

**Official Gazette 136/2024 (27 November 2024), Act on the Implementation of EU Regulations Governing Payment Systems**

**THE CROATIAN PARLIAMENT**

**2241**

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

**DECISION  
PROMULGATING THE ACT ON THE IMPLEMENTATION OF EU REGULATIONS  
GOVERNING PAYMENT SYSTEMS**

I hereby promulgate the Act on the Implementation of EU Regulations Governing Payment Systems, passed by the Croatian Parliament at its session on 15 November 2024.

Class: 011-02/24-02/60  
No.: 71-10-01/1-24-2  
Zagreb, 22 November 2024

The President of the  
Republic of Croatia  
**Zoran Milanović, m.p.**

**ACT  
ON THE IMPLEMENTATION OF EU REGULATIONS GOVERNING PAYMENT  
SYSTEMS**

**I GENERAL PROVISIONS**

*Subject matter*

Article 1

This Act establishes the competent authorities, procedures by the competent authorities, out-of-court complaint procedures, alternative dispute resolution of consumer disputes and penalty provisions for the implementation of EU regulations governing payment systems referred to in Article 2 of this Act.

*EU law*

Article 2

This Act ensures the implementation of the following regulations of the European Union:

1. Regulation (EU) 2021/1230 of the European Parliament and of the Council of 14 July 2021 on cross-border payments in the Union (codification) (Text with EEA relevance) (OJ L 274, 30.7.2021) 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) (hereinafter referred to as 'Regulation (EU) 2021/1230');

2. Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (Text with EEA relevance) (OJ L 94, 30.3.2012) 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) (hereinafter referred to as 'Regulation (EU) 260/2012');

3. Regulation (EU) 248/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No 260/2012 as regards the migration to Union-wide credit transfers and direct debits (Text with EEA relevance) (OJ L 84, 20.3.2014);

4. Regulation (EU) 2015/751 of the European Parliament and of the Council of 29 April 2015 on interchange fees for card-based payment transactions (Text with EEA relevance) (OJ L 123, 19.5.2015) (hereinafter referred to as 'Regulation (EU) 2015/751').

### *Definitions*

#### Article 3

(1) For the purposes of this Act, the terms shall have the same meaning as the terms defined in the Regulations referred to in Article 2 of this Act.

(2) The terms that are not defined by the individual Regulation referred to in Article 2 of this Act, which are used in this Act, shall have the meaning as defined in the law governing the payment system.

## II SUPERVISION

### *Competent authorities*

#### Article 4

(1) The Croatian National Bank shall be the competent authority for the supervision of the application of Regulation (EU) 2021/1230, Regulation (EU) 260/2012, Regulation (EU) 2015/751 and the provisions of Articles 5 and 7 of this Act by a credit institution, electronic money institution, small electronic money institution, payment institution and small payment institution established in the Republic of Croatia, a branch established by a third-country credit institution and an electronic money institution in the Republic of Croatia and a payment system operator subject to the application of Croatian law.

(2) Where a credit institution, an electronic money institution and a payment institution from another Member State provide payment services in the territory of the Republic of Croatia

through a branch or agent operating under the right of establishment, the Croatian National Bank shall be the competent authority for the supervision of the application of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 and Regulation (EU) 2015/751 and the provisions of Articles 5 and 7 of this Act by the branch or agent.

(3) The provisions of the laws governing the operation of credit institutions, electronic money institutions, payment institutions and payment system operators shall apply to the supervision referred to in paragraphs (1) and (2) of this Article.

(4) The Ministry of Finance – the Financial Inspectorate shall be the competent authority for the supervision of the application of Article 9 of Regulation (EU) 260/2012 in accordance with the powers prescribed in the law governing the Ministry of Finance – the Financial Inspectorate.

(5) The Ministry of Finance – the Financial Inspectorate shall be the competent authority for the supervision of the application of Regulation (EU) 2015/751 by payment service providers and any other entity subject to its application in accordance with the powers prescribed in the law governing the Ministry of Finance – the Financial Inspectorate.

(6) The Market Inspection of the State Inspectorate shall exercise supervision of the application of Regulation (EU) 2021/1230 by entities subject to its application other than the institutions referred to in paragraph (1) of this Article, which within their activity offer currency conversion services at an ATM or at the point of sale.

(7) The Croatian National Bank, the Ministry of Finance – the Financial Inspectorate and the State Inspectorate, as the competent authorities designated under this Article, shall cooperate with each other and with other competent authorities in the Republic of Croatia, as well as with the authorities of other Member States competent for the supervision of the application of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 and Regulation (EU) 2015/751 and, where appropriate, with other relevant competent authorities in accordance with the legislation of the European Union and the national legislations of Member States.

(8) The Croatian National Bank, as the competent authority designated under this Article, shall also cooperate, where appropriate, with the European Central Bank, the central banks of the Member States and the European Banking Authority (EBA) in accordance with Article 31 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010).

(9) Within the cooperation referred to in paragraphs (7) and (8) of this Article, the Croatian National Bank and the Ministry of Finance – the Financial Inspectorate shall, except with each other, exchange information with the following authorities:

1. the authorities of other Member States competent for the supervision of the application of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 and Regulation (EU) 2015/751;

2. the European Central Bank and the central banks of the Member States in their capacity as monetary and supervisory authorities, the European Banking Authority and, where appropriate, with other public authorities responsible for overseeing payment systems; and

3. other authorities competent in accordance with the regulations governing the protection of personal data and prevention of money laundering and terrorist financing, other laws applicable to the payment service provider, and in accordance with the legislation of the European Union.

