

Official Journal

of the European Union

L 266



English edition

Legislation

Volume 52

9 October 2009

Contents

I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

REGULATIONS

- ★ Regulation (EC) No 923/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 1692/2006 establishing the second 'Marco Polo' programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) ⁽¹⁾ 1
- ★ Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 ⁽¹⁾ 11

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

**REGULATION (EC) No 923/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 September 2009**

**amending Regulation (EC) No 1692/2006 establishing the second ‘Marco Polo’ programme for the
granting of Community financial assistance to improve the environmental performance of the
freight transport system (Marco Polo II)**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Articles 71(1) and 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and
Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in
Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) The mid-term review of the Commission’s 2001
Transport White Paper entitled ‘Keep Europe moving
— Sustainable mobility for our continent’, of 22 June
2006, highlights the potential of the Marco Polo
Programme, established by Regulation (EC) No
1382/2003 of the European Parliament and of the
Council of 22 July 2003 on the granting of
Community financial assistance to improve the environ-
mental performance of the freight transport system (the
Marco Polo Programme) ⁽³⁾, as a source of financing that

offers operators on congested roads alternatives by using
other modes of transport. The Marco Polo Programme is
therefore one basic element in the current transport
policy.

(2) If no decisive action is taken, total road freight transport
in Europe is set to grow by more than 60 % by 2013.
The effect would be an estimated growth in international
road freight of 20,5 billion tonne-kilometres per year for
the European Union by 2013, with negative conse-
quences in terms of additional road infrastructure costs,
accidents, congestion, local and global pollution, environ-
mental damage and the unreliability of the supply chain
and of logistics processes.

(3) In order to cope with this growth, greater use must be
made of short sea shipping, rail and inland waterways
than at present, and it is necessary to stimulate further
powerful initiatives from the transport and logistics
sector, including dry ports and other platforms that
facilitate intermodality, to encourage new approaches
and the use of technical innovations in all transport
modes and their management.

(4) It is an objective of the European Union to strengthen
modes of transport that are environmentally friendly,
irrespective of whether this objective leads to a specific
modal shift or avoidance effect in the case of road
haulage.

(5) According to Regulation (EC) No 1692/2006 ⁽⁴⁾ the
Commission was required to carry out an evaluation of
the Marco Polo II Programme (hereinafter ‘the
Programme’) and submit proposals to amend that
Programme if necessary.

⁽¹⁾ Opinion of 24 March 2009 (not yet published in the Official
Journal).

⁽²⁾ Opinion of the European Parliament of 23 April 2009 (not yet
published in the Official Journal) and Council Decision of 27 July
2009.

⁽³⁾ OJ L 196, 2.8.2003, p. 1.

⁽⁴⁾ OJ L 328, 24.11.2006, p. 1.

- (6) An external evaluation on the results of the Marco Polo Programme estimated that that Programme would not achieve its objectives in terms of modal shift and gave some recommendations for improving its effectiveness.
- (7) The Commission has carried out an impact analysis of the measures proposed by the external evaluation and other measures aimed at increasing the efficiency of the Programme. That analysis showed the need for a number of amendments to Regulation (EC) No 1692/2006 in order to facilitate participation by small and micro enterprises, to lower the action eligibility thresholds, to increase the funding intensity and to simplify the Programme's implementation and administrative procedures.
- (8) The participation by small and micro enterprises in the Programme should be increased by allowing single undertakings to apply for funding and by lowering the eligibility thresholds for proposals submitted by inland waterway transport enterprises.
- (9) The eligibility thresholds for proposals for funding should be lowered and expressed in terms of yearly tonne-kilometres shifted, except for common learning actions. Those thresholds should be computed over the entire implementation period of the actions referred to in the Annex, without setting any yearly rate of implementation. There should be no further need for a specific threshold applying to traffic avoidance actions, and a minimum duration should be established for this kind of action, catalyst actions and Motorways of the Sea actions.
- (10) The funding intensity should be increased by introducing a definition for 'freight', in order to include the transport element in the calculation of the modal shift, and allowing exceptional extensions of the maximum duration for actions with start-up delays. The update of the funding intensity from EUR 1 to EUR 2 following the procedure set out in Annex I to Regulation (EC) No 1692/2006 should be reflected in the text of that Annex as amended.
- (11) In order to simplify the implementation of the Programme, Annex II to Regulation (EC) No 1692/2006 on funding conditions for ancillary infrastructure should be deleted. Furthermore the committee procedure for the yearly selection of actions to be funded should be eliminated.
- (12) A more detailed link between the Programme and the Trans-European Transport Network (hereinafter 'TEN-T') setting out the framework for the Motorways of the Sea should be established and the environmental considerations should be extended to include the whole external costs of the actions.
- (13) Regulation (EC) No 1692/2006 should therefore be amended accordingly.
- (14) In order to ensure that the measures provided for in this Regulation can be applied in the most expedient and speedy manner, this Regulation should enter into force as soon as possible after its adoption,
- HAVE ADOPTED THIS REGULATION:
- Article 1*
- Regulation (EC) No 1692/2006 is hereby amended as follows:
1. in Article 2, the following point is added:

'(p) "freight" means, for the purpose of the calculation of "tonne-kilometre" shifted off the road, the goods transported, the intermodal transport unit plus the road vehicle, including empty intermodal transport units and empty road vehicles, in the event that these are shifted off the road.';
 2. Article 4(1) is replaced by the following:

'1. Actions shall be submitted by undertakings or consortia established in Member States or participating countries, as provided for in Article 3(3) and (4).';
 3. Article 5 is amended as follows:
 - (a) point (b) of paragraph 1 is replaced by the following:

'(b) Motorways of the Sea actions; within the European Union such actions shall be consistent with the features of the Motorways of the Sea priority project defined in the framework of Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network (*);
-
- (*) OJ L 228, 9.9.1996, p. 1.;

(b) paragraph 2 is replaced by the following:

‘2. The specific funding conditions and other requirements for the various actions are set out in the Annex.’;

4. Article 7 is replaced by the following:

‘Article 7

State aid

Community financial assistance for the actions covered by the Programme shall not prevent those actions from being granted State aid at national, regional or local level, insofar as such aid is compatible with the State aid arrangements laid down in the Treaty and within the cumulative limits established for each type of action set out in the Annex.’;

5. Article 8 is replaced by the following:

‘Article 8

Submission of actions

Actions shall be submitted to the Commission in accordance with the detailed rules issued pursuant to Article 6. Submissions shall contain all the information necessary to enable the Commission to make its selection in accordance with the criteria set out in Article 9.

