



## ID-DIRETTIVA DWAR IS-SERVIZZI TA' HLAS u l-Applikazzjoni tagħha għal TRASFERIMENTI TA' KREDITU

Id-Direttiva dwar is-Servizzi ta' Hlas (PSD), li għandha tiġi implimentata fl-Istati Membri kollha tal-UE u l-Istati taż-ŻEE sa mhux aktar tard mill-1 ta' Novembru 2009, se tistipula lista ta' regoli moderni u komprensivi li jkunu japplikaw għas-servizzi kollha ta' hlas fl-Ewropa. Trasferimenti bejn il-pajjiżi jkunu jistgħu jsiru b'mod faċli, effiċjenti u garantiti bħall-pagamenti nazzjonali li jsiru fi hdan Stat Membru. Din id-Direttiva tiggarrantixxi wkoll li dawk li jużaw is-servizzi ta' hlas igawdu minn livell sinifikattiv ta' protezzjoni b'mod partikulari billi jkunu introdotti numru ta' obbligi fejn jirrigwarda l-ghoti ta' informazzjoni dettaljata mill-fornituri ta' servizzi ta' hlas lill-klijenti tagħhom.

Għalkemm il-PSD tapplika għal tipi differenti ta' servizzi ta' hlas, inklużi karti ta' hlas (karti ta' debitu u ta' kreditu) u 'direct debits', dan il-fuljett jidentifika d-drittijiet u l-obbligi l-aktar importanti għall-fornitur tas-servizz ta' hlas u għall-klijent fir-rigward ta' trasferimenti ta' kreditu.

### 1. Għal min tapplika l-PSD?

Il-PSD ma tapplikax biss għall-banek imma wkoll għall-fornituri ta' servizzi ta' hlas kollha fi hdan iż-żona Ekonomika Ewropea (ŻEE), jiġifieri is-27 Stat Membru tal-UE, l-Iżlanda, il-Liechtenstein u n-Norveġja.

Il-PSD tiftaħ swieq godda għal pagamenti lil dawk li jidhlu f'dan is-settur għall-ewwel darba u li mhumiex banek, u b'dan il-mod jiġu stimolati tliet fatturi importanti li huma l-kompertizzjoni, l-effiċjenza u t-tnaqqis fl-ispejjeż.

Il-PSD tkopri lil dawk kollha li jużaw is-servizzi ta' hlas. Iżda meta dak li juża s-servizzi ma jkunx konsumatur (jiġifieri persuna fiżika li topera għal skopijiet li ma jkunux dawk tas-sengħa, negozju jew professjoni tagħha), il-fornitur tas-servizz ta' hlas u dak li juża s-servizz jistgħu jaqblu li l-PSD m'għandhiex tapplika kompletament jew parzjalment. Madankollu, xi wħud mid-dispożizzjonijiet tal-PSD japplikaw għal mikroimprizi bl-istess mod li japplikaw għall-konsumaturi.

### 2. Għal-liema tranżazzjonijiet tapplika l-PSD?

Il-parti l-kbira tad-drittijiet u l-obbligi identifikati fil-PSD japplikaw biss għal:

- pagamenti magħmulin fl-ewro, jew fil-valuta ta' Stat Membru tal-UE barra miż-żona tal-ewro, jew fil-valuta ta' Stat taż-ŻEE;
- pagamenti fejn il-fornitur tas-servizz ta' hlas kemm tal-pagatur (jiġifieri min qed jittrasferixxi l-hlas) kif ukoll tal-persuna li qed tithallas (jiġifieri l-benefiċjarju) ikunu jinsabu fi hdan l-UE/ŻEE.