(10) The exchange of information referred to in paragraph (9) of this Article shall not constitute a violation of the duty to protect the confidentiality of data.

(11) The authority that receives the information referred to in paragraph (9) of this Article shall be bound by the duty to protect its confidentiality and may use it exclusively for the purpose

for which it has been submitted, and may make it available to third parties in accordance with special regulations.

### III OUT-OF-COURT COMPLAINT PROCEDURES AND ALTERNATIVE DISPUTE RESOLUTION

#### *Complaints to the payment service provider*

##### Article 5

(1) Where the payment service user deems that the payment service provider does not comply with the provisions of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 and Regulation (EU) 2015/751, the payment service user may submit a complaint to the payment service provider.

(2) The payment service provider shall, prior to the execution of the payment transaction to which Regulation (EU) 2021/1230, Regulation (EU) 260/2012 or Regulation (EU) 2015/751 applies, provide or make available to the payment service user the following information:

1. on the payment service user's right to submit the complaint referred to in paragraph (1) of this Article;

2. on the manner of submitting the complaint.

(3) It shall be deemed that the payment service provider's obligation referred to in paragraph (2) of this Article is met if the information referred to in paragraph (2) of this Article is specified in the framework contract underlying the payment transactions to which Regulation (EU) 2021/1230, Regulation (EU) 260/2012 or Regulation (EU) 2015/751 applies.

(4) The payment service provider shall provide the payment service user with the final reply to all the points raised in the complaint referred to in paragraph (1) of this Article at the latest within ten days of the date of receipt of the complaint, on paper, or if so agreed between the payment service provider and the user, on another durable medium.

(5) By way of derogation from paragraph (4) of this Article, where a payment service provider is unable to provide an answer within the time limit referred to in paragraph (4) of this Article for reasons beyond the control of the payment service provider, it shall be required to send a holding reply to the payment service user, within the time limit, indicating the reasons for a delay in answering to the complaint and specifying the time limit by which the payment service user will receive the final reply and which shall not exceed 35 days from the date of receipt of the complaint.

(6) In the final reply to the complaint, the payment service provider shall refer the payment service user to the possibility of submitting a complaint to the Croatian National Bank, and where the payment service user is a consumer, also to the authorities competent for alternative consumer dispute resolution and provide the payment service user with the information referred to in Article 7, paragraphs (1) and (2) of this Act.

(7) The payment service provider with its head office or establishment in the territory of the Republic of Croatia shall have in place and apply appropriate and effective procedures for the resolution of complaints of payment service users relating to the application of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 and Regulation (EU) 2015/751.

(8) The procedures referred to in paragraph (7) of this Article shall be available to the payment service user in Croatian and in any other language agreed between the payment service provider and the payment service user.

(9) A payment service provider shall develop and apply appropriate and effective procedures for the resolution of complaints of payment service users in all Member States in which it provides payment services and make them available to payment service users in the official language of each individual Member State in which it provides services or in another language agreed with the payment service user.

(10) Where a payment service provider from another Member State provides payment services in the territory of the Republic of Croatia through a branch or an agent operating under the right of establishment, the complaint referred to in paragraph (1) of this Article shall be submitted to the branch or the agent and the obligations referred to in paragraphs (2) to (6) of this Article shall apply to the branch or agent, respectively.

### *Complaints to the competent authority*

#### Article 6

(1) A payment service user may submit a complaint to the Croatian National Bank against a payment service provider if the payment service user deems that the payment service provider has acted contrary to Regulation (EU) 2021/1230, Regulation (EU) 260/2012, Regulation (EU) 2015/751, Article 5 or Article 7 of this Act.

(2) Other persons with a legitimate interest, including consumer associations, may also submit the complaint referred to in paragraph (1) of this Article to the Croatian National Bank.

(3) Upon receipt of the complaint referred to in paragraphs (1) and (2) of this Article, the Croatian National Bank shall invite the respondent payment service provider to submit its statement and the relevant evidence it invokes, unless it follows from the complaint and the information available to the Croatian National Bank that the complaint is not grounded.

(4) The payment service provider shall, within the time limit set by the Croatian National Bank, but no longer than ten days after the day of receiving the invitation, submit its statement and the relevant evidence it invokes.

(5) Where, with reference to the complaint, the Croatian National Bank establishes that there are reasonable grounds to suspect that the payment service provider has acted contrary to any of the provisions of Regulation (EU) 2021/1230, Regulation (EU) 260/2012, Regulation (EU) 2015/751, Article 5 or Article 7 of this Act and has thus committed a misdemeanour, it shall initiate misdemeanour proceedings before the Ministry of Finance – the Financial Inspectorate.

(6) The Croatian National Bank shall notify the complainant of its findings and of the measures taken.

(7) Where the complainant is a consumer, the Croatian National Bank shall inform the complainant in its notification referred to in paragraph (6) of this Article of the possibility to initiate an alternative dispute resolution procedure for consumer disputes pursuant to Article 7 of this Act.

(8) The provisions of this Article shall also apply to complaints against branches and agents of payment service providers established in another Member State providing payment services in the Republic of Croatia under the right of establishment.

(9) By way of derogation from the provisions of this Article, where the Croatian National Bank receives a complaint against a payment service provider established in another Member State providing payment services in the Republic of Croatia directly or through an agent exercising the freedom to provide services, it shall forward such a complaint to the competent authority of the home Member State.

## *Alternative dispute resolution*

### Article 7

(1) The payment service provider shall provide the payment service user that is a consumer information on at least one authority competent for alternative dispute resolution for consumer disputes relating to the application of the provisions of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 or Regulation (EU) 2015/751.