If required, the Commission shall provide assistance to applicants to facilitate their application process, for instance by way of an online helpdesk.’;

6. Article 9 is replaced by the following:

‘Article 9

Selection of actions for financial assistance

The actions submitted shall be evaluated by the Commission. When selecting actions for financial assistance under the Programme, the Commission shall take account of the following:

- (a) the objectives referred to in Article 1;
- (b) the conditions set out in the appropriate column of the Annex;
- (c) the contribution of the actions to reducing road congestion;

(d) the relative environmental merits of the actions and the relative merits of the actions in terms of reduction of external costs, including their contribution to reducing negative environmental effects caused by short sea shipping, rail and inland waterway transport. Specific attention shall be paid to actions going beyond legally binding environmental requirements;

(e) the overall sustainability of the actions.

The Commission shall, after having informed the committee referred to in Article 10, adopt the decision to grant financial assistance.

The Commission shall inform the beneficiaries of its decision.’;

7. Article 14 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a Communication on the results achieved by the Marco Polo Programmes for the period 2003-2010. It shall do so before drawing up a proposal for a third Marco Polo Programme and shall take account of the Communication’s findings when drawing up that proposal.’;

(b) the following paragraph is added:

‘2a. The Communication referred to in paragraph 2 shall in particular deal with the following:

- the impact of this Regulation as amended by Regulation (EC) No 923/2009 of the European Parliament and the Council of 16 September 2009 amending Regulation (EC) No 1692/2006 establishing the second “Marco Polo” programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) (*),
- the experience of the Executive Agency for Competition and Innovation with programme management,
- the need to differentiate between transport modes with regard to the conditions for funding, on the basis of safety, environmental performance and energy efficiency,

- the effectiveness of traffic avoidance actions,
 - the need to set up demand-driven assistance at the application stage, taking into account the needs of small and micro transport enterprises,
 - the recognition of economic recession as an exceptional reason for extending the duration of actions,
 - the lowering of the eligibility thresholds for product-specific actions,
 - the possibility of indicating the targets for minimum funding thresholds for proposed actions in terms of energy efficiency and environmental benefits in addition to tonne-kilometres shifted,
 - the appropriateness of including the transport unit in the definition of the term “freight”,
 - the availability of complete yearly overviews of actions which have been co-financed,
 - the possibility of ensuring consistency between the Programme, the Logistics Action Plan and the TEN-T by taking the appropriate measures in order to coordinate the allocation of community funds, in particular for Motorways of the Sea,
 - the possibility of making costs incurred in a third country eligible if the action is carried out by undertakings from a Member State,
 - the need to take into account the specific characteristics of the inland waterway sector and its small- and medium-sized enterprises, for example by way of a dedicated programme for the inland waterway sector,
 - the possibility of extending the Programme to neighbouring countries; and,
 - the possibility of further adapting the Programme to the insular and archipelagic Member States.
- (*) OJ L 266, 9.10.2009, p. 1;
8. Article 15 is replaced by the following:
- ‘Article 15*
- Repeal**
- Regulation (EC) No 1382/2003 is hereby repealed, with effect from 14 December 2006.
- Contracts relating to actions within the framework of Regulation (EC) No 1382/2003 shall continue to be governed by that Regulation until their operational and financial closure.’;
9. Annex I to Regulation (EC) No 1692/2006 is replaced by the text appearing in the Annex to this Regulation;
10. Annex II to Regulation (EC) No 1692/2006 is deleted.
- Article 2*
- This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 16 September 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
C. MALMSTRÖM

Funding conditions and requirements according to Article 5(2)

Type of Action	A. Catalyst Article 5(1)(a)	B. Motorways of the Sea Article 5(1)(b)	C. Modal shift Article 5(1)(c)	D. Traffic avoidance Article 5(1)(d)	E. Common learning Article 5(1)(e)
1. Funding conditions	(a) the catalyst action will achieve its objectives within a period of a maximum of 60 months, and stay viable after that period, as forecast by a realistic business plan;	(a) the Motorways of the Sea action will achieve its objectives within a period of a maximum of 60 months, and stay viable after that period, as forecast by a realistic business plan;	(a) the modal shift action will achieve its objectives within a period of a maximum of 36 months, and stay viable after that period, as forecast by a realistic business plan;	(a) the traffic avoidance action will achieve its objectives within a period of a maximum of 60 months, and stay viable after that period, as forecast by a realistic business plan;	(a) the common learning action will lead to the improvement of commercial services in the market, and in particular promote and/or facilitate road traffic avoidance or modal shift off the road to short sea shipping, rail and inland waterways, through improving cooperation and sharing of know-how; it will last for a maximum of 24 months;
	(b) the catalyst action is innovative on a European level, in terms of logistics, technology, methods, equipment, products, infrastructure or services rendered;	(b) the Motorways of the Sea action is innovative on a European level, in terms of logistics, technology, methods, equipment, products, infrastructure or services rendered; account will also be taken of high quality of service, simplified procedures and inspections, meeting safety and security standards, good access to the ports, efficient hinterland connections, and flexible and efficient port services;	(b) the modal shift action will not lead to distortions of competition in the relevant markets, in particular between alternative modes of transport to road transport alone or within each mode, contrary to the common interest;	(b) the traffic avoidance action is innovative on a European level, in terms of integration of production logistics into transport logistics;	(b) the common learning action is innovative on a European level;

