debiting their PAYMENT ACCOUNT, based on the MANDATE-related information;

- to block any DIRECT DEBITS to the PAYER's PAYMENT ACCOUNT or to block any DIRECT DEBITS initiated by one or more specified PAYEES or to authorise DIRECT DEBITS only initiated by one or more specified PAYEES.

5. The PAYER's PSP shall inform the PAYER of the rights referred to in letter e) above.
6. Upon the first DIRECT DEBIT transaction or a one-off DIRECT DEBIT transaction and upon each subsequent DIRECT DEBIT transaction, the PAYEE shall send the MANDATE-related information to his or her PSP and the PAYEE's PSP shall transmit that MANDATE-related information to the PAYER's PSP with each DIRECT DEBIT transaction.
7. In addition to the requirements referred to in paragraph 1, 2 and 3 the PAYEE accepting CREDIT TRANSFERS shall communicate its PAYMENT ACCOUNT identifier specified in point 1, letter a) of the Annex and, until 1 February 2016 for PAYMENT TRANSACTIONS, but only where necessary, its PSP's BIC to its PAYERS, when a CREDIT TRANSFER is requested.
8. Before the first DIRECT DEBIT transaction, a PAYER shall communicate its PAYMENT ACCOUNT identifier specified in point 1 letter a) of Annex 1.
9. Where the FRAMEWORK AGREEMENT between the PAYER and the PAYER's PSP does not provide for the right to a refund, the PAYER's PSP shall, without prejudice to paragraph 4 letter b), verify each DIRECT DEBIT transaction to check whether the amount of the submitted DIRECT DEBIT transaction is equal to the amount and periodicity agreed in the MANDATE before debiting the PAYER's PAYMENT ACCOUNT, based on the MANDATE-related information.
10. PSPs shall not require USERS to indicate the BIC of the PSP of a PAYER or of the PSP of a PAYEE.
11. The PAYER's PSP and the PAYEE's PSP shall not levy additional CHARGES or other fees on the read-out process to automatically generate a MANDATE for those PAYMENT TRANSACTIONS initiated through or by means of a payment card at the point of sale, which result in DIRECT DEBIT.

## **Article 10 - Instant credit transfer transactions**

1. PSPs that offer to their USERS a payment service of sending and receiving CREDIT TRANSFERS shall offer to all of their USERS a payment service of sending and receiving INSTANT CREDIT TRANSFERS and shall ensure that all PAYMENT ACCOUNTS that are reachable for CREDIT TRANSFERS are also reachable for INSTANT CREDIT TRANSFERS 24 hours a day and on any calendar day.
2. By way of derogation from Article X.II.16 of Regulation No 2020-04:
  - a) the time of receipt of a PAYMENT ORDER for an INSTANT CREDIT TRANSFER shall be the moment it has been received by the PAYER's PSP, regardless of the hour or calendar day;

- b) if the PAYER and the PAYER's PSP agree that execution of the PAYMENT ORDER for an INSTANT CREDIT TRANSFER is to take place at a specific time on a specific day or at the moment when the PAYER has put funds at the disposal of the PSP, the time of receipt of the PAYMENT ORDER for an INSTANT CREDIT TRANSFER shall be deemed to be the agreed time, regardless of the hour or calendar day.

3. By way of derogation from paragraph 2 above, the time of receipt of the PAYMENT ORDER for an INSTANT CREDIT TRANSFER in the cases described below, shall be established as follows:

- a) for a non-electronic PAYMENT ORDER for an INSTANT CREDIT TRANSFER, the moment when the PAYER's PSP has introduced the PAYMENT ORDER information into its internal system, which shall occur as soon as possible after the non-electronic PAYMENT ORDER for an INSTANT CREDIT TRANSFER has been placed by the PAYER with the PAYER's PSP;
- b) for an individual PAYMENT ORDER for an INSTANT CREDIT TRANSFER belonging to a package as referred to in paragraph 7 of this Article, where the conversion of that package into individual PAYMENT TRANSACTIONS is carried out by the PAYER's PSP, the moment when the ensuing PAYMENT TRANSACTION has been unpacked by the PAYER's PSP;
- c) for a PAYMENT ORDER for an INSTANT CREDIT TRANSFER from PAYMENT ACCOUNTS that are not denominated in euro, the moment when the amount of the PAYMENT TRANSACTION has been converted into euro.