### 3. Liema informazzjoni għandha tingħata mill-fornitur tas-servizz ta' hlas lill-pagatur qabel ma jsir il-kuntratt u wara li tkun saret it-transazzjoni?

i. *Għandha tingħata informazzjoni qabel ma jsir il-kuntratt f'każi ta' trasferiment ta' kreditu ta' darba, jew fejn il-pagatur ma jkollux kont mal-fornitur tas-servizz ta' hlas:*

- Bl-għan li l-pagament ikun jista' jitwettaq kif suppost il-pagatur għandu jipprovdi speċifikazzjoni tal-identifikatur uniku (ara l-paragrafu 4 hawn taħt);

- Iż-żmien massimu li fih isir il-pagament (ara l-paragrafu 6 hawn taħt);
- Id-drittijiet kollha li għandhom jithallsu u, fejn applikabbli, il-qsim dettaljat tal-ammont tad-drittijiet;
- Fejn applikabbli r-rata tal-kambju li għandha tiġi applikata.

ii. *Informazzjoni ta' qabel il-kuntratt għal kuntratti qafas:* Kuntratt qafas huwa kuntratt ta' servizz ta' hlas li jirregola l-eżekuzzjoni fil-futur ta' transazzjonijiet ta' hlas suċċessivi. Dawn it-tip ta' kuntratti jridu jinkludu l-informazzjoni kollha indikata taħt 3(i), kif ukoll informazzjoni komprensiva dwar dan li ġej:

- L-użu tas-servizz ta' hlas u l-karatteristiċi prinċipali tiegħu;
- Il-mezzi ta' komunikazzjoni;
- Salvagwardji u miżuri korrettivi f'każ ta' transazzjonijiet ta' hlas mhux awtorizzati jew eżegwiti b'mod mhux korrett;
- Tibdil fil-kuntratt u t-tmiem tiegħu;
- Rimedju disponibbli lill-pagatur.

iii. *Informazzjoni li trid tingħata lill-pagatur wara li tkun waslet l-ordni tal-hlas:*

- Referenza li tippermetti lill-pagatur jidentifika t-transazzjoni ta' hlas u informazzjoni dwar min qed jithallas;
- L-ammont tal-pagament fil-valuta wżata fl-ordni tal-hlas;
- Fejn applikabbli l-qsim dettaljat tal-ammont tad-drittijiet kollha;
- Fejn applikabbli r-rata tal-kambju wżata;
- Id-data li fiha tkun waslet l-ordni tal-hlas.

### 4. Liema informazzjoni essenzjali għandha tingħata mill-pagatur lill-fornitur ta' servizz ta' hlas tiegħu?

Sabiex bank ikun f'qagħda li jista' jeżegwixxi istruzzjoni ta' hlas kif jixraq, huwa importanti ħafna li l-pagatur jipprovdi lill-bank tiegħu b'dan li ġej:

- **Isem il-benefiċjarju;**
- **In-numru IBAN tal-kont tal-benefiċjarju, u**
- **Il-kodiċi BIC tal-bank tal-benefiċjarju.**

Għalkemm xi banek lokali joffru servizz ta' identifikazzjoni tan-numri IBAN u tal-kodiċi BIC, nipproponu li l-pagatur jikseb dawn id-dettalji direttament mingħand il-benefiċjarju. Bl-għan li tiġi inkoraġġita l-effiċjenza fil-pagamenti elettronici, nirrakkomandaw li l-fornituri jibdev jinkludu n-numru tal-IBAN tagħhom u l-kodiċi BIC tal-bank tagħhom fuq id-dokumenti bħal ngħidu aħna l-fatturi.

### 5. Liema informazzjoni għandha tingħata lil min qed jithallas mingħand il-fornitur ta' servizz ta' hlas tiegħu?

- Referenza li tippermetti lil min qed jithallas jidentifika t-transazzjoni ta' hlas u informazzjoni li tirrigwarda l-pagatur, jew kwalunkwe informazzjoni trasferita mal-ordni tal-hlas;
- Ammont tat-transazzjoni ta' hlas fil-valuta li fihom il-fondi huma għad-dispożizzjoni ta' min qed jithallas;
- Fejn applikabbli l-qsim dettaljat tal-ammont tad-drittijiet kollha;
- Fejn applikabbli, ir-rata ta' kambju wżata u l-ammont tat-transazzjoni ta' hlas qabel il-konverżjoni f'dik il-valuta;
- Id-data tal-valur tal-kreditu.