Type of Action	A. Catalyst Article 5(1)(a)	B. Motorways of the Sea Article 5(1)(b)	C. Modal shift Article 5(1)(c)	D. Traffic avoidance Article 5(1)(d)	E. Common learning Article 5(1)(e)
	(c) the catalyst action is expected to lead to an actual, measurable and sustainable modal shift from road to short sea shipping, rail and inland waterways;	(c) the Motorways of the Sea action aims at encouraging very large volume, high frequency intermodal services for freight transport by short sea shipping, including combined freight-passenger services as appropriate, or a combination of short sea shipping with other modes of transport in which road journeys are as short as possible; the action should preferably include integrated hinterland freight transport services by rail and/or inland waterways;	(c) the modal shift action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives;	(c) the traffic avoidance action aims at encouraging higher efficiency in international freight transport in the European markets without impeding economic growth by focusing on modification of the production and/or distribution processes, thereby achieving shorter distances, higher loading factors, less empty runs, reduction of waste flows, reduction of volume and/or weight or any other effect leading to a significant reduction of freight traffic on the road, but not adversely affecting production output or workforce;	(c) the common learning action will not lead to distortions of competition in the relevant markets, in particular between modes of transport alternative to road transport alone or within each mode to an extent contrary to the common interest;
	(d) the catalyst action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives and identifies the need for Commission steering assistance;	(d) the Motorways of the Sea action is expected to lead to an actual, measurable and sustainable modal shift higher than the predicted growth rate of freight transport on the road route, from road to short sea shipping, inland waterways or rail;	(d) when the modal shift action requires reliance on services provided by third parties to the subsidy agreement, the applicant submits proof of a transparent, objective and non-discriminatory procedure for selection of the relevant services.		(d) the common learning action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives and identifies the need for Commission steering assistance.
	(e) the catalyst action will not lead to distortions of competition in the relevant markets, in particular between modes of transport alternative to road transport alone or within each mode, to an extent contrary to the common interest;	(e) the Motorways of the Sea action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives and identifies the need for Commission steering assistance;		(d) the traffic avoidance action proposes a realistic plan setting out the specific stages by which it seeks to achieve its objectives and identifies the need for Commission steering assistance;	

Type of Action	A. Catalyst Article 5(1)(a)	B. Motorways of the Sea Article 5(1)(b)	C. Modal shift Article 5(1)(c)	D. Traffic avoidance Article 5(1)(d)	E. Common learning Article 5(1)(e)
	(f) when the catalyst action requires reliance on services provided by third parties to the subsidy agreement, the applicant submits proof of a transparent, objective and non-discriminatory procedure for selection of the relevant services.	(f) the Motorways of the Sea action will not lead to distortions of competition in the relevant markets, in particular between modes of transport alternative to road transport alone or within each mode, to an extent contrary to the common interest;		(e) the traffic avoidance action will not lead to distortions of competition in the relevant markets, in particular concerning modes of transport alternative to road transport, to an extent contrary to the common interest;	
		(g) when the Motorways of the Sea action requires reliance on services provided by third parties to the subsidy agreement, the applicant submits proof of a transparent, objective and non-discriminatory procedure for selection of the relevant services.		(f) when the traffic avoidance action requires reliance on services provided by third parties to the subsidy agreement, the applicant submits proof of a transparent, objective and non-discriminatory procedure for selection of the relevant services.	
2. Funding intensity and scope	(a) Community financial assistance for catalyst actions shall be limited to a maximum of 35 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance, to the extent to which it relates directly to the implementation of the action. The eligible costs related to ancillary infrastructure shall not be higher than 20 % of the total eligible costs for the action.	(a) Community financial assistance for Motorways of the Sea actions shall be limited to a maximum of 35 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance, to the extent to which it relates directly to the implementation of the action. The eligible costs related to ancillary infrastructure shall not be higher than 20 % of the total eligible costs for the action.	(a) Community financial assistance for modal shift actions shall be limited to a maximum of 35 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance to the extent to which it relates directly to the implementation of the action. The eligible costs related to ancillary infrastructure shall not be higher than 20 % of the total eligible costs for the action.	(a) Community financial assistance for traffic avoidance actions shall be limited to a maximum of 35 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance, to the extent to which it relates directly to the implementation of the action. The eligible costs related to ancillary infrastructure shall not be higher than 20 % of the total eligible costs for the action.	(a) Community financial assistance for common learning actions shall be limited to a maximum of 50 % of the total expenditure necessary to achieve the objectives of the action and incurred as a result of the action. Such expenditure shall be eligible for Community financial assistance, to the extent to which it relates directly to the implementation of the action.

Type of Action	A. Catalyst Article 5(1)(a)	B. Motorways of the Sea Article 5(1)(b)	C. Modal shift Article 5(1)(c)	D. Traffic avoidance Article 5(1)(d)	E. Common learning Article 5(1)(e)
	Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.	Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.	Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.	Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given. A contribution towards the costs of movable assets shall be contingent on the obligation to use such assets for the duration of the assistance, principally for the action, as defined by the subsidy agreement.	Expenditure incurred on or after the date of the submission of an application under the selection procedure shall be eligible for Community financial assistance provided that final approval for Community funding is given.
				(b) Community financial assistance for traffic avoidance actions must not be used to support business or production activities which bear no direct relation to transport or distribution.	
	(b) The Community financial assistance, determined by the Commission on the basis of the tonne-kilometres shifted from road to short sea shipping, rail and inland waterways, shall initially be set at EUR 2 for each shift of 500 tonne-kilometres of road freight. This indicative amount could be adjusted, in particular, in accordance with the quality of the action or the real environmental benefit obtained.	(b) The Community financial assistance determined by the Commission on the basis of the tonne-kilometres shifted from road to short sea shipping, rail and inland waterways, shall initially be set at EUR 2 for each shift of 500 tonne-kilometres of road freight. This indicative amount could be adjusted, in particular, in accordance with the quality of the action or the real environmental benefit obtained.	(b) The Community financial assistance determined by the Commission on the basis of the tonne-kilometres shifted from road to short sea shipping, rail and inland waterways shall initially be set at EUR 2 for each shift of 500 tonne-kilometres of road freight. This indicative amount could be adjusted, in particular, in accordance with the quality of the action or the real environmental benefit obtained.	(c) The Community financial assistance shall initially be set at EUR 2 for every avoidance of 500 tonne-kilometres or 25 vehicle-kilometres of road freight. This indicative amount could be adjusted, in particular, in accordance with the quality of the action or the real environmental benefit obtained.	