4. When carrying out INSTANT CREDIT TRANSFERS, PSPs shall, in addition to the requirements set out in Article 9, comply with the following requirements:

- a) PSPs shall ensure that PAYERS are able to place a PAYMENT ORDER for an INSTANT CREDIT TRANSFER through all of the same PAYMENT INITIATION CHANNELS as the ones through which those PAYERS are able to place a PAYMENT ORDER for other CREDIT TRANSFERS;
- b) notwithstanding Article X.II.21 of Regulation no. 2020-04, immediately after the time of receipt of a PAYMENT ORDER for an INSTANT CREDIT TRANSFER, the PAYER's PSP shall verify whether all of the necessary conditions for processing the PAYMENT TRANSACTION are met and whether the necessary funds are available, reserve or debit the amount of the PAYMENT TRANSACTION from the account of the PAYER, and immediately send the PAYMENT TRANSACTION to the PAYEE's PSP;
- c) notwithstanding Article X.II.21 and Article X.II.24 paragraph 2 of Regulation no. 2020-04, the PAYEE's PSP shall, within 10 seconds of the time of receipt of the PAYMENT ORDER for an INSTANT CREDIT TRANSFER by the PAYER's PSP, make the amount of the PAYMENT TRANSACTION available on the PAYEE's PAYMENT ACCOUNT in the currency in which the PAYEE's account is denominated and confirm the completion of the PAYMENT TRANSACTION to the PAYER's PSP;
- d) notwithstanding Article X.II.24 paragraph 1 of Regulation no. 2020-04, the PAYEE's PSP shall ensure that the credit value date for the PAYEE's PAYMENT ACCOUNT is the same date as the date on which the PAYEE's PAYMENT ACCOUNT is credited by the PAYEE's PSP with the amount of the PAYMENT TRANSACTION; and

- e) immediately upon receiving the confirmation of completion referred to in letter c), or where no such confirmation of completion is received by the PAYER's PSP within 10 seconds of the time of receipt of the PAYMENT ORDER for an INSTANT CREDIT TRANSFER, the PAYER's PSP shall, free of CHARGE, inform the PAYER, as well as, where applicable, the PAYMENT INITIATION SERVICE PROVIDER, whether the amount of the PAYMENT TRANSACTION has been made available on the PAYEE's PAYMENT ACCOUNT;
- f) in the cases referred to in paragraph 3 letter b) above, the PAYER's PSP shall start the conversion of the package immediately after it has been placed by the PAYER with the PAYER's PSP and complete that conversion as soon as possible;
- g) the currency conversion referred to in 3 letter c) above shall take place immediately after the PAYMENT ORDER for an INSTANT CREDIT TRANSFER has been placed by the PAYER with the PAYER's PSP.

5. Notwithstanding Article X.II.26 of Regulation no. 2020-04, where the PAYER's PSP has not received a message from the PAYEE's PSP confirming that the funds were made available on the PAYEE's PAYMENT ACCOUNT within 10 seconds of the time of receipt, the PAYER's PSP shall immediately restore the PAYMENT ACCOUNT of the PAYER to the state in which it would have been had the transaction not taken place.

6. Upon the request of the USER, a PSP shall offer a USER the possibility of setting a limit fixing a maximum amount that can be sent by means of INSTANT CREDIT TRANSFER. That limit may be either on a per day or per transaction basis, at the sole discretion of the USER. PSPs shall ensure that USERS are able to modify that maximum amount at any time prior to the placing of a PAYMENT ORDER for an INSTANT CREDIT TRANSFER. Where a USER's PAYMENT ORDER for an INSTANT CREDIT TRANSFER exceeds, or leads to exceeding of, the maximum amount, the PAYER's PSP shall not execute the PAYMENT ORDER for the INSTANT CREDIT TRANSFER, shall notify the USER thereof and shall inform the USER as to how to modify the maximum amount.

7. When offering the payment service of sending and receiving INSTANT CREDIT TRANSFERS, PSPs shall offer their USERS the possibility of submitting multiple PAYMENT ORDERS as a package if PSPs offer such possibility to their USERS for other CREDIT TRANSFERS. PSPs shall not impose limits on the number of PAYMENT ORDERS that can be submitted in a package of INSTANT CREDIT TRANSFERS which are lower than the limits they impose in respect of packages of other CREDIT TRANSFERS.

8. PSPs offering INSTANT CREDIT TRANSFERS shall verify whether any of their USERS are persons or entities subject to TARGETED FINANCIAL RESTRICTIVE MEASURES, in accordance with Annex 3.

