



Narodna banka Srbije pripremila Nacrt zakona o međubankarskim naknadama i posebnim pravilima poslovanja kod platnih transakcija na osnovu platnih kartica

Narodna banka Srbije (u daljem tekstu: „NBS“) pripremila je Nacrt zakona o međubankarskim naknadama i posebnim pravilima poslovanja kod platnih transakcija na osnovu platnih kartica (u daljem tekstu: „Nacrt zakona“), čijim bi se usvajanjem ograničile međubankarske naknade i uredila pravila u poslovanju sa platnim karticama.

Međubankarske naknade su naknade koje banka prihvatilac (banka koja trgovcu obezbeđuje POS terminal i izvršava platne transakcije inicirane platnom karticom) plaća banci izdavaocu platne kartice za svaku izvršenu platnu transakciju na prodajnom mestu. Ove naknade predstavljaju značajan deo trgovačke naknade koju banka prihvatilac naplaćuje trgovcu za svaku platnu transakciju izvršenu upotrebom platne kartice.

Iznos trgovačke naknade je u principu u direktnoj zavisnosti od pregovaračke moći trgovca, pa tako veliki trgovinski lanci najčešće dobijaju povoljnije ponude banaka, dok mali trgovci, zanatlije i male radnje nemaju takvu pregovaračku poziciju i njima banke nude trgovačke naknade koje su više, što destimuliše prihvatanje platnih kartica u malim radnjama.

Osnovni cilj ovog zakona jeste da se snižavanjem međubankarskih naknada, kao generatora koji usmerava tržište u neoptimalnom pravcu, stvore uslovi da konkurencija među bankama i kartičnim sistemima dovede do snižavanja cena za krajnje korisnike.

Nacrtom zakona je predviđeno da se ograničavanje međubankarskih naknada sprovede u dve faze - za prvih devet meseci primene zakona međubankarske naknade bi se smanjile na nivo od 0,5 odsto za debitne kartice i 0,6 odsto za kreditne kartice, a nakon toga na nivo od 0,2 odsto za debitne i 0,3 odsto za kreditne kartice.

Još jedna novina u Nacrtu zakona je značajno unapređenje transparentnosti naknada koje banka prihvatilac naplaćuje trgovcu. Unapređuje se transparentnost naknada koje banka prihvatilac naplaćuje trgovcu na način da je ta banka dužna da trgovcu nakon izvršenja pojedinačne kartične transakcije dostavi, između ostalog, i informacije o iznosima trgovačke i međubankarske naknade koje se odnose na tu transakciju. Dodatno, ukida se mogućnost nametanja trgovcima pravila jedinstvenog obračuna naknada, gde trgovačku

The National Bank of Serbia has prepared the Draft Law on Interchange Fees and Special Operating Rules for Card-Based Payment Transactions

The National Bank of Serbia (hereinafter: the „NBS“) has prepared the Draft Law on Interchange Fees and Special Operating Rules for Card-Based Payment Transactions (hereinafter: the „Draft Law“) which adoption would limit interchange fees and establish rules in dealing with payment cards.

Interchange fees are fees paid by the acquiring bank (the bank that provides a merchant with a POS terminal and executes card-initiated payment transactions) to the bank that issued the card, for each transaction carried out at the point of sale. These fees represent an important element of the merchant fee that acquiring bank charges to the merchant for each card-based payment transaction.

Generally, the amount of merchant fee directly depends on the negotiating power of a merchant, so large retail chains usually receive favourable offers from banks, while small merchants, artisans, and small shops do not come to such negotiating position and the banks offer them merchant fees that are higher, which discourage introduction payment cards to small shops.

By lowering interchange fees as a generator which guides the market to a non-optimal direction, the law primarily aims to create the conditions in which competition among banks and card schemes would lower the prices for end-users.

The Draft Law stipulates that the limitation of interchange fees will be implemented in two phases - in the first nine months of implementation of the law interchange fees would be reduced to a level of 0.5 percent for debit cards and 0.6 percent for credit cards, and after that to the level of 0.2 percent for debit and 0.3 percent for credit cards.

Another novelty in the Draft Law is significantly improvement of the transparency of fees charged by the acquiring bank to the merchant. Transparency of fees that the acquiring bank charges to the merchant is enhanced by obligation of the bank to submit to the merchant, following the execution of an individual card-based transaction, among other, the information on the amounts of the merchant and interchange fees related to the transaction. Additionally, the rule of a uniform calculation of fees can no longer be imposed to the merchants, in which case the acquiring bank does not

naknadu banka prihvatilac ne određuje u zavisnosti od toga kojom je konkretnom vrstom kartice plaćeno, već se trgovačka naknada uspostavlja jedinstveno – tako da praktično kartice s nižom međubankarskom naknadom (npr. debitne kartice) subvencionišu upotrebu „skupljih“ kartica (npr. kreditnih kartica).

Nacrt zakona, pripremljen po ugledu na propise koji se primenjuju u zemljama Evropske unije, je na javnoj raspravi, a primedbe i sugestije moći će da se dostave do 20. septembra 2017. godine.

determine the merchant fee depending on the type of card used for payment, but instead, the merchant fee is defined in uniform manner – the cards with a lower interchange fee (e.g. debit cards) subsidise the use of “more expensive” cards (e.g. credit cards).

The Draft Law, based on the example of the regulations applying in the European Union, is on the public debate, and remarks and suggestions may be submitted by 20 September 2017.

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