

簡介歐盟之跨境支付收費與貨幣轉換新制

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摘要

為了建立消費者和企業統一的支付市場並促進歐盟單一市場的運作，歐盟執委會於去（2018）年 3 月就其跨境支付規則提出了修正草案，該草案在經歷過三方會談與修訂後，新規則已於今（2019）年 3 月 29 日發佈於歐盟官方公報。新規則將使得跨境支付服務的收費更為公平，將歐元區內進行跨境交易的利益擴大到非歐元區的消費者和企業。此外，新規則也提高貨幣轉換時的收費透明度，給予轉帳者得以選擇以何種幣別支付的自由。待相關規範陸續施行後，預估將加惠於 1.5 億位非歐元區的消費者，且每年影響近 25 億筆的交易量。

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去（2018）年 3 月，歐盟執委會（European Commission，以下簡稱執委會）提出了一項修改「跨境支付規則（Regulation (EC) No 924/2009）」¹的草案²，草案提議降低以歐元進行跨境支付的收費，且為貨幣轉換之收費帶來更高的透明度³。歐盟理事會（European Council）在與歐洲議會（European Parliament）及執委會歷經三方會談後，已批准跨境支付規則的修正（以下簡稱新規則），新規則已於今（2019）年 3 月 29 日發佈於歐盟官方公報（Official Journal of the European Union）⁴。

¹ Regulation (EC) No 924/2009, of the European Parliament and of the Council of 16 September 2009 on Cross-Border Payments in the Community and Repealing Regulation (EC) No 2560/2001, 2009 O.J. (L 266) 11[hereinafter The 2009 Regulation].

² *Commission Proposal for a Regulation of the European Parliament and of the Council Amending Regulation (EC) No 924/2009 as Regards Certain Charges on Cross-Border Payments in the Union and Currency Conversion Charges*, COM (2018) 163 final (March 28, 2018).

³ Stefano Spinaci, *Cross-Border Payments and Currency Conversion Charges*, EUROPEAN PARLIAMENT RESEARCH SERVICE (Feb. 6, 2019), [http://www.europarl.europa.eu/RegData/etudes/ATAG/2019/633174/EPRS_ATA\(2019\)633174_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2019/633174/EPRS_ATA(2019)633174_EN.pdf).

⁴ Regulation (EU) 2019/518, of the European Parliament and of the Council of 19 March 2019 Amending Regulation (EC) No 924/2009 as Regards Certain Charges on Cross-Border Payments in the Union and Currency Conversion Charges, 2019 O.J. (L 91) 36, 41 [hereinafter The New Regulation].

壹、緣起之背景

自實施歐元以來，歐盟已採取各種法規降低跨境交易的收費，包含制定了一套單一歐元支付區 (Single Euro Payments Area) 標準以及支付服務指令 (Payment Services Directives)，然而涉及非歐元區成員國的跨境歐元支付，仍須支付高額的費用，此意味著非歐元區成員國內的消費者與企業一旦從事跨境的商業行為，就面臨更高的支付費用⁵，此形成跨境交易的主要障礙且不利於歐洲單一市場的運作。此外，在非歐元區的成員國內使用信用卡付款或用自動提款機 (automated teller machine, ATM) 提款時，消費者幾乎不可能提前知道將花費多少的成本。

有鑑於上述原因，執委會於去年 3 月 28 日通過修正跨境支付規則的提案。去年 11 月 5 日，歐洲議會之經濟與貨幣事務委員會 (European Parliament's Committee on Economic and Monetary Affairs) 通過了執委會之提案並表示贊同，但也呼籲進行一些修改。三方會談後，歐洲理事會於今年 3 月 4 日通過關於調整歐元區及非歐元區成員國間的跨境支付收費，以及提高歐盟境內貨幣轉換服務收費之透明度的新規則⁶。

貳、具體變革與措施

以目前來說，相較於歐元區成員國，非歐元區成員國的消費者和企業一旦進行跨境轉帳，將須負擔較高的費用，此不但不公平也不利於歐盟單一市場的運作。對此，新規則解決這方面的疑慮，其對跨境支付的收費制定了新規範，使跨境交易收費平等的好處擴大到非歐元區成員國的消費者和企業。此外，透過強制事前揭露貨幣轉換的收費，也為轉帳者帶來更多便利與選擇性。以下將介紹新規則中跨境支付收費以及貨幣轉換收費的揭露義務。