### **Article 11 - Charges in respect of credit transfers and verification of the payee**

1. Any CHARGES levied by a PSP on PAYERS and PAYEES in respect of sending and receiving INSTANT CREDIT TRANSFERS shall not be higher than the CHARGES levied by that PSP in respect of sending and receiving other CREDIT TRANSFERS of corresponding type.

2. A PAYER's PSP shall offer the PAYER a service ensuring verification of the PAYEE to whom the PAYER intends to send a CREDIT TRANSFER (service ensuring verification), in accordance with Annex 2 and without any further CHARGES being levied.

### **Article 12 - Validity of mandates and right to a refund**

1. DIRECT DEBIT MANDATES prior to 1 February 2014 containing a valid PAYEE authorisation to collect DIRECT DEBITS shall continue to remain valid also after that date.

2. The AUTHORISATION referred to in the preceding paragraph shall be considered as representing the consent to the PAYER's PSP to execute the recurring DIRECT DEBITS collected by that PAYEE in compliance with this Regulation.

3. MANDATES as referred to in this article shall allow for unconditional refunds and refunds backdated to the date of the refunded payment where such refunds have been provided for within the framework of the existing MANDATE.

### **Article 13 - Interchange fees for direct debit transactions**

1. In line with the general principles set out in Article 16 below, without prejudice to paragraph 2, no MIF per DIRECT DEBIT transaction or other agreed remuneration with an equivalent object or effect shall apply to DIRECT DEBIT transactions.

2. For R-TRANSACTIONS a MIF may be applied provided that the following conditions are complied with:

- a) the arrangement aims at efficiently allocating costs to the PSP which, or the USER of which, has caused the R-TRANSACTION, as appropriate, while taking into account the existence of transaction costs and ensures that the PAYER is not automatically charged and the PSP is prohibited from charging USERS in respect of a given type of R-TRANSACTION fees that exceed the cost borne by the PSP for such transactions;
- b) the fees are strictly cost based;
- c) the level of the fees does not exceed the actual costs of handling an R-TRANSACTION by the relatively more most-efficient comparable PSP that is a representative party to the arrangement in terms of volume of transactions and nature of services;
- d) the application of the fees in accordance with letters a), b) and c) prevent the PSP from charging additional fees relating to the costs covered by those fees to their respective USERS;
- e) there is no practical and economically viable alternative to the arrangement which would lead to an equally or more efficient handling of R-TRANSACTIONS at equal or lower cost.

3. Only cost categories directly and unequivocally relevant to the handling of the R-TRANSACTION shall be considered in the calculation of the R-TRANSACTION fees. These costs shall be precisely determined. The breakdown of the amount of costs, with the identification of each of its components, including separate identification of each of its components, shall be part of the arrangement to allow for easy verification and monitoring.

4. Paragraphs 1, 2 and 3 shall apply *mutatis mutandis* to unilateral arrangements by a PSP and to bilateral arrangements between PSPs that have an object or effect equivalent to that of a multilateral arrangement.

#### **Article 14 - Payment accessibility**

1. A PAYER making a CREDIT TRANSFER to a PAYEE holding a PAYMENT ACCOUNT located within the Republic of San Marino or another SEPA COUNTRY shall not specify the State in which that PAYMENT ACCOUNT is to be located, provided that the PAYMENT ACCOUNT is reachable in accordance with Article 8, paragraph 1.

2. A PAYEE accepting a CREDIT TRANSFER or using a DIRECT DEBIT to collect funds from a PAYER holding a PAYMENT ACCOUNT located within the Republic of San Marino or another SEPA COUNTRY shall not specify the State in which that PAYMENT ACCOUNT is to be located, provided that the PAYMENT ACCOUNT is reachable in accordance with Article 8, paragraph 1).

**PART III**  
**RULES ON CROSS-BORDER PAYMENTS**  
**WITHIN SEPA COUNTRIES**

**Article 15 - Measures for facilitating the automation of payments**

1. The PSP shall, where applicable, communicate to the USER the USER's IBAN and the PSP's BIC. Where appropriate, the PSP shall also indicate the USER's IBAN and the PSP's BIC on statements of account or in an annex thereto. The PSP shall provide information required under this Article to the USER free of CHARGE.
2. The PSP may levy CHARGES additional to those levied in accordance with the following Article 16, paragraph 1 of this Regulation on the USER where that USER instructs the PSP to execute the CROSS-BORDER PAYMENT without communicating IBAN and, where appropriate, the related BIC for the PAYMENT ACCOUNT in the other Member State. Those CHARGES shall be appropriate and in line with the costs. They shall be agreed between the PSP and the USER. The PSP shall inform the USER of the amount of the additional CHARGES in good time before the USER is bound by such an agreement.
3. For all invoicing of goods and services in San Marino or in a SEPA COUNTRY, taking into account the nature of that PAYMENT TRANSACTION, the supplier of goods and services that accepts payments covered by this Regulation shall communicate to its customers its IBAN code and the BIC of its PSP.