(2) The information referred to in paragraph (1) of this Article shall comprise the postal address and website address of the authority competent for alternative dispute resolution for consumer disputes and information on the obligation of the payment service provider referred to in paragraph (5) of this Article.

(3) The payment service provider shall provide the information referred to in paragraphs (1) and (2) of this Article in a clear, comprehensible and easily accessible manner in its branch offices and on its website and, if applicable, specify it in the framework contract underlying the payment transactions to which Regulation (EU) 2021/1230 and Regulation (EU) 260/2012 applies and in the final reply to the complaint referred to in Article 5, paragraph (6) of this Act.

(4) In all disputes with a payment service provider related to the application of the provisions of Regulation (EU) 2021/1230, Regulation (EU) 260/2012 or Regulation (EU) 2015/751, the payment service user that is a consumer shall have the right to initiate a procedure before any authority for alternative dispute resolution for consumer disputes.

(5) A payment service provider shall participate in the alternative dispute resolution procedure initiated by the payment service user that is a consumer.

(6) A payment service user that is not a consumer shall have the right to initiate a procedure before an independent authority for alternative dispute resolution in disputes with the payment service provider related to the application of Regulation (EU) 2015/751 and/or this Act, and the payment service provider shall participate in that procedure.

(7) The right of the payment service user referred to in this Article shall not affect its right to initiate court proceedings.

## IV MISDEMEANOUR PROVISIONS

### *Severe misdemeanours by payment service providers*

### Article 8

(1) The following payment service providers shall be liable for the misdemeanours referred to in paragraph (2) of this Article:

1. credit institutions, electronic money institutions, small electronic money institutions, payment institutions and small payment institutions established in the Republic of Croatia;

2. branches of credit institutions in the Republic of Croatia established in another Member State or third country;

3. branches of electronic money institutions in the Republic of Croatia established in another Member State or third country;

4. branches of payment institutions in the Republic of Croatia established in another Member State;

5. legal persons appointed as agents in the Republic of Croatia under the right of establishment of payment institutions or electronic money institutions established in other Member States;

6. units of local or regional self-government, when not acting in the capacity as public authority;

7. the Croatian National Bank, when not acting in its capacity as monetary authority or other public authority.

(2) The payment service provider referred to in paragraph (1) of this Article offering the payment service of instant credit transfers in euro shall be fined between 1% and 10% of the total annual net turnover in the preceding business year established in the financial statements or, in the case referred to in Article 11, paragraph (1b), subparagraph (2) of Regulation (EU) 260/2012, consolidated financial statements if:

1. it fails to verify whether the payment service user is a person or entity subject to targeted financial restrictive measures in accordance with Article 5d, paragraph (1) of Regulation (EU) 260/2012;

2. the verification whether the payment service user is a person or entity subject to targeted financial restrictive measures is carried out during the execution of an instant credit transfer (Article 5d, paragraph (2) of Regulation (EU) 260/2012).

(3) A fine between EUR 200,000.00 and EUR 5,000,000.00 shall also be imposed for any of the misdemeanours referred to in paragraph (2) of this Article on:

1. the responsible person of the management board of the payment service provider referred to in paragraph (1), item (1) of this Article or the responsible executive director if the payment service provider has a board of directors, or if the payment service provider referred to in paragraph (1), item (1) of this Article, with the exception of a credit institution, engages in another business activity in addition to payment services, the director responsible for payment services;

2. the responsible person of the payment service provider referred to in paragraph (1), items (2) to (4) of this Article and the responsible person of the payment service provider that is a legal person referred to in paragraph (1), item (5) of this Article;

3. the responsible person of the payment service provider referred to in paragraph (1), items (6) and (7) of this Article.

### *Misdemeanours by payment service providers*

#### Article 9

(1) The payment service provider referred to in Article 8, paragraph (1) of this Act shall be fined between EUR 2,650.00 and EUR 66,360.00 if:

1. it levies the charges on a payment service user in respect of a cross-border payment in euro that it fails to levy for a corresponding national payment in euro or if it fails to levy the same charges as the charges levied for a corresponding national payment in euro (Article 3, paragraph (1) of Regulation (EU) 2021/1230);

2. as the provider of currency conversion service, prior to the initiation of the payment transaction of a cash withdrawal at an ATM or a card-based payment at the point of sale, it fails to disclose the information to the payer on the total currency conversion charges expressed as a percentage mark-up over the latest available euro foreign exchange reference rates issued by the European Central Bank or if it fails to provide the information on the mark-up in a neutral and

comprehensible manner or it fails to provide it free of charge (Article 4, paragraphs (1) and (7) of Regulation (EU) 2021/1230);

3. as the provider of currency conversion service, it fails to make the percentage mark-up expressing the total currency conversion charges public in a neutral, comprehensible and easily accessible manner on a broadly available and easily accessible electronic platform, free of charge for the payer (Article 4, paragraphs (2) and (7) of Regulation (EU) 2021/1230);

4. without undue delay after receiving a payment order for a cash withdrawal at an ATM or a card-based payment order at the point of sale that is denominated in any Union currency that is different from the currency of the payer's account, it fails to send to the payer an electronic message through the agreed broadly available and easily accessible channel with the information on the percentage mark-up expressing the total currency conversion charges (Article 4, paragraph (5), subparagraph (1) and paragraph (6), subparagraph (1) of Regulation (EU) 2021/1230);