一、跨境支付的收費應公平

跨境支付規則規定，若以歐元計價的跨境支付費用於 5 萬歐元額度內，且支付服務使用者之本國貨幣同為歐元時，該收費應等同於使用者國內的相同交易。⁷，意即此一平等原則並不適用於非歐元區成員國的支付服務提供者 (payment

⁵ 例如：若歐元區中，法國與葡萄牙境內的歐元交易，其成本與一個成員國內的相同交易完全相同。對於跨境支付，消費者僅會依據銀行的不同，產生無須支付或支付少許金額的情況。相較之下，若自非歐元區的保加利亞向歐元區的芬蘭從事歐元的跨境交易時，該費用在 2018 年的訂價卻在 15 到 24 歐元間，即便轉帳金額僅 10 歐元亦然。European Commission Memoranda MEMO/18/2424, Frequently Asked Questions: Cross-Border Payments (Mar. 28, 2018).

⁶ European Council Press Release 158/19, Payments in the EU: Reform On Reducing Charges And Increasing Transparency Adopted (March 4, 2019), <https://www.consilium.europa.eu/en/press/press-releases/2019/03/04/payments-in-the-eu-reform-on-reducing-charges-and-increasing-transparency-adopted/pdf>.

⁷ The 2009 Regulation, art. 3.1 (providing that “[c]harges levied by a payment service provider on a payment service user in respect of cross-border payments of up to EUR 50 000 shall be the same as the charges levied by that payment service provider on payment service users for corresponding national

service providers, PSPs)。跨境支付規則給予非歐元區成員國，就其國內之本國貨幣交易是否適用跨境支付規則裁量權，惟目前僅有羅馬尼亞和瑞典採用此規則。此種對於平等原則的限制，已受到許多消費者團體的批評。

此次的新規則已消除上述對於平等原則的限制，平等原則將於今年 12 月 15 日開始施行⁸。屆時，以歐元計價的跨境支付收費，將與支付服務使用者的 PSP 所屬會員國內、以等價的該國貨幣進行支付的收費一樣⁹。新規則亦修改執委會最初提案中一項有疑義的規定，即相對應的國內支付係以「支付服務使用者所屬成員國」的當地貨幣進行付款，若未加以更改，將可能發生下述情況，例如：英國的支付服務使用者請求法國銀行從其法國銀行的帳戶，跨境轉帳給德國的收款者，此時將造成法國銀行難以判斷相對應的國內支付為何。然而，值得注意的是此規則並不適用於貨幣轉換服務。

二、提高貨幣轉換的收費透明度

當消費者出國旅遊或線上支付係以信用卡進行付款時，通常可選擇以旅遊所在地之「當地貨幣」或消費者之「本國貨幣」進行支付¹⁰。當選擇以當地貨幣進行支付時，消費者的銀行將轉換交易的金額，惟消費者僅能在數日後透過查看銀行帳單得知該交易的真正成本¹¹。若消費者決定以本國貨幣付款，則 PSPs 將會就該筆交易之貨幣轉換收取費用，此過程稱作動態貨幣轉換 (dynamic currency conversion, DCC)¹²。

新規則提高了此過程的透明度，使消費者得預先知悉在歐盟內進行跨境支付時使用貨幣轉換服務的成本。具體而言，PSPs 必須向消費者揭露全部的費用¹³。當消費者可以選擇不只一種貨幣轉換服務（例如透過銀行和 DCC 服務等）時，其將能比較所有 PSPs 的報價並選擇其最喜歡的付款方式。不論付款係以歐元計

payments of the same value and in the same currency.”).

⁸ The New Regulation, art. 2.2.

⁹ *Id.* art. 1.3 (a) (Article 3 of The 2009 Regulation is amended as follow, providing that “[c]harges levied by a payment service provider on a payment service user in respect of cross-border payments in euro shall be the same as the charges levied by that payment service provider for corresponding national payments of the same value in the national currency of the Member State in which the payment service provider of the payment service user is located.”).

¹⁰ European Commission, *supra* note 5.

¹¹ *Id.*

¹² *Id.*

¹³ The New Regulation, art. 1.6 (g) (Article 15 of The 2009 Regulation is replaced by the following, providing that “[a] cost-benefit analysis of communication channels and technologies that are used by, or are available to, providers of currency conversion services and that can further improve the transparency of currency conversion charges, including an evaluation of whether there are certain channels which payment service providers should be required to offer for the sending of the information referred to in Article 3a; that analysis shall also include an assessment of the technical feasibility of disclosing the information in Article 3a(1) and (3) of this Regulation simultaneously, prior to the initiation of each transaction, for all currency conversion options available at an ATM or at the point of sale.”).

價或非歐元區成員國的本國貨幣計價，此揭露貨幣轉換服務費用之新規則，皆適用於歐盟中涉及貨幣轉換的國內與跨境支付。此新規則之相關技術性規範如下：

(一) 交易前揭露收費資訊之規定

根據新規則，在 ATM 或銷售端提供貨幣轉換服務的 PSPs 及公司，必須以歐洲中央銀行 (European Central Bank) 所發布的最新歐元外匯參考匯率之百分比加價，作為貨幣轉換收費的計價，且必須在消費者付款前對其揭露此加價的費用¹⁴。針對此加價應揭露的方式，PSPs 應該依據 2015 年「支付服務指令 (Payment Services Directive (EU) 2015/2366, PSD2)」，在提供給消費者的締約前資訊中，納入此一加價資訊¹⁵。此外，PSPs 也必須在一般大眾可輕易接觸到的資訊平台或數位平台，例如在網頁或網銀之應用程式上，公布此一加價資訊¹⁶。DCC 提供者則必須在 ATM 或銷售端清楚地顯示其加價費用，此可透過在櫃檯、銷售端的終點，或於線上購物顯示於螢幕中¹⁷。DCC 的 PSPs 同樣必須於消費者付款前，向其揭露收款人以其當地貨幣所會收到的金額，以及付款者以其本國貨幣將支付的金額¹⁸。然此次修正規定並未具體說明要如何向付款者揭露這些金額，但可以推知的是，只要是在交易前揭露，DCC 提供者將能自行決定其最適當的揭露方式。

新規則要求執委會在三年內審查新規則且提出報告，其中包括進一步改善透明度的要求。新規則已於今年 4 月 18 日生效¹⁹，其中關於透明度的新規範將於 2020 年 4 月 19 日生效實施²⁰。

(二) 交易後揭露收費資訊之規定

當付款者在 ATM 提款或在銷售端使用不同於其帳戶之貨幣進行付款時，付款者的 PSPs 在接到相關的提款或支付指令時，必須即時透過電子訊息向付款者揭露上述相關的加價資訊²¹。該電子訊息的形式可以是簡訊、電子信箱，或是透

¹⁴ The New Regulation, art. 1.4 (1) (Article 3a is inserted in The 2009 Regulation, providing that “...[p]ayment service providers, and parties providing currency conversion services at an automated teller machine (ATM) or at the point of sale, as referred to in Article 59(2) of that Directive, shall express the total currency conversion charges as a percentage mark-up over the latest available euro foreign exchange reference rates issued by the European Central Bank (ECB).”).

¹⁵ *Id.*

¹⁶ *Id.* art. 1.4 (2) (Article 3a is inserted in The 2009 Regulation, providing that “[p]ayment service providers shall also make the mark-ups referred to in paragraph 1 public in a comprehensible and easily accessible manner on a broadly available and easily accessible electronic platform.”).

¹⁷ *Id.* at 2.

¹⁸ *Id.* art. 1.4 (3) (Article 3a is inserted in The 2009 Regulation, providing that “[a] party providing a currency conversion service at an ATM or at the point of sale shall provide the payer with the following information prior to the initiation of the payment transaction: (a) the amount to be paid to the payee in the currency used by the payee; (b) the amount to be paid by the payer in the currency of the payer's account.”).

¹⁹ *Id.* art. 2.1.

²⁰ *Id.* art. 2.2 (b).

²¹ *Id.* art. 1.4 (5) (Article 3a is inserted in The 2009 Regulation, providing that “[t]he payer's payment

過網銀的應用程式所為的通知²²。支付者的 PSPs 在收到提款或支付的指令時，若該指令與第一次提款或支付時所計價之貨幣相同，其亦必須每月寄出如上述關於加價資訊的訊息²³。這實際上對付款人來說為一持續的提醒，因為其於第一次交易時，就已經被通知加價費用的資訊。

新規則亦必須允許支付服務的使用者可以選擇不接收此類電子通知²⁴。PSPs 針對非消費者的支付服務使用者，得依據雙方之協議，不適用此規則。上述規則將於 2021 年 4 月 19 日實施²⁵。

(三) 信用交易貨幣轉換的收費

當 PSPs 提供信用交易的貨幣轉換服務時，PSPs 必須在 PSD2 所規定的締約前資訊中提及該服務的估計收費²⁶。針對每筆特定的信用轉帳，PSPs 應告知付款者以其帳戶之貨幣所預估的收費，其中包括交易與貨幣轉換的費用，以及應將收款人所使用幣別的預估轉帳金額告知付款人。此新規則僅適用於支付者透過 PSPs 的網頁或手機應用程式所進行的線上信用轉帳。上述規則將於 2020 年 4 月 19 日實施²⁷。

參、影響——代結論

歐洲理事會稱此措施將把跨境歐元交易所產生的利益，擴大至非歐元區的 1.5 億位消費者身上，且每年預估將有 25 億筆交易受惠²⁸。此外，歐洲議會的歐

service provider shall, for each payment card that was issued to the payer by the payer's payment service provider and that is linked to the same account, send to the payer an electronic message with the information referred to in paragraph 1, without undue delay after the payer's payment service provider receives a payment order for a cash withdrawal at an ATM or a payment at the point of sale that is denominated in any Union currency that is different from the currency of the payer's account.”).

²² *Id.* at 37.

²³ *Id.* art. 1.4 (5) (Article 3a is inserted in The 2009 Regulation, providing that “[t]he payer's payment service provider shall, for each payment card that was issued to the payer by the payer's payment service provider and that is linked to the same account, send to the payer an electronic message with the information referred to in paragraph 1, without undue delay after the payer's payment service provider receives a payment order for a cash withdrawal at an ATM or a payment at the point of sale that is denominated in any Union currency that is different from the currency of the payer's account.”).

²⁴ *Id.* at 37.

²⁵ *Id.* art. 2.2 (c).

²⁶ *Id.* art. 1.5 (1) (Article 3b is inserted in The 2009 Regulation, providing that “[w]hen a currency conversion service is offered by the payer's payment service provider in relation to a credit transfer,...the payment service provider, with regard to Articles 45(1) and 52(3) of that Directive, shall inform the payer prior to the initiation of the payment transaction, in a clear, neutral and comprehensible manner, of the estimated charges for currency conversion services applicable to the credit transfer.”).

²⁷ *Id.* art. 2.2 (b).

²⁸ European Council Press Releases, Payments in the EU: Reform on Reducing Charges and Increasing Transparency Adopted (Mar. 4, 2019), http://www.europarl.europa.eu/pdfs/news/expert/2018/9/press_release/20180906IPR12103/20180906IPR12103_en.pdf.

洲人民黨 (European People's Party Group) 成員 Eva Maydell 稱²⁹：「相較於歐元區，非歐元區的 1.5 億位歐盟公民以及 600 萬間企業，已因歐元轉帳支付較多的費用。不過，此一情況將不再發生，所有的歐洲公民都將支付明顯更低的費用，使其每年省下超過 10 億歐元的花費。此為歐盟在廢除漫遊費用後，第二次的小型改革。這對於完成單一支付市場邁開了一大步，且將使歐元區和非歐元區的企業處於公平競爭的環境中。」簡言之，此修正規則將能為廣大的歐盟消費者及企業帶來一大利多，至於是否能如 Eva Maydell 所言，帶來可觀的效益及影響性，則有待新制陸續施行後持續關注。



²⁹ European Parliament Press Releases, EU Cross-Border Payments Outside Eurozone: MEPs Scrap Excessive Fees (Feb. 14, 2019), <http://www.europarl.europa.eu/news/en/press-room/20190207IPR25223/eu-cross-border-payments-outside-eurozone-meps-scrap-excessive-fees>.