**Article 16 - Charges in respect of cross-border payments**

1. CHARGES, except those for currency conversion, levied by a PSP on a USER in respect of CROSS-BORDER PAYMENTS:
  - a) in euro, shall be the same as the CHARGES levied by that PSP on USERS for corresponding NATIONAL PAYMENTS of the same value and in the national currency of the Member State where the USER's PSP is located;
  - b) in the national currency of a Member State as referred to in Article 7 paragraph 1, shall be the same as the CHARGES levied by that PSP on USERS for corresponding NATIONAL PAYMENTS of the same value and in the same currency.
2. When determining the level of the CHARGES in respect of CROSS-BORDER PAYMENTS for the purposes of paragraph 1 above, the PSP shall identify the corresponding NATIONAL PAYMENTS, taking into account any relevant guidelines issued by the CENTRAL BANK.
3. Paragraph 1 of this Article shall not apply where, pursuant to Article 11 above, a PSP located in a Member State which does not have the euro as its currency is required to levy on the INSTANT CREDIT TRANSFER a lower CHARGE than that, which would be levied on the same INSTANT CREDIT TRANSFER if paragraph 1 of this Article were to apply.



**Article 17 - Currency conversion charges related to card-based transactions**

1. PSPs and parties providing currency conversion services at an automated teller machine (ATM) or at the point of sale referred to in Article X.III.19 of the current “Regulation on payment services and issuance of electronic money” shall express the total currency conversion CHARGES as a percentage mark-up over the latest available euro foreign exchange reference rates issued by the European Central Bank (ECB). That mark-up shall be disclosed to the PAYER prior to the initiation of the PAYMENT TRANSACTION.

2. PSPs shall also make the mark-up referred to in paragraph 1 above public in a comprehensible and easily accessible electronic platform.

3. In addition to the information referred to in paragraph 1, a party providing a currency conversion service at an ATM or at the point of sale shall provide the PAYER with the following information prior to the initiation of the PAYMENT TRANSACTION:

- a) the amount to be paid to the PAYEE in the currency used by the PAYEE;
- b) the amount to be paid by the PAYER in the currency of the PAYER's account.

4. A party providing currency conversion services at an ATM or at the point of sale shall clearly display the information referred to in paragraph 1 above at the ATM or at the point of sale. Prior to the initiation of the PAYMENT TRANSACTION, that party shall also inform the PAYER of the possibility of paying in the currency used by the PAYEE and having the currency conversion subsequently performed by the PAYER's PSP. The information referred to in paragraphs 1 and 3 above shall also be made available to the PAYER in a durable medium following the initiation of the PAYMENT TRANSACTION.

5. The PAYER's PSP shall, for each payment card that was issued to the PAYER by the PAYER's PSP and that is linked to the same account, send to the PAYER an electronic message with the information referred to in paragraph 1, without undue delay after the PAYER's PSP receives a PAYMENT ORDER for a cash withdrawal at an ATM or a payment at a point of sale that is denominated in any Union currency that is different from the currency of PAYER's account. Notwithstanding the first subparagraph, such a message shall be sent once every month in which the PAYER's PAYMENT SERVICE PROVIDER receives from the PAYER a PAYMENT ORDER denominated in the same currency.

6. The PSP shall agree with the USER on the broadly available and easily accessible electronic communication channel(s) through which the PSP will send the message referred to in paragraph 5 above. The PSP shall offer USERS the possibility of opting out of receiving the electronic messages referred to in paragraph 5. The PSP and the USER may agree that paragraph 5 above and this paragraph do not apply in whole or in part where the USER is not a CONSUMER.

7. The information referred to in this Article shall be provided free of CHARGE and in neutral and comprehensible manner.

### **Article 18 - Currency conversion charges related to credit transfers**

1. When a currency conversion service is offered by the PAYER's PAYMENT SERVICE PROVIDER in relation to a CREDIT TRANSFER that is initiated online directly, using the website or the mobile banking application of the PAYMENT SERVICE PROVIDER, the PAYMENT SERVICE PROVIDER, with regard to Article X.III.7, paragraph 1) and Article X.III.12 paragraphs 1) and 3) of the current "Regulation on payment services and issuance of electronic money", shall inform the PAYER prior to the initiation of the PAYMENT TRANSACTION, in a clear, neutral and comprehensible manner, of the estimated CHARGES for currency conversion services applicable to the CREDIT TRANSFER.