Type of Action	A. Catalyst Article 5(1)(a)	B. Motorways of the Sea Article 5(1)(b)	C. Modal shift Article 5(1)(c)	D. Traffic avoidance Article 5(1)(d)	E. Common learning Article 5(1)(e)
	(c) In accordance with the procedure referred to in Article 10(2), the Commission may re-examine, from time to time as necessary, the developments concerning the items on which this calculation is based and, if necessary, adapt the amount of Community financial assistance accordingly.	(c) In accordance with the procedure referred to in Article 10(2), the Commission may re-examine, from time to time as necessary, the developments concerning the items on which this calculation is based and, if necessary, adapt the amount of Community financial assistance accordingly.	(c) In accordance with the procedure referred to in Article 10(2), the Commission may re-examine, from time to time as necessary, the developments concerning the items on which this calculation is based and, if necessary, adapt the amount of Community financial assistance accordingly.	(d) In accordance with the procedure referred to in Article 10(2), the Commission may re-examine, from time to time as necessary, the developments concerning the items on which this calculation is based and, if necessary, adapt the amount of Community financial assistance accordingly.	
3. Form and duration of subsidy agreement	Community financial assistance for catalyst actions shall be granted on the basis of subsidy agreements, with appropriate provisions for steering and monitoring. As a rule, the maximum duration of these agreements shall be 62 months, and the minimum 36 months. In case of extraordinary implementation delays, for example due to an exceptional economic downturn, adequately justified by the beneficiary, an exceptional extension of 6 months can be awarded.	Community financial assistance for Motorways of the Sea actions shall be granted on the basis of subsidy agreements, with appropriate provisions for steering and monitoring. As a rule, the maximum duration of these agreements shall be 62 months and the minimum 36 months. In case of extraordinary implementation delays, for example due to an exceptional economic downturn, adequately justified by the beneficiary, an exceptional extension of 6 months can be awarded.	Community financial assistance for modal shift actions shall be granted on the basis of subsidy agreements. As a rule, the maximum duration of these agreements shall be 38 months. In case of extraordinary implementation delays, for example due to an exceptional economic downturn, adequately justified by the beneficiary, an exceptional extension of 6 months can be awarded.	Community financial assistance for traffic avoidance actions shall be granted on the basis of subsidy agreements, with appropriate provisions for steering and monitoring. As a rule, the maximum duration of these agreements shall be 62 months and the minimum 36 months. In case of extraordinary implementation delays, for example due to an exceptional economic downturn, adequately justified by the beneficiary, an exceptional extension of 6 months can be awarded.	Community financial assistance for common learning actions shall be granted on the basis of subsidy agreements, with appropriate provisions for steering and monitoring. As a rule, the maximum duration of these agreements shall be 26 months, which can be extended at the request of the beneficiary, within the initial budgetary envelope, for an additional period of 26 months, if positive results are achieved during the first 12 months of operation.
	Community financial assistance shall not be renewable beyond the stipulated maximum period of 62 months, or in exceptional cases 68 months.	Community financial assistance shall not be renewable beyond the stipulated maximum period of 62 months, or in exceptional cases 68 months.	Community financial assistance shall not be renewable beyond the stipulated maximum period of 38 months, or in exceptional cases 44 months.	Community financial assistance shall not be renewable beyond the stipulated maximum period of 62 months, or in exceptional cases 68 months.	Community financial assistance shall not be renewable beyond the stipulated maximum period of 52 months.

Type of Action	A. Catalyst Article 5(1)(a)	B. Motorways of the Sea Article 5(1)(b)	C. Modal shift Article 5(1)(c)	D. Traffic avoidance Article 5(1)(d)	E. Common learning Article 5(1)(e)
4. Contract value threshold	The minimum indicative subsidy threshold per catalyst action shall be 30 million tonne-kilometres or its volumetric equivalent of modal shift or traffic avoidance per year, to be implemented over the entire life of the subsidy agreement.	The minimum indicative subsidy threshold per Motorways of the Sea action shall be 200 million tonne-kilometres or its volumetric equivalent of modal shift per year, to be implemented over the entire life of the subsidy agreement.	The minimum indicative subsidy threshold per modal shift action shall be 60 million tonne-kilometres or its volumetric equivalent of modal shift per year, to be implemented over the entire life of the subsidy agreement. Modal shift actions aiming at implementing a shift to inland waterways will be subject to a special threshold of 13 million tonne-kilometres or its volumetric equivalent of modal shift per year to be implemented over the entire life of the subsidy agreement.	The minimum indicative subsidy threshold per traffic avoidance action shall be 80 million tonne-kilometres or 4 million vehicle-kilometres of freight traffic avoided per year, to be implemented over the entire life of the subsidy agreement.	The minimum indicative subsidy threshold per common learning action shall be EUR 250 000.
5. Dissemination	The results and methods of catalyst actions shall be disseminated, and the exchange of best practices shall be encouraged, as specified in a dissemination plan, in order to help achieve the objectives of this Regulation.	The results and methods of Motorways of the Sea actions shall be disseminated, and the exchange of best practices shall be encouraged, as specified in a dissemination plan, in order to help achieve the objectives of this Regulation.	Specific dissemination activities for modal shift actions are not foreseen.	The results and methods of traffic avoidance actions shall be disseminated and the exchange of best practices shall be encouraged, as specified in a dissemination plan, in order to help achieve the objectives of this Regulation.	The results and methods of common learning actions shall be disseminated and the exchange of best practices shall be encouraged, as specified in a dissemination plan, in order to help achieve the objectives of this Regulation.'

