

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 (Text with EEA relevance)

TITLE III

ISSUANCE AND REDEEMABILITY OF ELECTRONIC MONEY

Article 10

Prohibition from issuing electronic money

Without prejudice to Article 18, Member States shall prohibit natural or legal persons who are not electronic money issuers from issuing electronic money.

Article 11

Issuance and redeemability

1 Member States shall ensure that electronic money issuers issue electronic money at par value on the receipt of funds.

2 Member States shall ensure that, upon request by the electronic money holder, electronic money issuers redeem, at any moment and at par value, the monetary value of the electronic money held.

3 The contract between the electronic money issuer and the electronic money holder shall clearly and prominently state the conditions of redemption, including any fees relating thereto, and the electronic money holder shall be informed of those conditions before being bound by any contract or offer.

4 Redemption may be subject to a fee only if stated in the contract in accordance with paragraph 3 and only in any of the following cases:

- a where redemption is requested before the termination of the contract;
- b where the contract provides for a termination date and the electronic money holder terminates the contract before that date; or
- c where redemption is requested more than one year after the date of termination of the contract.

Any such fee shall be proportionate and commensurate with the actual costs incurred by the electronic money issuer.

5 Where redemption is requested before the termination of the contract, the electronic money holder may request redemption of the electronic money in whole or in part.

6 Where redemption is requested by the electronic money holder on or up to one year after the date of the termination of the contract:

- a the total monetary value of the electronic money held shall be redeemed; or

- b where the electronic money institution carries out one or more of the activities listed in Article 6(1)(e) and it is unknown in advance what proportion of funds is to be used as electronic money, all funds requested by the electronic money holder shall be redeemed.

7 Notwithstanding paragraphs 4, 5 and 6, redemption rights of a person, other than a consumer, who accepts electronic money shall be subject to the contractual agreement between the electronic money issuer and that person.

Article 12

Prohibition of interest

Member States shall prohibit the granting of interest or any other benefit related to the length of time during which an electronic money holder holds the electronic money.

Article 13

Out-of-court complaint and redress procedures for the settlement of disputes

Without prejudice to this Directive, Chapter 5 of Title IV of Directive 2007/64/EC shall apply *mutatis mutandis* to electronic money issuers in respect of their duties arising from this Title.