2. Prior to the initiation of a PAYMENT TRANSACTION, the PAYMENT SERVICE PROVIDER shall communicate to the PAYER, in a clear, neutral and comprehensible manner, the estimated total amount of the CREDIT TRANSFER in the currency of the PAYER's account, including any transaction fee and any currency conversion CHARGES. The PAYMENT SERVICE PROVIDER shall also communicate the estimated amount to be transferred to the PAYEE in the currency used by the PAYEE.

### **Article 19 - Scope of application**

1. The general rules set out in this Part shall apply, on a reciprocal basis with all SEPA COUNTRIES, only to CROSS-BORDER PAYMENTS in the technical form of CREDIT TRANSFER or DIRECT DEBIT, subject to the above limits, terms and conditions, unless this Regulation is supplemented to ensure ongoing alignment of the NATIONAL PAYMENT SYSTEM with the future introduction of common technical and commercial requirements at European level, including for other forms of PAYMENT TRANSACTIONS.

## **PART IV**

### **FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 20 - Sanctions**

1. Infringements of the provisions of this Regulation shall be punished in accordance with the SANCTIONS DECREE.

#### **Article 21 - Amendments to Regulation No. 2020-04**

1. In Article I.I.2, paragraph 1, the definition of “SEPA Regulation” shall be updated by replacing the reference to Reg. 2013-05 with this Regulation.

2. Paragraph 4 of Article X.II.2 of Regulation no. 202004 shall be replaced as follows:

*“4. In any case, the payee shall not charge any fees for payment services subject to the SEPA REGULATION and for the payer’s use of payment cards.”*

3. Paragraphs 3 and 4 of Article XII.II.1 of Regulation no. 202004 shall be replaced as follows:

*“3. Paragraphs 1 and 2 above shall not apply to payment systems consisting exclusively of PSPs belonging to a group.*

*4. Where a participant in a payment system designated pursuant to Delegated Decree No. 111 of 31 August 2018 allows a PSP that is not a participant in the system to place payment orders through the system, that participant shall provide, upon request, the same opportunity in an objective, proportionate and non-discriminatory manner to other PSPs in accordance with paragraph 1 above. The payment system participant shall provide the requesting PSP with detailed reasons in the event of refusal.”*

#### **Article 22 - Entry into force and timing for implementation**

1. This Regulation shall enter into force on 1 December 2024 and repeal Regulation No. 2013-05 “Entry into the Single Euro payments Area (SEPA)”.

2. Without prejudice to paragraph 1 above:

- a) by 9 January 2025, PSPs that offer to their USERS a payment service of sending and receiving CREDIT TRANSFER shall offer to all of their USERS the payment service of receiving INSTANT CREDIT TRANSFERS in euro, subject to the provisions of Articles 10, paragraph 8 (Annex 3) and 11, paragraph 1 above;
- b) by 9 October 2025, PSPs as referred to in letter a) above shall also offer to all of their USERS the payment service of sending INSTANT CREDIT TRANSFERS in euro, in accordance with the provisions of Article 11 above, and shall implement the provisions of Annex 2 on the verification of the PAYEE in the case of CREDIT TRANSFERS.

3. For PSPs classified as payment institutions or electronic money institutions, both deadlines mentioned in paragraph 2 are extended to 9 April 2027.

## ANNEX 1 TECHNICAL REQUIREMENTS

1. In addition to the essential requirements set out in Article 9, the following technical requirements shall apply to CREDIT TRANSFER and DIRECT DEBIT transactions:

- a) the PAYMENT ACCOUNT identifier referred to in article 9, paragraph 1, letters a) and c) shall be the IBAN;
- b) the standard for message format referred to in Article 9, paragraph 1, letters b) and d) shall be the ISO 20022 XML STANDARD;
- c) the remittance data field shall allow for 140 characters. PAYMENT SCHEMES may allow for a higher number of characters, except if the device used to remit information has technical limitations relating to the number of characters, in which case the technical limit of the device shall apply;
- d) remittance reference information and all other data provided in accordance with points 2 and 3 of this Annex shall be passed in full and without alteration between PSPs in the payment chain;
- e) once the required data is available in electronic form, PAYMENT TRANSACTIONS shall allow fully automated electronic processing in all process stages throughout the payment chain (end-to-end straight through processing), enabling the entire payment process to be conducted electronically without the need for re-keying or manual intervention. This shall also apply to exceptional handling of CREDIT TRANSFERS and DIRECT DEBIT transactions, whenever possible.
- f) PAYMENT SCHEMES must set no minimum threshold for the amount of the PAYMENT TRANSACTION allowing for CREDIT TRANSFERS and DIRECT DEBITS but are not required to process PAYMENT TRANSACTIONS with zero amount;
- g) PAYMENT SCHEMES are not obliged to carry out CREDIT TRANSFERS and DIRECT DEBITS exceeding the amount of EUR 999 999 999,99.

2. In addition to the requirements referred to in point (1), the following requirements shall apply to CREDIT TRANSFER transactions:

- a) the data elements referred to in Article 9, paragraph 3), letter a) shall be the following:
  1. the PAYER's name and/or the IBAN of the PAYER's PAYMENT ACCOUNT;
  2. the amount of the CREDIT TRANSFER;
  3. the IBAN of the PAYEE's PAYMENT ACCOUNT;
  4. where available, the PAYEE's name;
  5. any remittance information;
- b) the data referred to in Article 9, paragraph 3), letter b) shall be the following:
  1. the PAYER's name;
  2. the IBAN of the PAYER's PAYMENT ACCOUNT;
  3. the amount of the CREDIT TRANSFER;
  4. the IBAN of the PAYEE's PAYMENT ACCOUNT;
  5. any remittance information;
  6. any PAYEE identification code;

7. the name of any PAYEE REFERENCE PARTY,
8. any purpose of the CREDIT TRANSFER,
9. any category of purpose of the CREDIT TRANSFER;

c) in addition, the following mandatory data elements are to be provided by the PAYER's PSP to the PAYEE's PSP:

1. the BIC of the PAYER's PSP (if not agreed otherwise by the PSPs involved in the PAYMENT TRANSACTION);
2. the BIC of the PAYEE's PSP (if not agreed otherwise by the PSPs involved in the PAYMENT TRANSACTION);
3. the identification code of the PAYMENT SCHEME ;
4. the SETTLEMENT DATE of the CREDIT TRANSFER;
5. the reference number of the TRANSFER message of the PAYER's PSP;

d) the data referred to in Article 9, paragraph 3), letter c) shall be the following:

1. the PAYER's name;
2. the amount of the CREDIT TRANSFER;
3. any remittance information.

3. In addition to the requirements referred to in point (1), the following requirements shall apply to DIRECT DEBIT transactions:

a) the data elements referred to in Article 9, paragraph 4), letter a) shall be the following:

1. the type of DIRECT DEBIT (recurrent, one-off, first, last or reversal);
2. the PAYEE's name;
3. the IBAN of the PAYEE's PAYMENT ACCOUNT to be credited for the COLLECTION;
4. where available, the PAYEE's name;
5. the IBAN of the PAYER's PAYMENT ACCOUNT to be debited for the COLLECTION;
6. the unique MANDATE reference;
7. the date on which it was signed;
8. the amount of the COLLECTION;
9. where the MANDATE has been taken over by a PAYEE other than the PAYEE who issued the MANDATE, the unique MANDATE reference as given by the original PAYEE who issued the MANDATE;
10. the PAYEE's identifier,
11. where the MANDATE has been taken over by a PAYEE other than the PAYEE who issued the MANDATE, the identifier of the original PAYEE who issued the MANDATE;
12. any remittance information from the PAYEE to the PAYER;
13. any purpose of the COLLECTION;
14. any category of purpose of the COLLECTION;

b) the data elements referred to in Article 9, paragraph 4), letter c) shall be the following:

1. the BIC of the PAYEE's PSP (if not agreed otherwise by the PSPs involved in the PAYMENT TRANSACTION);
2. the BIC of the PAYER's PSP (if not agreed otherwise by the PSPs involved in the PAYMENT TRANSACTION);
3. the PAYER's REFERENCE PARTY's name (if present in the dematerialized MANDATE);
4. the PAYER's REFERENCE PARTY's identification code (if present in the dematerialized MANDATE);
5. the PAYEE's REFERENCE PARTY's name (if present in the dematerialized MANDATE);