REGULATION (EC) No 924/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 16 September 2009
on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the European Central Bank ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

(1) For the proper functioning of the internal market and in order to facilitate cross-border trade within the Community it is essential that the charges for cross-border payments in euro are the same as for corresponding payments within a Member State. That principle of equality of charges is established by Regulation (EC) No 2560/2001 of the European Parliament and of the Council of 19 December 2001 on cross-border payments in euro ⁽⁴⁾, which applies to cross-border payments in euro and in Swedish kronor up to EUR 50 000, or equivalent.

(2) The report of the Commission of 11 February 2008 on the application of Regulation (EC) No 2560/2001 on cross-border payments in euro, confirmed that the application of that Regulation has effectively brought down the charges for cross-border payment transactions in euro to the level of national charges and that the Regulation has encouraged the European payments industry to make the necessary efforts to build a Community-wide infrastructure for payments.

(3) The Commission's report examined the practical problems encountered in relation to the implementation of Regulation (EC) No 2560/2001. In conclusion, a number of amendments to that Regulation were proposed in order to address the problems identified during the review process. Those problems concern the disruption of the internal market in payments caused by divergent statistical reporting obligations, the enforcement of Regulation (EC) No 2560/2001 due to a lack of identified national competent authorities, the absence of out-of-court redress bodies for disputes related to that Regulation, and the fact that the Regulation does not cover direct debits.

(4) Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market ⁽⁵⁾ provides a modern legal foundation for the creation of a Community-wide internal market for payments. In order to ensure legal consistency between both legal acts, it is advisable to amend the relevant provisions of Regulation (EC) No 2560/2001, in particular the definitions.

(5) Regulation (EC) No 2560/2001 covers cross-border credit transfers and cross-border electronic payment transactions. In conformity with the objective of Directive 2007/64/EC, which is to make cross-border direct debits possible, it is advisable to extend the scope of Regulation (EC) No 2560/2001. It is still not advisable to apply the principle of equality of charges for payment instruments which are mainly or exclusively paper-based, such as cheques, since, by their very nature, they cannot be processed as efficiently as electronic payments.

(6) The principle of equality of charges should apply to payments initiated or terminated on paper or in cash, which are processed electronically in the course of the payment execution chain, excluding cheques, and to all charges linked directly or indirectly to a payment transaction, including charges linked to a contract but excluding currency conversion charges. Indirect charges include charges for setting up a permanent payment order, or fees for using a payment card, or debit or credit card, which should be the same for national and cross-border payment transactions within the Community.

⁽¹⁾ Opinion of 24 March 2009 (not yet published in the Official Journal).

⁽²⁾ OJ C 21, 28.1.2009, p. 1.

⁽³⁾ Opinion of the European Parliament of 24 April 2009 (not yet published in the Official Journal) and Council Decision of 27 July 2009.

⁽⁴⁾ OJ L 344, 28.12.2001, p. 13.

⁽⁵⁾ OJ L 319, 5.12.2007, p. 1.

- (7) In order to prevent the fragmentation of payment markets, it is appropriate to apply the principle of equality of charges. For that purpose, a national payment having the same characteristics as, or very similar characteristics to, the cross-border payment should be identified for each category of cross-border payment transaction. It should be possible, *inter alia*, to use the following criteria to identify the national payment corresponding to a cross-border payment: the channel used to initiate, execute and terminate the payment, the degree of automation, any payment guarantee, customer status and relationship with the payment service provider, or the payment instrument used, as defined in Article 4(23) of Directive 2007/64/EC. Those criteria should not be considered to be exhaustive.
- (8) Competent authorities should issue guidelines to identify corresponding payments where they consider it necessary. The Commission, assisted, where appropriate, by the Payments Committee, should provide adequate guidance and assist the competent authorities.
- (9) It is important to facilitate the execution of cross-border payments by payment service providers. In that respect, standardisation should be promoted as regards, in particular, the use of the International Bank Account Number (IBAN) and the Bank Identifier Code (BIC). It is therefore appropriate that payment service providers provide payment service users with the IBAN and the BIC for the account in question.
- (10) Diverging balance-of-payments statistical reporting obligations, which apply exclusively to cross-border payment transactions, hinder the development of an integrated market in payments, in particular in the framework of the Single Euro Payments Area (SEPA). It is advisable, in a SEPA context, to reassess, by 31 October 2011, the appropriateness of removing those reporting obligations based on bank settlements. In order to guarantee the continuous, timely and efficient provision of balance-of-payments statistics, it is also desirable to ensure that it remains possible to collect readily available payments data such as the IBAN, the BIC and the amount of the transaction or basic, aggregated payments data for different payment instruments if the collection process does not disrupt the automated payments processing and could be fully automated. This Regulation does not affect reporting obligations for other policy purposes, such as for the prevention of money laundering or terrorist financing, or for fiscal purposes.
- (11) Currently, different business models are used for existing national direct debit schemes. To facilitate the launch of the SEPA direct debit scheme, it is necessary to put in place a common business model and provide greater legal clarity on multilateral interchange fees. For cross-border direct debits, this could be achieved, exceptionally, by establishing a maximum amount for the multilateral interchange fee per transaction during a transitional period. The parties to a multilateral agreement should, however, be free to determine a lower amount or agree a zero multilateral interchange fee. For national SEPA direct debits, the same national interchange fee or other agreed inter-bank remuneration between the payment service providers of the payee and of the payer could be used as that which existed before the date of application of this Regulation. Should such a national multilateral interchange fee or other agreed inter-bank remuneration be reduced or abolished during the transitional period, for example as a result of the application of competition law, the revised arrangements should apply to national SEPA direct debits during the transitional period. Where the direct debit transaction is subject to a bilateral agreement, however, the terms of such a bilateral agreement should take precedence over any multilateral interchange fee or other agreed inter-bank remuneration. Industry can make use of the legal certainty provided during the transitional period to develop and agree a common, long-term business model for the operation of the SEPA direct debit. At the end of the transitional period, a long-term solution for the SEPA direct debit business model should be in place in line with EC competition law and the Community regulatory framework. Within the framework of a sustained dialogue with the banking industry and on the basis of contributions made by the relevant market actors, the Commission intends to provide, as a matter of urgency, guidance as to the objective and measurable criteria for the compatibility of such multilateral inter-bank remuneration, which could include multilateral interchange fees, with EC competition law and the Community regulatory framework.
- (12) For a direct debit transaction to be executed, the payer's account must be reachable. To encourage the successful take-up of SEPA direct debits, it is therefore vital that all payer accounts be reachable where this is already the case for existing national direct debits denominated in euro, otherwise the payer and the payee will be unable to enjoy the benefits of cross-border direct debit collection. If the payer account is not reachable under the SEPA direct debit scheme, the payer (debtor) and the payee (creditor) will be unable to benefit from the new direct debit payment opportunities available. This is especially important where the payee initiates direct debit