5. for each payment card that was issued to the payer and that is linked to the same account, once every month in which it receives from the payer an order for a cash withdrawal at an ATM or a payment order at the point of sale that is denominated in any EU currency that is different from the currency of the payer's account, it fails to send to the payer an electronic message on the percentage mark-up expressing the total currency conversion charges through the agreed broadly available and easily accessible channel (Article 4, paragraph (5), subparagraph (2) and paragraph (6), subparagraph (1) of Regulation (EU) 2021/1230);

6. it fails to provide the information on the percentage mark-up expressing the total currency conversion charges for a cash withdrawal at an ATM and a card-based payment at the point of sale that is denominated in any Union currency that is different from the currency of the payer's account, which it is obliged to provide without delay after receiving an order, or which it is obliged to provide once every month, free of charge or if it fails to provide it in a neutral and comprehensible manner (Article 4, paragraphs (5) and (7) of Regulation (EU) 2021/1230);

7. it has failed to offer a payment service user, in a neutral and comprehensible manner and free of charge, the possibility of opting out of receiving the electronic messages with the information on the percentage mark-up expressing the total currency conversion charges for a cash withdrawal at an ATM or a card-based payment at the point of sale that is denominated in any EU currency that is different from the currency of the payer's account, which it is obliged to send without delay after receiving the order or once every month (Article 4, paragraph (6), subparagraph (2) and paragraph (7) of Regulation (EU) 2021/1230);

8. as the payer's payment service provider offering a currency conversion service in relation to a credit transfer, prior to the initiation of the credit transfer online directly by the payer using the website or the mobile banking application of the payment service provider, it fails to inform the payer in a clear, neutral and comprehensible manner, of the estimated charges for currency conversion services applicable to the credit transfer (Article 5, paragraph (1) of Regulation (EU) 2021/1230);

9. as the payer's payment service provider offering a currency conversion service in relation to a credit transfer, prior to the initiation of a credit transfer, it fails to 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 or if it fails to communicate to the payer the estimated amount to be transferred to the payee in the currency used by the payee (Article 5, paragraph (2) of Regulation (EU) 2021/1230);

10. it fails to communicate to the payment service user the payment service user's IBAN and the payment service provider's BIC in accordance with Article 6, paragraph (1) of Regulation (EU) 2021/1230 or if it charges for such a communication;



11. it levies additional charges on a payment service user contrary to Article 6, paragraph (2) of Regulation (EU) 2021/1230;

12. its reachability for credit transfers in euro initiated by a payer from any Member State or for direct debits in euro initiated by a payee from any Member State is not in accordance with Article 3 of Regulation (EU) 260/2012;

13. for the execution of credit transfers in euro or direct debits in euro, it uses payment schemes that do not comply with the conditions referred to in Article 4, paragraph (1) of Regulation (EU) 260/2012;

14. it fails to carry out credit transfers in euro or instant credit transfers in euro in accordance with Article 5, paragraphs (1) and (2) of Regulation (EU) 260/2012;

15. it fails to carry out direct debits in euro in accordance with Article 5, paragraphs (1), (3) and (6) of Regulation (EU) 260/2012;

16. it requires a payment service user to indicate the BIC of the payment service provider for the execution of a national or cross-border payment transaction in euro contrary to Article 5, paragraph (7) of Regulation (EU) 260/2012;

17. it levies additional charges or a fee contrary to Article 5, paragraph (8) of Regulation (EU) 260/2012;

18. it offers to the payment service users a payment service of sending or receiving credit transfers in euro and at the same time it fails to offer the same service for instant credit transfers in euro or if it fails to ensure that all payment accounts that are reachable for credit transfers in euro are also reachable for instant credit transfers in euro 24 hours a day on any calendar day (Article 5a, paragraph (1) of Regulation (EU) 260/2012);

19. it fails to carry out instant credit transfers in euro in accordance with Article 5a, paragraph (4) of Regulation (EU) 260/2012;

20. as a payer's payment service provider, in the case referred to in Article 5a, paragraph (5) of Regulation (EU) 260/2012, it fails to immediately restore the payment account of the payer to the state in which it would have been had the transaction of instant credit transfer in euro not taken place;

21. it fails to offer the possibility of setting a limit for sending instant credit transfer in euro or if it fails to enable the modification of that limit or if the payment order exceeds that limit or leads to exceeding that limit, if it fails to act in accordance with Article 5a, paragraph (6) of Regulation (EU) 260/2012;

22. it offers the payment service of sending and receiving credit transfers in euro with the possibility of submitting multiple payment orders as a package, and at the same time it fails to offer that possibility for instant credit transfers in euro or if it imposes a higher limit for instant credit transfers in euro in respect of the number of payment orders in a package than those for credit transfers in euro (Article 5a, paragraph (7) of Regulation (EU) 260/2012);

23. it levies on a payer or a payee in respect of sending or receiving an instant credit transfer in euro charges it fails to levy in respect of a credit transfer in euro of corresponding type or levies higher charges than the charges levied for a credit transfer in euro of corresponding type (Article 5b, paragraph (1) of Regulation (EU) 260/2012);

24. as a payer's payment service provider, it fails to offer the payer a service ensuring verification of the payee to whom the payer intends to send a credit transfer in euro or an instant credit transfer in euro (Article 5c, paragraph (1) of Regulation (EU) 260/2012);

25. as a payer's payment service provider, it fails to provide a service ensuring verification of the payee to whom the payer intends to send a credit transfer in euro or an instant credit transfer

in euro in accordance with Article 5c, paragraphs (1) to (5) and paragraph (7) of Regulation (EU) 260/2012;