6. the PAYEE's REFERENCE PARTY's identification code (if present in the dematerialized MANDATE);
  7. the identification code of the PAYMENT SCHEME ;
  8. the SETTLEMENT DATE of the credit COLLECTION;
  9. the PAYEE's PSP's reference for the COLLECTION;
  10. the type of MANDATE;
  11. the type of DIRECT DEBIT (recurrent, one-off, first, last or reversal);
  12. the PAYEE's name;
  13. the IBAN of the PAYEE's PAYMENT ACCOUNT to be credited for the COLLECTION;
  14. where available, the PAYEE's name;
  15. the IBAN of the PAYER's PAYMENT ACCOUNT to be debited for the COLLECTION;
  16. the unique MANDATE reference;
  17. the date of signing of the MANDATE;
  18. the amount of the COLLECTION;
  19. the unique MANDATE reference as given by the original PAYEE who issued the MANDATE (if the MANDATE has been taken over by another PAYEE than the PAYEE who issued the MANDATE);
  20. the PAYEE's identifier,
  21. the identifier of the original PAYEE who issued the MANDATE (if the MANDATE has been taken over by a PAYEE other than the PAYEE who issued the MANDATE);
  22. any remittance information from the PAYEE to the PAYER;
- c) the data elements referred to in Article 9, paragraph 4), letter c) shall be the following:
1. the unique MANDATE reference;
  2. the PAYEE's identifier,
  3. the PAYEE's name;
  4. the amount of the COLLECTION;
  5. any remittance information;
  6. the identification code of the PAYMENT SCHEME.

## **ANNEX 2**

### **VERIFICATION OF THE PAYEE IN THE CASE OF CREDIT TRANSFERS**

1. The PAYER's PSP shall perform the service ensuring verification immediately after the PAYER provides relevant information about the PAYEE and before the PAYER is offered the possibility of authorising such CREDIT TRANSFER. The PAYER's PSP shall offer the service ensuring verification regardless of the PAYMENT INITIATION CHANNEL used by the PAYER to place a PAYMENT ORDER for the CREDIT TRANSFER. The service ensuring verification shall be provided in accordance with the following:

a) where the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 and the NAME OF THE PAYEE have been inserted in the PAYMENT ORDER for the CREDIT TRANSFER by the PAYER, the PAYER's PSP shall provide a service for matching the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 with the NAME OF THE PAYEE. Upon the request of the PAYER's PSP, the PAYEE's PSP shall verify whether the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 and the PAYEE's NAME provided by the PAYER match. Where they do not match, the PAYER's PSP shall, based on information provided by the PAYEE's PSP, notify the PAYER thereof and inform the PAYER that authorising the CREDIT TRANSFER might lead to transferring the funds to a PAYMENT ACCOUNT not held by the PAYEE indicated by the PAYER. Where the NAME OF THE PAYEE provided by the PAYER and the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 almost match, the PAYER's PSP shall indicate to the PAYER the NAME OF THE PAYEE associated with the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 provided by the PAYER;

b) where the PAYEE is a legal person and the PAYER's PSP offers a PAYMENT INITIATION CHANNEL which allows the PAYER to place a PAYMENT ORDER by providing the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 together with data elements other than the NAME OF THE PAYEE that unambiguously identifies the PAYEE, such as a San Marino Economic Operator Code (COE), a fiscal number or an LEI, and where those same data elements are available in the internal system of the PAYEE's PSP, that PSP, upon the request of the PAYER's PSP, shall verify whether the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 and the data element provided by the PAYER match. Where the PAYMENT ACCOUNT identifier specified in point 1), letter a) of the Annex to this Regulation and the data element provided by the PAYER do not match, the PAYER's PSP shall, based on information provided by the PAYEE's PSP, notify the PAYER thereof;

c) where a PAYMENT ACCOUNT identified through a PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 provided by the PAYER is held by a PSP on behalf of multiple PAYEES, additional information allowing the PAYEE to be unambiguously identified may be provided by the PAYER to the PAYER's PSP. The PSP maintaining that PAYMENT ACCOUNT on behalf of multiple PAYEES or, where appropriate, the PSP holding that PAYMENT ACCOUNT, shall, upon the request of the PAYER's PSP, confirm whether the PAYEE indicated by the PAYER is among the multiple PAYEES on whose behalf the PAYMENT ACCOUNT is maintained or held. The PAYER's PSP shall notify the PAYER if the PAYEE indicated by the PAYER is not among the multiple PAYEES on whose behalf the PAYMENT ACCOUNT is maintained or held;

d) in cases other than those described in points a), b) and c) of this paragraph, and, in particular, where a PSP provides a PAYMENT INITIATION CHANNEL which does not require the PAYER to insert both the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 and the NAME OF THE PAYEE, the PSP shall ensure that the PAYEE to whom the PAYER intends to send a CREDIT TRANSFER is correctly identified. For that purpose, the PSP shall inform the PAYER in a way that allows the PAYER to validate the PAYEE before authorising the CREDIT TRANSFER.