collections in a batch file, for example on a monthly or quarterly basis for electricity or other utility bills, and not as a separate collection for each customer. If creditors are not able to reach all their debtors in a single operation, additional manual intervention will be needed, which is likely to increase costs. Hence, in the absence of mandatory reachability for the payment service provider of the payer, the efficiency of direct debit collections will not be fully enhanced and competition on a pan-European level will remain restricted. Given the specific features of direct debits between businesses, however, this should apply only to the SEPA core direct debit scheme and not to the SEPA business-to-business direct debit scheme. The reachability obligation encompasses the right of a payment service provider not to execute a direct debit transaction in accordance with the direct debit scheme regarding, for example, the rejection, refusal or return of transactions. The reachability obligation should, furthermore, not apply to payment service providers which have been authorised to provide and execute direct debit transactions but which do not engage commercially in such activities.

(13) Given the technical requirements needed for reachability, it is, furthermore, important for a payment service provider of a payer to have sufficient time to prepare for compliance with the reachability obligation. Payment service providers should therefore enjoy a transitional period of a maximum of 1 year following the date of application of this Regulation in order to comply with that obligation. Since payment service providers from Member States outside the euro area would need to undertake more preparatory work, such payment service providers should be allowed to defer the application of the reachability obligation for a maximum of 5 years following the date of application of this Regulation. Payment service providers located in a Member State that has introduced the euro as its currency within 4 years of the date of application of this Regulation should, however, be required to comply with the reachability obligation within 1 year of the date on which the Member State concerned joined the euro area.

(14) Competent authorities should be empowered to fulfil their monitoring duties efficiently and to take all necessary measures to ensure that payment service providers comply with this Regulation.

(15) In order to ensure that redress is possible where this Regulation has been incorrectly applied, Member States

should establish adequate and effective complaint and redress procedures for settling any dispute between the payment service user and the payment service provider. It is also important that competent authorities and out-of-court complaint and redress bodies are appointed either by designating existing bodies, where appropriate, or by establishing new bodies.

(16) It is essential to ensure that the competent authorities and out-of-court complaint and redress bodies, within the Community, actively cooperate for the smooth and timely resolution of cross-border disputes under this Regulation. It should be possible for such cooperation to take the form of an exchange of information regarding the law or legal practice in their jurisdictions, or a transfer or takeover of complaint and redress procedures if appropriate.

(17) It is necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.

(18) Extending the application of this Regulation to currencies other than the euro would have clear benefits, especially in terms of the number of payments covered. In order to allow Member States which do not have the euro as their currency to extend the application of this Regulation to cross-border payments denominated in their national currency, a notification procedure should therefore be established. It should, however, be ensured that Member States that have already complied with that notification procedure do not have to submit a new notification.

(19) It is desirable that the Commission present a report on the appropriateness of removing settlement-based national reporting obligations. It is also appropriate that the Commission present a report on the application of this Regulation, assessing, in particular, the use of the IBAN and the BIC for the facilitation of payments within the Community as well as market developments in relation to the application of the provisions on direct debit transactions. In the context of the development of SEPA, it is also desirable that such a report assess the appropriateness of the ceiling of EUR 50 000, which currently applies to the principle of equality of charges.

(20) For reasons of legal certainty and clarity, Regulation (EC) No 2560/2001 should be repealed.

- (21) In order to ensure legal coherence between this Regulation and Directive 2007/64/EC, in particular as regards the transparency of conditions and information requirements for payment services and as regards rights and obligations in relation to the provision and use of payment services, it is appropriate that this Regulation applies from 1 November 2009. It is appropriate to allow Member States to adopt measures introducing penalties for infringements of this Regulation until 1 June 2010.
- (22) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down rules on cross-border payments within the Community, ensuring that charges for cross-border payments within the Community are the same as those for payments in the same currency within a Member State.
2. This Regulation shall apply to cross-border payments, in accordance with the provisions of Directive 2007/64/EC, which are denominated in euro or in the national currencies of the Member States which have notified their decision to extend the application of this Regulation to their national currency, in accordance with Article 14.
3. This Regulation shall not apply to payments made by payment service providers for their own account or on behalf of other payment service providers.
4. Articles 6, 7 and 8 lay down rules regarding direct debit transactions denominated in euro between the payment service providers of the payee and of the payer.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. 'cross-border payment' means an electronically processed payment transaction initiated by a payer or by or

through a payee where the payer's payment service provider and the payee's payment service provider are located in different Member States;

