



UNOFFICIAL TRANSLATION

Decree Law no. 10-H/2020

Of March 26

Summary: Establishes exceptional and temporary measures to encourage the acceptance of card-based payments, in the context of the COVID-19 disease pandemic.

Given the international public health emergency, declared by the World Health Organization, on January 30, 2020, as well as the classification, on March 11, 2020, of the disease COVID-19 as a pandemic, it is important to be aware, strategically, the provision of contingency rules to ensure the response that is required of Portugal.

On March 18, 2020, a state of emergency was declared in Portugal, through the Decree Law no. 14-A / 2020 of the President of Portugal, of March 18.

The exceptional situation of the present moment and the proliferation of registered cases of contagion of COVID-19 require the application of extraordinary, temporary and urgent measures.

During this period, citizens will continue to need to make payments for the purchase of goods and services to satisfy their essential needs. In this context, it is particularly urgent to facilitate and encourage the use of electronic payment instruments, such as card-based payments, to the detriment of traditional payment methods, such as coins and banknotes.

To this purpose, this Decree-Law adopts exceptional and temporary measures to encourage the use of card-based payments. The Program of the XXII Constitutional Government foresees the assessment of the regulatory framework for banking fees, ensuring the principles of transparency to the consumer and proportionality faced up to the services actually provided. This temporary measure of encouraging card-based payments in an exceptional framework suits that purpose, which will be evaluated later in a cross-sectional framework.

Thus:

Under the terms of paragraph a) of no. 1 of the article 198 of the Constitution, the Government decrees the following:

Article 1^o

Object

This Decree-law establishes exceptional and temporary measures to encourage the acceptance of card-based payments, within the scope of the COVID-19 disease pandemic.



Article 2º

Suspension of fees for payment transactions

1 - The fixed fee of any commission is suspended, for a card payment transaction carried out at the point of sale terminals, which is paid by the beneficiaries of such payments to the payment service providers.

2 - Payment service providers are prohibited from increasing prices in the variable components of fees per transaction, as well as other fixed fees not suspended by the previous number, which are due for the use of point of sale terminals in card payment transactions.

3 - Payment service providers are prohibited from providing in their price lists the charging of new fixed or variable commissions related to the acceptance of card payment transactions carried out in point of sale terminals.

Article 3º

Acceptance of the card payment

Beneficiaries of card payments that provide point of sale terminals cannot refuse or limit the acceptance of cards for payment of any goods or services, regardless of the value of the transaction, during the period in which the suspension provided for in the previous article is in force.

Article 4º

Offence liability

1 - Violation by payment service providers, of the provisions of article 2º is punishable under the terms of paragraph y) nº1 of article 150º of the Legal Framework for Payment Services and Electronic Money, approved annexed to Decree-Law No. 91/2018, of 12 November.

2 - The violation by the beneficiaries of payments, of the provisions of the previous article constitutes an infraction punishable by a fine in the amounts and maximum limits referred to in article 21º of Decree-Law no. 57/2008, of 26 March, in its wording current.

3 - Attempt and negligence are punishable.

Article 5º

Supervision and application of fines

The oversight of the provisions of the present decree-law, the investigation of administrative proceedings and the application of the respective fines are incumbent on:

- a) Banco de Portugal, when the facts are practiced by entities that are subject to its supervision; or, in other cases,
- b) The respective sectoral regulatory authority or, in other sectors of activity, the Economic and Food Safety Authority.



Article 6º

Subsidiary law

1 - The offenses of mere social order provided for in nº 1 of article 4º are governed by the provisions of the Legal Regime for Payment Services and Electronic Money, approved annexed to Decree-Law no. 91/2018, 12 November, and the respective subsidiary Law.

2 - Related to the offense of mere social order provided for in nº 2 of article 4º, and in everything that is not provided for in the previous articles, the provisions of Decree-Law no. 57/2008 of March 26 are applied, in its current wording, and supplementary the provisions contained in Decree-Law No. 433/82, of October 27, in its current wording.

Article 7º

Entry into force and validity

This decree-law enters into force on the following day after its publication and remains into force until 30 June 2020.

Seen and approved by the Council of Ministers on March 26, 2020. - António Luís Santos da Costa - Pedro Gramaxo de Carvalho Siza Vieira - Mário José Gomes de Freitas Centeno.

Enacted on March 26, 2020.

Publish.

The President of Portugal, MARCELO REBELO DE SOUSA.

Countersigned on March 26, 2020.

The Prime Minister, António Luís Santos da Costa.

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