2. Where the PAYMENT ACCOUNT identifier specified in point 1), letter a) of Annex 1 or the NAME OF THE PAYEE is provided by a PAYMENT INITIATION SERVICE PROVIDER, rather than by the PAYER, that PAYMENT INITIATION SERVICE PROVIDER shall ensure that the information concerning the PAYEE is correct.

3. PSPs, for the purposes of paragraph 1, letter d), and PAYMENT INITIATION SERVICE PROVIDERS, for the purposes of paragraph 2, shall maintain robust internal procedures to ensure that the information concerning PAYEES is correct.
4. In the case of paper-based PAYMENT ORDERS, the PAYER's PSP shall perform the service ensuring verification at the time of receipt of the PAYMENT ORDER, unless the PAYER is not present at the time of receipt.
5. PSPs shall ensure that the performance of the service ensuring verification and of the service described in paragraph 2 does not prevent PAYERS from authorising the CREDIT TRANSFER concerned.
6. PSPs shall provide USERS that are not CONSUMERS with the means to opt out from receiving the service ensuring verification when submitting multiple PAYMENT ORDERS as a package. PSPs shall ensure that USERS that opted out from receiving the service ensuring verification have the right to opt in at any time to receive that service.
7. Whenever the PAYER's PSP notifies the PAYER in accordance with paragraph 1, letters a), b) or c), that PSP shall at the same time inform the PAYER that authorising the CREDIT TRANSFER might lead to transferring the funds to a PAYMENT ACCOUNT not held by the PAYEE indicated by the PAYER. A PSP shall provide that information to the USER that is not a CONSUMER when that USER opts out from receiving the service ensuring verification when submitting multiple PAYMENT ORDERS as a package. PSPs shall inform their USERS of the implications for PSP liability and USER refund rights resulting from a decision by USERS to ignore a notification as referred to in paragraph 1, letters a), b) and c).
8. A PSP shall not be held liable for the execution of a CREDIT TRANSFER to an unintended PAYEE on the basis of an incorrect unique identifier, as laid down in Article X.II.25 of Regulation 2020-04, provided that it has fulfilled the requirements of this Annex. Where the PAYER's PSP fails to comply with paragraph 1 above, or where the PAYMENT INITIATION SERVICE PROVIDER fails to comply with paragraph 2 above, and where that failure results in a defectively executed PAYMENT TRANSACTION, the PAYER's PSP shall without delay refund the PAYER the amount transferred and, where applicable, restore the debited PAYMENT ACCOUNT to the state in which it would have been had the transaction not taken place. Where the failure to comply occurs because the PAYEE's PSP, or the PAYMENT INITIATION SERVICE PROVIDER, failed to comply with its obligations under this Article, the PAYEE's PSP or, where relevant, the PAYMENT INITIATION SERVICE PROVIDER, shall compensate the PAYER's PSP for the financial damage caused to the PAYER's PSP by that failure.



**ANNEX 3**  
**SCREENING OF USERS IN RELATION TO TARGETED FINANCIAL RESTRICTIVE MEASURES**

1. PSPs offering INSTANT CREDIT TRANSFERS shall verify whether any of their USERS are persons or entities subject to TARGETED FINANCIAL RESTRICTIVE MEASURES immediately after the entry into force of any new TARGETED FINANCIAL RESTRICTIVE MEASURES and immediately after the entry into force of any amendments to those MEASURES, and at least once every calendar day.
2. During the execution of an INSTANT CREDIT TRANSFER, the PAYER's PSP and the PAYEE's PSP involved in the execution of that INSTANT CREDIT TRANSFER shall not verify whether the PAYER or the PAYEE whose PAYMENT ACCOUNTS are used for the execution of that INSTANT CREDIT TRANSFER are persons or entities subject to TARGETED FINANCIAL RESTRICTIVE MEASURES, in addition to carrying out the verification under paragraph 1 above. This shall be without prejudice to actions taken by PSPs in order to comply with eventual restrictive measures other than TARGETED FINANCIAL RESTRICTIVE MEASURES.
3. Article 18-bis of the SANCTIONS DECREE shall apply to infringements of the provisions of this Annex.