2. 'national payment' means an electronically processed payment transaction initiated by a payer, or by or through a payee, where the payer's payment service provider and the payee's payment service provider are located in the same Member State;
3. 'payer' means a natural or legal person who holds a payment account and allows a payment order from that payment account, or, where there is no payment account, a natural or legal person who gives a payment order;
4. 'payee' means a natural or legal person who is the intended recipient of funds which have been the subject of a payment transaction;
5. 'payment service provider' means any of the categories of legal person referred to in Article 1(1) of Directive 2007/64/EC and the natural or legal persons referred to in Article 26 of that Directive, but excludes those institutions listed in Article 2 of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions⁽¹⁾ benefiting from a Member State waiver exercised under Article 2(3) of Directive 2007/64/EC;
6. 'payment service user' means a natural or legal person making use of a payment service in the capacity of either payer or payee, or both;
7. 'payment transaction' means an act, initiated by a payer or by or through a payee, of placing, transferring or withdrawing funds, irrespective of any underlying obligations between the payer and the payee;
8. 'payment order' means an instruction by a payer or payee to his payment service provider requesting the execution of a payment transaction;
9. 'charge' means a charge levied by a payment service provider on the payment service user and directly or indirectly linked to a payment transaction;
10. 'funds' means banknotes and coins, scriptural money and electronic money as defined in Article 1(3)(b) of Directive 2000/46/EC of the European Parliament and of the Council of 18 September 2000 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions⁽²⁾;

⁽¹⁾ OJ L 177, 30.6.2006, p. 1.

⁽²⁾ OJ L 275, 27.10.2000, p. 39.

11. 'consumer' means a natural person acting for purposes other than his or her trade, business or profession;
12. 'micro-enterprise' means an enterprise, which, at the time of conclusion of the payment service contract, is an enterprise, as defined in Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ⁽¹⁾;
13. 'interchange fee' means a fee paid between the payment service providers of the payer and of the payee for each direct debit transaction;
14. 'direct debit' means a payment service for debiting a payer's payment account, where a payment transaction is initiated by the payee on the basis of the payer's consent given to the payee, to the payee's payment service provider or to the payer's own payment service provider;
15. 'direct debit scheme' means a common set of rules, practices and standards agreed between payment service providers for the execution of direct debit transactions.

Article 3

Charges for cross-border payments and corresponding national payments

1. Charges levied by a payment service provider on a payment service user in respect of cross-border payments of up to EUR 50 000 shall be the same as the charges levied by that payment service provider on payment service users for corresponding national payments of the same value and in the same currency.
2. When assessing, for the purpose of complying with paragraph 1, the level of charges for a cross-border payment, a payment service provider shall identify the corresponding national payment.

The competent authorities shall issue guidelines to identify corresponding national payments where they consider it necessary to do so. The competent authorities shall actively cooperate within the Payments Committee established in accordance with Article 85(1) of Directive 2007/64/EC to ensure the consistency of guidelines for corresponding national payments.

3. Where a Member State has notified its decision to extend the application of this Regulation to its national currency in

accordance with Article 14, a national payment that is denominated in the currency of that Member State may be considered as corresponding to a cross-border payment that is denominated in euro.

4. This Regulation shall not apply to currency conversion charges.

Article 4

Measures for facilitating the automation of payments

1. A payment service provider shall, where applicable, communicate to the payment service user the payment service user's IBAN and the payment service provider's BIC.

In addition, where applicable, a payment service provider shall indicate the payment service user's IBAN and the payment service provider's BIC on statements of account, or in an annex thereto.

A payment service provider shall provide the information required under this paragraph to the payment service user free of charge.

2. Where appropriate, with regard to the nature of the payment transaction concerned:

- (a) for transactions initiated by the payer, the payer shall, on request, communicate to the payment service provider the payee's IBAN and the BIC of the payee's payment service provider;
- (b) for transactions initiated by the payee, the payee shall, on request, communicate to the payment service provider the payer's IBAN and the BIC of the payer's payment service provider.

3. The payment service provider may levy charges additional to those levied in accordance with Article 3(1) on the payment service user where that user instructs the payment service provider to execute the payment transaction without communicating the IBAN and BIC in accordance with paragraph 2 of this Article. Those charges shall be appropriate and in line with the costs. They shall be agreed between the payment service provider and the payment service user. The payment service provider shall inform the payment service user of the amount of the additional charges in good time before the payment service user is bound by such an agreement.

⁽¹⁾ OJ L 124, 20.5.2003, p. 36.

4. Where appropriate, with regard to the nature of the payment transaction concerned, for all invoicing of goods and services in the Community, a supplier of goods and services that accepts payments covered by this Regulation shall communicate its IBAN and the BIC of its payment service provider to its customers.

Article 5

Balance of payments reporting obligations

1. With effect from 1 January 2010, Member States shall remove settlement-based national reporting obligations on payment service providers for balance of payments statistics related to payment transactions of their customers up to EUR 50 000.

2. Without prejudice to paragraph 1, Member States may continue to collect aggregated data or other relevant readily available information, provided that such collection has no impact on the straight through processing of the payments and can be fully automated by payment service providers.

Article 6

Interchange fee for cross-border direct debit transactions

In the absence of any bilateral agreement between the payment service providers of the payee and of the payer, a multilateral interchange fee of EUR 0,088, payable by the payment service provider of the payee to the payment service provider of the payer, shall apply for each cross-border direct debit transaction executed before 1 November 2012, unless a lower multilateral interchange fee has been agreed upon between the payment service providers concerned.