### 6. F'liema żmien previst għandhom jiġu eżegwiti l-ordnijiet tal-hlas?

L-ammont tal-pagament għandu jiġi kkreditat fil-kont tal-fornitur ta' servizzi ta' hlas tal-persuna li qed tithallas sa tmiem il-jum ta' negozju wara l-jum li fih il-fornitur ta' servizzi ta' hlas tal-pagatur ikun irċieva l-ordni tal-hlas fil-limitu taż-żmien stabbilit għal dan tal-aħħar, bil-kundizzjoni li l-pagament:

- ikun fl-ewro jew
- ikun jinvolvi konverżjoni ta' valuta waħda mill-ewro għal valuta ta' Membru tal-UE/Stat taż-ŻEE.

Madankollu, sal-1 ta' Jannar 2012, pagatur u l-fornitur ta' servizzi ta' hlas tiegħu jistgħu jiftehmu li z-żmien li fih għandha tiġi eżegwita t-transazzjoni ta' hlas jiġi estiż għal tlett ijiem ta' negozju. Dawn il-perijodi jistgħu jiġu estiżi b'jum ta' negozju ieħor għal transazzjonijiet ta' hlas mibdija bil-miktub.

Fir-rigward ta' transazzjonijiet li ma jaqgħux taħt dawk speċifikati hawn fuq li jkunu f'valuta tal-UE/ŻEE, il-pagatur u l-fornitur ta' servizzi ta' hlas tiegħu jistgħu jilhqqu ftehim biex iż-żmien previst li fih tista' tiġi eżegwita t-transazzjoni jkun jista' jitwal għal erbat ijiem ta' negozju.

Fil-każijiet kollha, id-data ta' valur tal-kreditu li tiġi applikata għall-kont tal-persuna li qed tithallas ma tridx tkun aktar tard mill-istess jum ta' negozju li fih il-fornitur ta' servizzi ta' hlas tal-persuna li qed tithallas ikun irċieva l-fondi. Malli l-fondi jiġu kkreditati fil-kont, il-persuna li qed tithallas tkun tista' tiddisponi minnhom immedjatament.

### 7. Liema drittijiet għandhom jithallsu mill-pagatur u mill-persuna li qed tithallas?

Normalment li jiġri hu li fir-rigward ta' kull transazzjoni ta' hlas il-pagatur u l-persuna li qed tithallas iħallsu d-drittijiet tal-fornitur ta' servizzi ta' hlas tagħhom rispettivament.

Għalhekk il-fornitur ta' servizzi ta' hlas ta' pagatur għandu jittrasferixxi **l-ammont sħiħ** tat-transazzjoni ta' hlas u huwa prekluz mill-inaqqas kwalunkwe dritt mill-ammont li qed jiġi trasferit.

Il-persuna li qed tithallas u l-fornitur ta' servizzi ta' hlas tiegħu jistgħu jiftehmu li dan tal-aħħar inaqqas id-drittijiet tiegħu mill-ammont li jkun irċieva qabel ma jikkreditah fil-kont tal-persuna li qed tithallas. F'każijiet bħal dawn, l-ammont sħiħ tal-pagament u d-drittijiet imnaqqsin għandhom jintwerew b'mod separat fit-tagħrif li jingħata lill-persuna li qed tithallas.

*Jekk tixtieq tikseb aktar tagħrif dwar il-PSD u dwar it-termini u kundizzjonijiet riveduti tal-banek hekk kif jirriżultaw mill-implimentazzjoni tagħha, nagħtuk parir tikkuntattja l-bank lokali tiegħek direttament.*



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## THE PAYMENT SERVICES DIRECTIVE and its application to CREDIT TRANSFERS

The Payment Services Directive (PSD), which should be implemented in all EU Member/EEA States by latest 1<sup>st</sup> November 2009, will establish a modern and comprehensive set of rules applicable to all payment services in Europe. Cross-border payments will become as easy, efficient and secure as national payments within a Member State. It will also guarantee users of payment services a high level of protection in particular by introducing a number of obligations in so far as the provision of detailed information by providers of payment services to their customers is concerned.

Though the PSD applies to different types of payment services, including payment cards (debit and credit cards) and direct debits, this leaflet identifies the salient rights and obligations on the part of the payment service provider and the customer in relation to credit transfers.

### 1. To whom does the PSD apply?

The PSD applies not only to banks but to all providers of payment services within the European Economic Area (EEA), i.e. the 27 EU Member States, Iceland, Liechtenstein and Norway.

The PSD opens up payment markets to new, non-bank entrants, thus fostering greater competition, efficiency and cost-reduction.

The PSD covers all users of payment services. However, where the user is not a consumer (i.e. a natural person acting for purposes other than his trade, business or profession), the payment service provider and the user may agree that the PSD shall not apply in whole or in part. Nevertheless, some of the provisions of the PSD apply to micro-enterprises in the same way as to consumers.

### 2. To which transactions is the PSD applicable?

Most of the rights and obligations identified in the PSD are only applicable to:

- payments made in euro, or in the currency of an EU Member State outside the euro area, or in the currency of an EEA State;
  - payments where the payment service provider of both the payer (i.e. the remitter) and the payee (i.e. the beneficiary) are situated within the EU / EEA.
- ### 3. What pre-contractual and post-transaction information must be made available to the payer by his payment service provider?
- Pre-contractual information to be provided to the payer for a "one-off" over the counter credit transfer, or where the payer does not have an account with the payment service provider:*
    - A specification of the Unique Identifier to be provided by the payer in order for the payment to be properly executed (see paragraph 4 below);

- Maximum execution time (see paragraph 6 below);
- Charges payable and a breakdown of the charges, if applicable;
- The exchange rate to be applied, if applicable.

#### ii. Pre-contractual information for framework contracts:

A framework contract is a payment service contract which governs the future execution of successive payment transactions. Such contracts must contain all the information indicated under 3(i), as well as comprehensive information on:

- The use of the payment service and its main characteristics;
- Means of communication;
- Safeguards and corrective measures in the case of unauthorized or incorrectly executed payments;
- Changes in and termination of the contract;
- Redress available to the payer.

#### iii. Information to be provided to the payer after receipt of the payment order:

- A reference for identifying the payment and information relating to the payee;
- Amount of the payment in the currency used;
- Breakdown of all charges, if applicable;
- Exchange rate used, if applicable;
- Date of receipt of the payment instructions.

### 4. What essential information must be provided by the payer to his payment service provider?

In order to enable a bank to execute a payment properly, it is very important that the payer provides his bank with the:

- beneficiary's name;
- beneficiary's International Bank Account Number (IBAN), and
- the Bank Identifier Code (BIC) of the beneficiary's bank.

Although some local banks have an IBAN and BIC identifier service, it is recommended that the payer obtains these details directly from the beneficiary. In order to promote efficiency in electronic payments, it is

recommended, in fact, that suppliers include their IBAN and their bank's BIC on documents such as invoices.

### 5. What information must be made available to the payee by his payment service provider?

- A reference for identifying the payment and information relating to the payer, or other information transmitted with the payment order;
- Amount of the payment in the currency in which the funds are at the payee's disposal;
- Breakdown of all charges, if applicable;
- Exchange rate used, if applicable, and the amount of the payment before that currency conversion;
- Credit value date.

### 6. Within what timeframes must payment orders be executed?

The amount of the payment must be credited to the account of the payee's payment service provider by the end of the business day following that on which the payment order was received by the payer's payment service provider within the latter's applicable cut-off time, provided that the payment:

- is in euro or
- involves only one currency conversion between the euro and the currency of an EU Member/ EEA State.

However, until **1 January 2012**, a payer and his payment service provider may agree on this one day execution period being extended up to three business days. A further business day is allowed for paper initiated transactions.

For transactions other than those specified above in an EU / EEA currency, the payer and his payment service provider may agree on an execution time of up to four business days.

In all cases, the credit value date applied to the payee's account must be no later than the same business day on which the payee's payment service provider received the funds. Once credited, funds are at the payee's disposal immediately.

### 7. Which charges are to be borne by the payer and by the payee?

The norm is that the payer and the payee of a payment transaction must each pay their respective payment service provider's charges.

Thus the payment service provider of a payer must transfer **the full amount** of the payment transaction and is precluded from deducting any charges from the amount being transferred.

The payee and his payment service provider may agree that the latter deducts its charges from the amount received before crediting it to the payee's account. In such cases, the full amount of the payment and the charges deducted must be shown separately in the information given to the payee.

*Should you wish to obtain more information on the PSD and on the banks' revised terms and conditions resulting from its implementation, it is suggested that you contact your local bank directly.*



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