

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)

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

- 1 This Regulation lays down uniform technical and business requirements for card-based payment transactions carried out within the Union, where both the payer's payment service provider and the payee's payment service provider are located therein.
- 2 This Regulation does not apply to services based on specific payment instruments that can be used only in a limited way, that meet one of the following conditions:
 - a instruments allowing the holder to acquire goods or services only in the premises of the issuer or within a limited network of service providers under direct commercial agreement with a professional issuer;
 - b instruments which can be used only to acquire a very limited range of goods or services;
 - c instruments valid only in a single Member State provided at the request of an undertaking or a public sector entity and regulated by a national or regional public authority for specific social or tax purposes to acquire specific goods or services from suppliers having a commercial agreement with the issuer.
- 3 Chapter II does not apply to the following:
 - a transactions with commercial cards;
 - b cash withdrawals at automatic teller machines or at the counter of a payment service provider; and
 - c transactions with payment cards issued by three party payment card schemes.
- 4 Article 7 does not apply to three party payment card schemes.
- 5 When a three party payment card scheme licenses other payment service providers for the issuance of card-based payment instruments or the acquiring of card-based payment transactions, or both, or issues card-based payment instruments with a co-branding partner or through an agent, it is considered to be a four party payment card scheme. However, until 9 December 2018 in relation to domestic payment transactions, such a three party payment card scheme may be exempted from the obligations under Chapter II, provided that the card-based payment transactions made in a Member State under such a three party payment card scheme do not exceed on a yearly basis 3 % of the value of all card-based payment transactions made in that Member State.

Article 2

Definitions

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

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2015/751 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (1) ‘acquirer’ means a payment service provider contracting with a payee to accept and process card-based payment transactions, which result in a transfer of funds to the payee;
- (2) ‘issuer’ means a payment service provider contracting to provide a payer with a payment instrument to initiate and process the payer's card-based payment transactions;
- (3) ‘consumer’ means a natural person who, in payment service contracts covered by this Regulation, is acting for purposes other than the trade, business or profession of that person;
- (4) ‘debit card transaction’ means a card-based payment transaction, including those with prepaid cards that is not a credit card transaction;
- (5) ‘credit card transaction’ means a card-based payment transaction where the amount of the transaction is debited in full or in part at a pre agreed specific calendar month date to the payer, in line with a prearranged credit facility, with or without interest;
- (6) ‘commercial card’ means any card-based payment instrument issued to undertakings or public sector entities or self-employed natural persons which is limited in use for business expenses where the payments made with such cards are charged directly to the account of the undertaking or public sector entity or self-employed natural person;
- (7) ‘card-based payment transaction’ means a service based on a payment card scheme's infrastructure and business rules to make a payment transaction by means of any card, telecommunication, digital or IT device or software if this results in a debit or a credit card transaction. Card-based payment transactions exclude transactions based on other kinds of payment services;
- (8) ‘cross-border payment transaction’ means a card-based payment transaction where the issuer and the acquirer are located in different Member States or where the card-based payment instrument is issued by an issuer located in a Member State different from that of the point of sale;
- (9) ‘domestic payment transaction’ means any card-based payment transaction which is not a cross-border payment transaction;
- (10) ‘interchange fee’ means a fee paid for each transaction directly or indirectly (i.e. through a third party) between the issuer and the acquirer involved in a card-based payment transaction. The net compensation or other agreed remuneration is considered to be part of the interchange fee;
- (11) ‘net compensation’ means the total net amount of payments, rebates or incentives received by an issuer from the payment card scheme, the acquirer or any other intermediary in relation to card-based payment transactions or related activities;
- (12) ‘merchant service charge’ means a fee paid by the payee to the acquirer in relation to card-based payment transactions;
- (13) ‘payee’ means a natural or legal person who is the intended recipient of funds which have been the subject of a payment transaction;
- (14) ‘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;

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- (15) 'payment card' means a category of payment instrument that enables the payer to initiate a debit or credit card transaction;
- (16) 'payment card scheme' means a single set of rules, practices, standards and/or implementation guidelines for the execution of card-based payment transactions and which is separated from any infrastructure or payment system that supports its operation, and includes any specific decision-making body, organisation or entity accountable for the functioning of the scheme;
- (17) 'four party payment card scheme' means a payment card scheme in which card-based payment transactions are made from the payment account of a payer to the payment account of a payee through the intermediation of the scheme, an issuer (on the payer's side) and an acquirer (on the payee's side);
- (18) 'three party payment card scheme' means a payment card scheme in which the scheme itself provides acquiring and issuing services and card-based payment transactions are made from the payment account of a payer to the payment account of a payee within the scheme. When a three party payment card scheme licenses other payment service providers for the issuance of card-based payment instruments or the acquiring of card-based payment transactions, or both, or issues card-based payment instruments with a co-branding partner or through an agent, it is considered to be a four party payment card scheme;
- (19) 'payment instrument' means any personalised device(s) and/or set of procedures agreed between the payment service user and the payment service provider and used in order to initiate a payment order;
- (20) 'card-based payment instrument' means any payment instrument, including a card, mobile phone, computer or any other technological device containing the appropriate payment application which enables the payer to initiate a card-based payment transaction which is not a credit transfer or a direct debit as defined by Article 2 of Regulation (EU) No 260/2012;
- (21) 'payment application' means computer software or equivalent loaded on a device enabling card-based payment transactions to be initiated and allowing the payer to issue payment orders;
- (22) 'payment account' means an account held in the name of one or more payment service users which is used for the execution of payment transactions, including through a specific account for electronic money as defined in point 2 of Article 2 of Directive 2009/110/EC of the European Parliament and of the Council⁽¹⁾;
- (23) 'payment order' means any instruction by a payer to its payment service provider requesting the execution of a payment transaction;
- (24) 'payment service provider' means any natural or legal person authorised to provide the payment services listed in the Annex to Directive 2007/64/EC or recognised as an electronic money issuer in accordance with Article 1(1) of Directive 2009/110/EC. A payment service provider can be an issuer or an acquirer or both;
- (25) '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;
- (26) 'payment transaction' means an action, initiated by the payer or on its behalf or by the payee of transferring funds, irrespective of any underlying obligations between the payer and the payee;

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- (27) ‘processing’ means the performance of payment transaction processing services in terms of the actions required for the handling of a payment instruction between the acquirer and the issuer;
- (28) ‘processing entity’ means any natural or legal person providing payment transaction processing services;
- (29) ‘point of sale’ means the address of the physical premises of the merchant at which the payment transaction is initiated. However:
 - (a) in the case of distance sales or distance contracts (i.e. e-commerce) as defined in point 7 of Article 2 of Directive 2011/83/EU, the point of sale shall be the address of the fixed place of business at which the merchant conducts its business regardless of website or server locations through which the payment transaction is initiated;
 - (b) in the event that the merchant does not have a fixed place of business, the point of sale shall be the address for which the merchant holds a valid business licence through which the payment transaction is initiated;
 - (c) in the event that the merchant does not have a fixed place of business nor a valid business licence, the point of sale shall be the address for correspondence for the payment of its taxes relating to its sales activity through which the payment transaction is initiated;
- (30) ‘payment brand’ means any material or digital name, term, sign, symbol or combination thereof, capable of denoting under which payment card scheme card-based payment transactions are carried out;
- (31) ‘co-badging’ means the inclusion of two or more payment brands or payment applications of the same brand on the same card-based payment instrument;
- (32) ‘co-branding’ means the inclusion of at least one payment brand and at least one non-payment brand on the same card-based payment instrument;
- (33) ‘debit card’ means a category of payment instrument that enables the payer to initiate a debit card transaction excluding those with prepaid cards;
- (34) ‘credit card’ means a category of payment instrument that enables the payer to initiate a credit card transaction;
- (35) ‘prepaid card’ means a category of payment instrument on which electronic money, as defined in point 2 of Article 2 of Directive 2009/110/EC, is stored.

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- (1) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC ([OJ L 267, 10.10.2009, p. 7](#)).

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Changes and effects yet to be applied to :

- Regulation power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 1](#)
- Regulation revoked by [2023 c. 29 Sch. 1 Pt. 1](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/284 reg. 11\(5\)](#)
- Art. 1(2)(c) words substituted by [S.I. 2019/284 reg. 4\(3\)](#)
- Art. 2(4A) inserted by [S.I. 2019/284 reg. 5\(2\)](#)
- Art. 2(5A) inserted by [S.I. 2019/284 reg. 5\(3\)](#)
- Art. 2(8) omitted by [S.I. 2019/284 reg. 5\(4\)](#)
- Art. 2(9) omitted by [S.I. 2019/284 reg. 5\(4\)](#)
- Art. 2(22) words substituted by [S.I. 2019/284 reg. 5\(5\)](#)
- Art. 2(24) words substituted by [S.I. 2019/284 reg. 5\(6\)](#)
- Art. 2(29)(a) words substituted by [S.I. 2019/284 reg. 5\(7\)](#)
- Art. 2(35) words substituted by [S.I. 2019/284 reg. 5\(8\)](#)
- Art. 2(36) inserted by [S.I. 2019/284 reg. 5\(9\)](#)
- Art. 3(2)(b) word substituted by [S.I. 2019/284 reg. 6\(3\)\(b\)\(ii\)](#)
- Art. 3(2)(b) words substituted by [S.I. 2019/284 reg. 6\(3\)\(b\)\(i\)](#)
- Art. 3(3A) inserted by [S.I. 2019/284 reg. 6\(5\)](#)
- Art. 16A inserted by [S.I. 2019/284 reg. 11\(3\)](#)