Article 7

Interchange fee for national direct debit transactions

1. Without prejudice to paragraphs 2 and 3, where a multilateral interchange fee or other agreed remuneration for a national direct debit transaction executed before 1 November 2009 applies between the payment service providers of the payee and of the payer, such a multilateral interchange fee or other agreed remuneration shall apply for any national direct debit transaction executed before 1 November 2012.

2. Where such a multilateral interchange fee or other agreed remuneration is reduced or abolished before 1 November 2012, such reduction or abolition shall apply to any national direct debit transactions executed before that date.

3. In the event of a bilateral agreement between the payment service providers of the payee and of the payer for a national direct debit transaction, paragraphs 1 and 2 shall not apply where that national direct debit transaction was executed before 1 November 2012.

Article 8

Reachability for direct debit transactions

1. A payment service provider of a payer reachable for a national direct debit transaction denominated in euro on the payment account of that payer shall be reachable, in accordance with the direct debit scheme, for direct debit transactions denominated in euro initiated by a payee through a payment service provider located in any Member State.

2. Paragraph 1 shall apply only to direct debit transactions which are available to consumers under the direct debit scheme.

3. Payment service providers shall comply with the requirements of paragraphs 1 and 2 by 1 November 2010.

4. Notwithstanding paragraph 3, payment service providers located in a Member State which does not have the euro as its currency shall comply with the requirements of paragraphs 1 and 2 for direct debit transactions denominated in euro by 1 November 2014. If, however, the euro is introduced as the currency of any such Member State before 1 November 2013, the payment service provider located in that Member State shall comply with the requirements of paragraphs 1 and 2 within 1 year of the date on which the Member State concerned joined the euro area.

Article 9

Competent authorities

Member States shall designate the competent authorities responsible for ensuring compliance with this Regulation.

Member States shall notify the Commission of those competent authorities by 29 April 2010. They shall notify the Commission without delay of any subsequent change concerning those authorities.

Member States may designate existing bodies to act as competent authorities.

Member States shall require the competent authorities to monitor compliance with this Regulation effectively and take all necessary measures to ensure such compliance.

Article 10

Complaint procedures for alleged infringements of this Regulation

1. Member States shall establish procedures which allow payment service users and other interested parties to submit complaints to the competent authorities with regard to alleged infringements of this Regulation by payment service providers.

Member States may use or extend existing procedures for that purpose.

2. Where appropriate, and without prejudice to the right to bring proceedings before a court in accordance with national procedural law, the competent authorities shall inform the party that has submitted a complaint of the existence of the out-of-court complaint and redress procedures established in accordance with Article 11.

Article 11

Out-of-court complaint and redress procedures

1. Member States shall establish adequate and effective out-of-court complaint and redress procedures for the settlement of disputes concerning rights and obligations arising under this Regulation between payment service users and their payment service providers. For those purposes, Member States shall designate existing bodies, where appropriate, or establish new bodies.

2. Member States shall notify the Commission of those bodies by 29 April 2010. They shall notify the Commission without delay of any subsequent change concerning those bodies.

3. Member States may provide that this Article applies only to payment service users which are consumers or micro-enterprises. In such event Member States shall inform the Commission accordingly.

Article 12

Cross-border cooperation

The competent authorities and the bodies responsible for out-of-court complaint and redress procedures of the different Member States, referred to in Articles 9 and 11, shall actively and expeditiously cooperate in solving cross-border disputes. Member States shall ensure that such cooperation takes place.

Article 13

Penalties

Without prejudice to Article 17, Member States shall, by 1 June 2010, lay down rules on the penalties applicable to infringements to this Regulation and shall take all measures

necessary to ensure that they are implemented. Such penalties shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 29 October 2010 and shall notify it without delay of any subsequent amendment affecting them.

Article 14

Application to currencies other than the euro

1. A Member State that does not have the euro as its currency and that decides to extend the application of this Regulation, with the exception of Articles 6, 7 and 8, to its national currency shall notify the Commission accordingly. That notification shall be published in the *Official Journal of the European Union*. The extended application of this Regulation shall take effect 14 days after such publication.

2. A Member State that does not have the euro as its currency and that decides to extend the application of Article 6, 7 or 8, or any combination thereof, to its national currency shall notify the Commission accordingly. That notification shall be published in the *Official Journal of the European Union*. The extended application of Article 6, 7 or 8 shall take effect 14 days after such publication.

3. Member States which, on 29 October 2009, have already complied with the notification procedure pursuant to Article 9 of Regulation (EC) No 2560/2001, shall not be required to submit a notification as referred to in paragraph 1 of this Article.

Article 15

Review

1. By 31 October 2011, the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the European Central Bank a report on the appropriateness of removing settlement-based national reporting obligations. That report shall be accompanied, where appropriate, by a proposal.

2. By 31 October 2012, the Commission shall present to the European Parliament, the Council, the European Economic and Social Committee and the European Central Bank a report on the application of this Regulation accompanied, if appropriate, by a proposal. That report shall cover, in particular:

(a) the use of the IBAN and the BIC in relation to the automation of payments;

(b) the appropriateness of the ceiling provided for in Article 3(1); and

(c) market developments in relation to the application of Articles 6, 7 and 8.

*Article 16***Repeal**

Regulation (EC) No 2560/2001 is repealed, as from 1 November 2009.

References to the repealed Regulation shall be construed as references to this Regulation.

*Article 17***Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 16 September 2009.

For the European Parliament

The President

J. BUZEK

For the Council

The President

C. MALMSTRÖM

2009 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 000 per year (*)
EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 100 per month (*)
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 700 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 70 per month
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 400 per year
EU Official Journal, C series, paper edition only	22 official EU languages	EUR 40 per month
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 500 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 360 per year (= EUR 30 per month)
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

(*) Sold in single issues: up to 32 pages: EUR 6
from 33 to 64 pages: EUR 12
over 64 pages: Priced individually.

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Priced publications issued by the Publications Office are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN