



HNB

EUROSUSTAV

GOVERNOR

Pursuant to Article 100, paragraph (7) and Article 104, paragraph (3) of the Payment System Act (Official Gazette 66/2018, 114/2022 and 136/2024), Article 35, paragraph (12) and Article 41, paragraph (3) of the Electronic Money Act (Official Gazette 64/2018, 114/2022 and 136/2024) and Article 43, paragraph (2), item (10) of the Act on the Croatian National Bank (Official Gazette 75/2008 and 54/2013), the Governor of the Croatian National Bank hereby issues the

Decision on safeguarding the payment service users and electronic money holders' funds

I GENERAL PROVISIONS

Article 1

(1) This Decision governs:

- 1) the scope of and methodology for the calculation of funds received from payment service users for the purpose of safeguarding the funds;
- 2) the required characteristics of the forms of assets in which the funds received from payment service users and electronic money holders are to be invested for the purpose of safeguarding the funds;
- 3) the characteristics of the insurance policy or comparable guarantee to insure the funds received from payment service users and electronic money holders for the purpose of safeguarding the funds;
- 4) accounting data that the institution shall report separately in the audited annual financial statements.

(2) This Decision shall apply to:

- 1) a payment institution, which has been authorised by the Croatian National Bank to provide one or more payment services referred to in Article 4, items (1) to (6) of the Payment System Act;
- 2) a small payment institution to which the Croatian National Bank has issued a decision on the entry in the register of the Croatian National Bank;
- 3) an electronic money institution, which has been authorised by the Croatian National Bank to issue electronic money or to issue electronic money and provide one or more payment services referred to in Article 4, items (1) to (6) of the Payment System Act that are not linked to the issuance of electronic money;
- 4) a small electronic money institution to which the Croatian National Bank has issued a decision on the entry in the register of the Croatian National Bank to issue electronic money or to issue electronic money and provide one or more payment services referred to in Article 4, items (3) to (6) of the Payment System Act that are not linked to the issuance of electronic money.

Article 2

This Decision transposes the following act of the European Union into the legal system of the Republic of Croatia:

Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (Text with EEA relevance) (OJ L 337, 23.12.2015) as last amended by Regulation (EU) 2024/886 of the European Parliament and of the Council of 13 March 2024 amending Regulations (EU) No 260/2012 and (EU) 2021/1230 and Directives 98/26/EC and (EU) 2015/2366 as regards instant credit transfers in euro (Text with EEA relevance) (OJ L, 2024/886, 19.3.2024).

Article 3

For the purposes of this Decision, "institution" means a payment institution, a small payment institution, an electronic money institution and a small electronic money institution referred to in Article 1, paragraph (2) of this Decision.

II SCOPE OF AND METHODOLOGY FOR THE CALCULATION OF FUNDS RECEIVED FOR THE EXECUTION OF PAYMENT SERVICES

Article 4

(1) An institution shall safeguard the funds received for the execution of payment transactions from payment service users directly or through another payment service provider, and these funds have not been delivered to a payee or transferred to another payment service provider by the end of the business day following the day when the funds were received.

(2) Where an institution executes a payment transaction for a payer and/or payee, which has been initiated through a payee, the calculation of funds the institution has received for the execution of payment transactions in accordance with paragraph (1) of this Article, shall be determined as the difference between the total amount of inflows from payment services and the total amount of outflows for payment services.

(3) For the purposes of calculation of the difference referred to in paragraph (2) of this Article, the total amount of inflows from payment services shall be the amount of funds received by the institution from payment service users directly or through another payment service provider for the execution of the payment transaction, and the total amount of executed outflows for payment services shall be the amount of funds delivered or transferred to a payee or another payment service provider for the execution of the payment transaction. Funds received/delivered for the purpose of the collection of interest, fees, commissions and similar shall not be deemed to be funds within the meaning of this Article.

(4) The difference referred to in paragraph (2) of this Article shall be calculated with each inflow from payment services and each outflow for payment services.

(5) The institution shall report the accounting data proving compliance with the provisions of paragraphs (1) and (2) of this Article separately in the audited annual financial statements.

(6) Paragraph (5) of this Article shall not apply to small payment institutions and small electronic money institutions.

(7) The provisions of this Article shall not apply to the calculation of received funds in issuing electronic money and providing payment services linked to the issuance of electronic money.

III CHARACTERISTICS AND TYPES OF ASSETS IN WHICH FUNDS ARE TO BE INVESTED

Article 5

(1) An institution may only invest the funds received from payment service users/electronic money holders in low-risk and high-liquidity types of assets.

(2) The assets referred in paragraph (1) of this Article may include:

1) the assets from one of the categories referred to in Article 336, paragraph (1), Table 1 of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (Text with EEA relevance) (OJ L 176, 27.6.2013) for which specific risk own funds requirement does not exceed 1.6%, excluding other qualifying items defined in Article 336, paragraph (4) of that Regulation;

2) units in undertakings for collective investment in transferable securities (UCITS) which only invest in the assets referred to in item (1) of this paragraph.

IV CHARACTERISTICS OF THE INSURANCE POLICY OR A COMPARABLE GUARANTEE TO INSURE THE FUNDS RECEIVED FROM PAYMENT SERVICE USERS

Article 6

(1) An institution may insure the funds received from payment service users/electronic money holders by the insurance policy of an insurance company or a comparable guarantee from an insurance company or a credit institution, provided that such an insurance policy or a comparable guarantee:

1) has not been issued by an insurance company or a credit institution belonging to the same group as the institution;

2) does not have any franchises, deductibles or thresholds that would prejudice the disbursement to payees or to another payment service provider;

3) covers specifically determined countries in which the institution is providing or intends to provide a payment service.

V TRANSITIONAL AND FINAL PROVISIONS

Article 7

On the date of the entry into force of this Decision, the Decision on safeguarding the payment service users' funds (Official Gazette 73/2018) shall cease to have effect.

Article 8

This Decision shall enter into force on the eighth day after the day of its publication in the Official Gazette.

No.: 25-091/01-25/BV

Zagreb, 23 January 2025

Boris Vujčić
Governor