26. as a payer's payment service provider, it fails to provide the payer that is not a consumer with the means to opt out from receiving the service ensuring verification of the payee in a credit transfer in euro or an instant credit transfer in euro, or if it fails to ensure that the payer that opted out from receiving the service has the right to opt in at any time to receive that service (Article 5c, paragraph (6) of Regulation (EU) 260/2012);

27. as a payee's payment service provider, it fails to act in accordance with the request of the payer's payment service provider to verify the payee in a credit transfer in euro or an instant credit transfer in euro in accordance with Article 5c, paragraph (1) of Regulation (EU) 260/2012;

28. as a payer's payment service provider, without delay, it fails to refund the payer the amount transferred by a credit transfer in euro or instant credit transfer in euro or, where applicable, it fails to restore the debited payment account to the state in which it would have been had the payment transaction not taken place, when that payer's payment service provider failed to act in accordance with Article 5c, paragraph (1) of Regulation (EU) 260/2012 or when the payment initiation service provider failed to act in accordance with Article 5c, paragraph (2) of Regulation (EU) 260/2012 (Article 5c, paragraph (8), subparagraph (2) of Regulation (EU) 260/2012);

29. it levies charges for any service or notification referred to in Article 5c of Regulation (EU) 260/2012 (Article 5b, paragraph (2) of Regulation (EU) 260/2012);

30. it applies a multilateral interchange fee or other agreed remuneration with an equivalent object or effect to a cross-border or national payment transaction of direct debit in euro, including the one agreed by a bilateral arrangement between two payment service providers and the remuneration unilaterally determined by a payment service provider (Article 8, paragraphs (1) and (3) of Regulation (EU) 260/2012);

31. it applies a multilateral interchange fee or other agreed remuneration with an equivalent object or effect to an R-transaction, including the one agreed by a bilateral arrangement between two payment service providers and the remuneration unilaterally determined by a payment service provider without the conditions referred to in Article 8, paragraph (2) of Regulation (EU) 260/2012 being complied with (Article 8, paragraphs (2) and (3) of Regulation (EU) 260/2012);

32. it fails to submit to the Croatian National Bank any of the reports referred to in Article 15, paragraph (3) of Regulation (EU) 260/2012 or if it fails to submit it with correct information or if it fails to submit it within the prescribed time limit (Article 15, paragraph (3) of Regulation (EU) 260/2012);

33. it offers or requests a per transaction interchange fee of more than 0.2% of the value of the transaction for any debit card transaction (Article 3, paragraph (1) and Article 5 of Regulation (EU) 2015/751);

34. it offers or requests a per transaction interchange fee of more than 0.3% of the value of the transaction for any credit card transaction (Article 4 and Article 5 of Regulation (EU) 2015/751);

35. it circumvents the application of the interchange fee cap referred to in Article 3, paragraph (1) or Article 4 of Regulation (EU) 2015/751 (Article 5 of Regulation (EU) 2015/751);

36. it fails to provide the consumer, on his/her request, two or more different payment brands on a card-based payment instrument, provided that such a service is offered by the payment service provider, or if it fails to provide the consumer, in good time before the contract is signed, with clear and objective information on all the payment brands available and their characteristics,

including their functionality, cost and security (Article 8, paragraph (2) of Regulation (EU) 2015/751);

37. with respect to the handling of two or more different payment brands or payment applications on a card-based payment instrument, it uses any routing measures aimed at directing transactions through a specific channel or process or other technical or security standards or requirements that are discriminatory or if it applies them in a discriminatory manner (Article 8, paragraph (5) of Regulation (EU) 2015/751);

38. with respect to using a co-badged payment instrument, it inserts an automatic mechanism, software or a device on the payment instrument or at equipment applied at the point of sale which limit the choice of payment brand or payment application by the payer or the payee (Article 8, paragraph (6) of Regulation (EU) 2015/751);

39. as an acquirer, it fails to offer or charge its payee merchant service charges individually specified contrary to Article 9, paragraph (1) of Regulation (EU) 2015/751;

40. as an acquirer, it fails to include in the agreement with the payee individually specified information on the amount of charges in accordance with Article 9, paragraph (2) of Regulation (EU) 2015/751;

41. it obliges the payee accepting a card-based payment instrument issued by one issuer also to accept other card-based payment instruments issued within the framework of the same payment card scheme (Article 10, paragraph (1) in conjunction with Article 10, paragraphs (2) and (3) of Regulation (EU) 2015/751);

42. as an issuer, it fails to ensure that its card-based payment instruments are electronically or visibly identifiable in accordance with Article 10, paragraph (5) of Regulation (EU) 2015/751;

43. as an acquirer, contrary to Article 11, paragraph (1) of Regulation (EU) 2015/751, it prevents the payee from steering consumers to the use of any payment instrument preferred by the payee or if it prohibits the payee from treating card-based payment instruments of a given payment card scheme more or less favourably than others;

44. contrary to Article 11, paragraph (2) of Regulation (EU) 2015/751, it prevents the payee from informing the payer about interchange fees and merchant service charges;

45. as an acquirer, after the execution of an individual card-based payment transaction, it fails to provide the payee with all information in accordance with Article 12, paragraph (1), items (a) to (c) of Regulation (EU) 2015/751 or, if contrary to the second sentence of Article (12), paragraph (1) of Regulation (EU) 2015/751, without the payee's explicit consent aggregates the information by brand, application, payment instruments categories or rates of interchange fees applicable to the transaction;

46. as an acquirer having agreed with the payee a periodical provision or making available the information on the executed transaction, it provides or makes it available less than once a month or in a manner which does not allow to store or reproduce information unchanged (Article 12, paragraph (2) of Regulation (EU) 2015/751);

47. prior to the execution of an individual payment transaction to which Regulation (EU) 2021/1230, Regulation (EU) 260/2012 or Regulation (EU) 2015/751 applies, it fails to provide or make available to the payment service user the information on the payment service user's right to submit a complaint and on the manner of submitting the complaint in accordance with Article 5, paragraph (2) of this Act;

48. it fails to provide the payment service user with a final reply to all the points raised in the complaint on paper or another agreed durable medium, with a referral referred to in Article 5, paragraph (6) of this Act, and within ten days of the date of receipt of the complaint or within the

time limit determined in the holding reply to the complaint which may not be longer than 35 days of the date of receipt of the complaint (Article 5, paragraphs (4), (5) and (6) of this Act);

49. in the case referred to in Article 5, paragraph (5) of this Act, it fails to provide to the payment service user a holding reply within ten days of the date of receipt of the complaint or if the holding reply does not indicate the reasons for the delay and the time limit by which the payment service user will receive a final reply (Article 5, paragraph (5) of this Act);

50. it fails to have in place appropriate and effective procedures for the resolution of payment service user complaints or if it fails to apply them or make them available to the payment service user in accordance with Article 5, paragraph (7) of this Act;

51. it fails to develop or apply appropriate and effective procedures for the resolution of payment service user complaints in all Member States in which it provides payment services or make them available to the payment service user in the official language of each individual Member State in which it provides services or in another language agreed with the payment service user in accordance with Article 5, paragraph (9) of this Act;

52. at the invitation of the Croatian National Bank, it fails to submit its statement and the relevant evidence within the time limit referred to in the invitation in accordance with Article 6, paragraph (4) of this Act;

53. it fails to provide the payment service user that is a consumer all information on the authority competent for alternative dispute resolution for consumer disputes in accordance with Article 7, paragraphs (1), (2) and (3) of this Act;

54. contrary to Article 7, paragraph (5) of this Act, it refuses to participate in the alternative dispute resolution procedure initiated by the payment service user that is a consumer;

55. contrary to article 7, paragraph (6) of this Act, it refuses to participate in the alternative dispute resolution procedure initiated by the payment service user that is not a consumer.

(2) A fine between EUR 660.00 and EUR 6,630.00 shall also be imposed for any of the misdemeanours referred to in paragraph (1) of this Article on:

1. the responsible person of the management board of the payment service provider referred to in Article 8, paragraph (1), item (1) of this Act or the responsible executive director if the payment service provider has a board of directors, or if the payment service provider referred to in Article 8, paragraph (1), item (1) of this Act, with the exception of credit institutions, engages in another business activity in addition to payment services, the director responsible for payment services;

2. the responsible person of the payment service provider referred to in Article 8, paragraph (1), items (2) to (4) of this Act and the responsible person of the payment service provider that is a legal person referred to in Article 8, paragraph (1), item (5) of this Act;

3. the responsible person of the payment service provider referred to in Article 8, paragraph (1), items (6) and (7) of this Act.

(3) A fine between EUR 1,320.00 and EUR 33,180.00 shall also be imposed for any of the misdemeanours referred to in paragraph (1) of this Article on a craftsman or another self-employed person appointed as an agent of the payment institution or the electronic money institution established in another Member State and operating in the territory of the Republic of Croatia under the right of establishment.

### *Misdemeanours by payment system operators*

#### Article 10

(1) An operator of a retail payment system operating in euro shall be fined between EUR 2,650.00 and EUR 66,360.00 if it fails to ensure technical interoperability of the payment system it operates with other retail payment systems within the European Union in accordance with standards developed by international or European standardisation bodies or if the business rules of the payment system it operates restrict interoperability of the system with other retail payment systems within the European Union (Article 4, paragraph (2) of Regulation (EU) 260/2012).

(2) A responsible person of the operator of a retail payment system shall also be fined between EUR 660.00 and EUR 6,630.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

(3) The responsible person referred to in paragraph (2) of this Article shall be deemed to be the responsible person of the management board of the operator of a retail payment system, or, if the operator of a retail payment system also engages in other activities, a person responsible for the operation of the retail payment system, or, if the operator of a retail payment system is a branch of a legal person from another country having its head office in the Republic of Croatia, a person responsible for the operation of the branch.

### *Misdemeanours by payment card scheme owners*

#### Article 11

(1) The legal person that is the owner of a payment card scheme or, if the scheme has no owner, the legal person operating it, shall be fined between EUR 2,650.00 and EUR 66,360.00 if:

1. it participates in circumventing the application of the interchange fee cap referred to in Article 3, paragraph (1) or Article 4 of Regulation (EU) 2015/751, and thereby acts contrary to Article 5 of Regulation (EU) No 2015/751;

2. in licensing agreements or in payment card scheme rules for issuing payment cards or acquiring card-based payment transactions, it applies any territorial restrictions within the European Union or rules with an equivalent effect (Article 6, paragraph (1) of Regulation (EU) 2015/751);

3. in licensing agreements or in payment card scheme rules for issuing payment cards or acquiring card-based payment transactions, it requires a country specific licence or authorisation to operate on a cross-border basis to be obtained or if that agreement or those rules contain provisions with an equivalent effect (Article 6, paragraph (2) of Regulation (EU) 2015/751);

4. it fails to adhere to the rules on separation of payment card scheme and processing entities referred to in Article 7, paragraph (1) of Regulation (EU) 2015/751;

5. at the request of the competent authority referred to in Article 4, paragraph (5) of this Act, it fails to provide an independent report confirming the compliance of the payment card scheme with Article 7, paragraph (1) of Regulation (EU) 2015/751 (Article 7, paragraph (2) of Regulation (EU) 2015/751);

6. it fails to allow for the possibility that authorisation and clearing messages of single card-based payment transactions be separated and it fails to allow for the possibility that those messages are processed by different processing entities (Article 7, paragraph (3) of Regulation (EU) 2015/751);

7. payment card scheme processing rules contain any territorial discrimination in relation to processing entities (Article 7, paragraph (4) of Regulation (EU) 2015/751);

8. payment card scheme business rules restrict interoperability among processing entities within the European Union (Article 7, paragraph (5) of Regulation (EU) 2015/751);

9. the payment card scheme fails to comply with the requirements referred to in regulatory technical standards adopted in accordance with Article 7, paragraph (6) of Regulation (EU) 2015/751;

10. payment card scheme rules or licensing agreement or other payment card scheme measures hinder or prevent an issuer from co-badging two or more different payment brands or payment applications on a card-based payment instrument (Article 8, paragraph (1) of Regulation (EU) 2015/751);

11. the licensing agreement or payment card scheme rules contain discriminatory or objectively unjustified differences in treatment of issuers or acquirers concerning co-badging of different payment brands or payment applications on a card-based payment instrument (Article 8, paragraph (3) of Regulation (EU) 2015/751);

12. a reporting requirement or an obligation to pay fees or a similar obligation with the same object or effect is imposed on the issuer or acquirer for transactions carried out with any device on which their payment brand is present for which that payment card scheme is not used (Article 8, paragraph (4) of Regulation (EU) 2015/751);

13. the payment card scheme, with respect to a card-based payment instrument with two or more different payment brands or payment applications, applies any routing measures aimed at directing transactions through a specific channel or process or other technical or security standards or requirements that are discriminatory or if it applies them in a discriminatory manner (Article 8, paragraph (5) of Regulation (EU) 2015/751);

14. the payment card scheme, with respect to using a co-badged payment instrument, inserts an automatic mechanism, software or a device on the payment instrument or at equipment applied at the point of sale which limit the choice of payment brand or payment application by the payer or the payee (Article 8, paragraph (6) of Regulation (EU) 2015/751);

15. the payment card scheme obliges the payee accepting a card-based payment instrument issued by one issuer also to accept other card-based payment instruments issued within the framework of the same payment card scheme (Article 10, paragraph (1) in conjunction with Article 10, paragraphs (2) and (3) of Regulation (EU) 2015/751);

16. contrary to Article 11, paragraph (1) of Regulation (EU) 2015/751, the provisions of the licensing agreement entered into or the payment card scheme rules prevent the payee from steering consumers to the use of any payment instrument preferred by the payee or prohibits the payee from treating card-based payment instruments of a given payment card scheme more or less favourably than others;

17. contrary to Article 11, paragraph (2) of Regulation (EU) 2015/751, the provisions of the licensing agreement entered into or payment card scheme rules prevent the payee from informing the payer about interchange fees and merchant service charges.

(2) A responsible person of the payment card scheme owner or operator shall also be fined between EUR 660.00 and EUR 6,630.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

## *Misdemeanours by processing entities*

### Article 12

(1) A processing entity that is a legal person shall be fined between EUR 660.00 and EUR 13,270.00 if:

1. it participates in circumventing the application of the interchange fee cap referred to in Article 3, paragraph (1) or Article 4 of Regulation (EU) 2015/751 (Article 5 of Regulation (EU) 2015/751);

2. it fails to adhere to the rules on separation of payment card scheme and processing entities referred to in Article 7, paragraph (1) of Regulation (EU) 2015/751;

3. it fails to ensure that its system is technically interoperable with other systems of processing entities within the European Union in the manner referred to in Article 7, paragraph (5) of Regulation (EU) 2015/751;

4. it fails to comply with the requirements referred to in regulatory technical standards adopted pursuant to Article 7, paragraph (6) of Regulation (EU) 2015/751;

5. with respect to the use of a co-badged payment instrument, it inserts an automatic mechanism, software or a device on the payment instrument or at equipment applied at the point of sale which limit the choice of payment brand or payment application by the payer or the payee (Article 8, paragraph (6) of Regulation (EU) 2015/751).

(2) A responsible person of the processing entity that is a legal person shall also be fined between EUR 260.00 and EUR 6,630.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

(3) A processing entity that is a natural person shall be fined between EUR 260.00 and EUR 6,630.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

## *Misdemeanours by other persons*

### Article 13

(1) A legal person shall be fined between EUR 2,650.00 and EUR 66,360.00 if:

1. when providing a currency conversion service at an ATM or at the point of sale, it fails to disclose to the payer the information on the total currency conversion charges expressed as a percentage mark-up over the latest available euro foreign exchange reference rates issued by the European Central Bank, prior to the initiation of the payment transaction of a cash withdrawal at an ATM or a card-based payment at the point of sale, or if it fails to clearly display the information on the percentage mark-up at the ATM or at the point of sale (Article 4, paragraphs (1) and (4) of Regulation (EU) 2021/1230);

2. when providing a currency conversion service at an ATM or at the point of sale, prior to the initiation of the payment transaction of a cash withdrawal at an ATM or a card-based payment at the point of sale, it fails to provide the payer with the information on the amount to be paid to the payee in the currency used by the payee and on the amount to be paid by the payer in the currency of the payer's account (Article 4, paragraph (3) of Regulation (EU) 2021/1230);

3. when providing a currency conversion service at an ATM or at the point of sale, following the initiation of the payment transaction of a cash withdrawal at an ATM or a card-based payment at the point of sale, it fails to make available to the payer the information on a durable medium on the percentage mark-up expressing the total currency conversion charges, on the amount to

be paid to the payee in the currency used by the payee and on the amount to be paid by the payer in the currency of the payer's account (Article 4, paragraphs (1), (3) and (4) of Regulation (EU) 2021/1230);

4. when providing a currency conversion service at an ATM or at the point of sale, prior to the initiation of the payment transaction of a cash withdrawal at an ATM or a card-based payment at the point of sale, it fails to 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 payment service provider (Article 4, paragraph (4) of Regulation (EU) 2021/1230);

5. when providing a currency conversion service at an ATM or at the point of sale, it fails to provide the payer with the information referred to in Article 4, paragraphs (1), (3) and (4) of Regulation (EU) 2021/1230 free of charge or if it fails to provide it in a neutral and comprehensible manner (Article 4, paragraph (7) of Regulation (EU) 2021/1230);

6. as a payment service user that is not a consumer, the person acts contrary to Article 9 of Regulation (EU) 260/2012;

7. as a technical service provider, with respect to the use of a co-badged payment instrument, the person inserts an automatic mechanism, software or a device on the payment instrument or at equipment applied at the point of sale which limit the choice of payment brand or payment application by the payer or the payee (Article 8, paragraph (6) of Regulation (EU) 2015/751);

8. as a payee having an automatic mechanism which makes a priority selection of a payment brand or payment application at the point of sale, in any way the person prevents the payer from overriding such an automatic priority selection for the categories of payment cards or related payment instruments accepted by the payee (Article 8, paragraph (6) of Regulation (EU) 2015/751);

9. as a payee, at the same time the person fails to inform the consumer in a clear and unequivocal manner of the acceptance or non-acceptance of other payment cards and payment instruments of the same payment card scheme (Article 10, paragraph (4), subparagraph (1) of Regulation (EU) 2015/751);

10. as a payee, in the case of distance sales referred to in Article 10, paragraph (4), subparagraph (1) of Regulation (EU) 2015/751, the person fails to display this information on the payee's website or other applicable electronic or mobile medium or if the person fails to provide this information to the payer before the payer enters into a purchase agreement with the payee (Article 10, paragraph (4), subparagraph (2) of Regulation (EU) 2015/751).

(2) The responsible person of the legal person shall also be fined between EUR 660.00 and EUR 6,630.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

(3) A craftsman or another self-employed person shall also be fined between EUR 1,320.00 and EUR 33,180.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

(4) A natural person shall also be fined between EUR 260.00 and EUR 6,630.00 for any of the misdemeanours referred to in paragraph (1) of this Article.

### *Jurisdiction to conduct misdemeanour proceedings*

#### Article 14

The Ministry of Finance – the Financial Inspectorate shall conduct misdemeanour proceedings of the first instance for the misdemeanours prescribed by this Act.



*Public disclosure of decisions on misdemeanours*

Article 15

(1) The Croatian National Bank shall publish on its website the dispositive parts of final decisions adopted in misdemeanour proceedings initiated by the Croatian National Bank as an authorised prosecutor, under which a payment service provider or a responsible person of the payment service provider has been found guilty for the misdemeanours referred to in this Act, including the name of the authority that adopted the decision as well as the number and date of the decision.

(2) The Croatian National Bank may publish the decision it has adopted in the course of exercising its supervisory powers under this Act.

(3) When the Croatian National Bank publishes the decision referred to in paragraph (2) of this Article, it shall also publish a decision of the administrative court if an appeal has been filed against that decision.

(4) Data covered by banking secrecy or personal data of a natural person other than the perpetrator of a misdemeanour shall be excluded from the publication referred to in paragraphs (1) to (3) of this Article.

(5) Where the Croatian National Bank assesses that the publication referred to in paragraph (1) of this Article may jeopardise the stability of the financial market or cause disproportionate damage to a payment service provider, it shall publish the data on the payment service provider on an anonymous basis.

(6) Where the Croatian National Bank assesses that the publication referred to in paragraph (1) of this Article may cause disproportionate damage to a responsible person of the payment service provider, it shall publish the data on the responsible person on an anonymous basis.

(7) The publications referred to in paragraph (1) of this Article shall remain on the website for three years of the date following the finality of the decision on the misdemeanour, and the publications referred to in paragraphs (2) and (3) of this Article shall remain on the website for three years following the adoption of the decision.

V TRANSITIONAL AND FINAL PROVISIONS

*Procedures initiated prior to the entry into force of this Act*

Article 16

Supervisory and administrative procedures initiated pursuant to the provisions of the Act on the Implementation of EU Regulations Governing Payment Systems (Official Gazette 50/2016 and 16/2020) until the date of entry into force of this Act shall be completed in accordance with the provisions of that Act.

*Regulations that shall cease to have effect*

Article 17

On the date of entry into force of this Act, the Act on the Implementation of EU Regulations Governing Payment Systems (Official Gazette 50/2016 and 16/2020) shall cease to have effect.

*Entry into force*

Article 18

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

Class: 022-02/24-01/103  
Zagreb, 15 November 2024

THE CROATIAN PARLIAMENT

The President  
of the Croatian Parliament  
**Gordan Jandroković**, m.p.