

Conformity Assessment of Directive 2009/110/EC CYPRUS

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NATIONAL IMPLEMENTING MEASURES

List of the national implementing measures notified to the European Commission	General observations			
Ο περί ηλεκτρονικού χρήματος νόμος του 2012 Law on electronic money of 2012	L.81(I)/2012 was enacted in order to harmonise Cypriot legislation with Directive 2009/110/EC 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 (the 'Directive').			
(hereinafter referred to as L.81(I)/2012)	The law is divided in eight parts. The first one contains the introductory provisions, the second and third contain provisions with regard to the right of issuance of electronic money and matters on authorisation respectively, the fourth deals with the issuance and redemption of electronic money, the fifth provides for the complaints procedure and the extrajudicial dispute resolution, the sixth establishes the competent authorities and defines their powers, the seventh contains provisions with regard to penal and civil liability as well as administrative penalties and the last part contains the final and transitional provisions.			
	L.81(I)/2012 constitutes the main instrument of implementation of the Directive. It also repeals the Electronic Money Institutions Law of 2004 which implemented Directive 2000/46/EC.			
	L.81(I)/2012 came into force on 27 June 2012, when it was published at the Cyprus Gazette, issue no. 4341 part I.			
	At the time of the present analysis the text of L.81(I)/2012 had not been modified by subsequent amendments. Its text can be found in the following link, however it is only available in Greek.			
	http://www.cylaw.org/nomoi/enop/non-ind/2012_1_81/full.html			
Κανονιστική Διοικητική Πράξη 241/2012 της Κεντρικής Τράπεζας της Κύπρου	KDP 241/2012 (or directive of the Central Bank) is a secondary piece of legislation, issued by the Central Bank of Cyprus by virtue of the powers vested in it under the provisions L.81(I)/2012, published and entered into force on 29 June 2012, in part III of the Cyprus Gazette issue no. 4577.			
Regulatory Administrative Act 241/2012 of the Central Bank of Cyprus	It is divided into two parts. The first one contains general provisions and provides definitions on several terms. The second part contains provisions on the practical implementation of L.81(I)/2012, primarily with regard to Articles 8, 9, 10, 12 and			
(hereinafter referred to as KDP 241/2012	13 thereof.			

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Κανονιστική Διοικητική Πράξη 238/2012 της Υπηρεσίας Εποπτείας και Ανάπτυξης Συνεργατικών Εταιρειών	KDP 238/2012 (or Directive of the ASDCS) follows the same structure and contains exactly the same provisions as KDP 241/2012. The only difference being that it refers to cooperative credit institutions and their relevant supervisory authority, the Authority for the Supervision of Cooperative Societies as opposed to the Central Bank.
Regulatory Administrative Act 238/2012 of the Authority for the Supervision and Development of Cooperative Societies (hereinafter referred to as KDP 238/2012)	It was published and entered into force on 29 June 2012, in part III of the Cyprus Gazette issue no. 4577. At the time of the present analysis the text of KDP 238/2012 had not been modified by subsequent amendments. Its text can be found in the following link, however it is only available in Greek. http://www.cssda.gov.cy/cssda/cssda.nsf/All/839F7CE43AFD4A9AC2257A4C0022A0CC/\$file/H%20περί%20Ιδρυμάτων %20Ηλεκτρονικού%20Χρήματος%20Οδηγία%20της%20ΥΕΑΣΕ%20του%202012%20Κ.Δ.Π.%20238.pdf
Ο περί Παρεμπόδισης και Καταπολέμησης της Νομιμοποίησης Εσόδων από Παράνομες Δραστηριότητες (Τροποποιητικός) Νόμος του 2012. Prevention and Suppression of Money Laundering (Amending) Law of 2012.	The amending law was enacted in order to bring in line provisions of the relevant law, in view of the enactment of the Law on electronic money of 2012. The amending law (L.80(I)/2012 came into force on 27 June 2012, when it was published at the Cyprus Gazette, issue no. 4341 part I. The amending act can be found in the following link: http://www.cylaw.org/nomoi/arith/2012_1_80.pdf An unofficially codified version of the Prevention and Suppression of Money Laundering Law of 2007 can be found in the following link: http://www.cylaw.org/nomoi/enop/non-ind/2007_1_188/full.html
	It is noted that the texts are only available in Greek. No reference to this law is made at the present assessment report.

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Ο Περί Τραπεζικών Εργασιών (Τροποποιητικός) Νόμος του 2012.	The amending law was enacted in order to bring in line provisions of the relevant Banking Law, in view of the enactment of the Law on electronic money of 2012.							
The Banking (Amending) Law of 2012	The amending law (L.107(I)/2012 came into force on 13 June 2012, when it was published at the Cyprus Gazette, issue no. 4347 part I.							
	The amending act can be found in the following link: http://www.cylaw.org/nomoi/arith/2012_1_107.pdf							
	An unofficially codified version of the Banking Law of 1997can be found in the following link: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_66/full.html							
	It is noted that the texts are only available in Greek.							
List of additional national implementing measures referred to in the conformity assessment	General observations							
Ο περί Συνεργατικών Εταιρειών (Τροποποιητικός Νόμος του 2012	The amending law was enacted in order to bring in line provisions of the relevant Cooperative Societies Law, in view of the enactment of the Law on electronic money of 2012.							
The Cooperative Societies (Amending) Laws of 2012.	The amending law (L.130(I)/2012 came into force on 3 August 2012, when it was published at the Cyprus Gazette, issue no. 4351 part I. The Cooperative Societies Law was subsequently amended twice.							
	The amending act can be found in the following link: http://www.cylaw.org/nomoi/arith/2012 1 130.pdf							
	An unofficially codified version of the Cooperative Societies Law of 1985 can be found in the following link: http://www.cylaw.org/nomoi/enop/non-ind/1985 1 22/full.html							
	It is noted that the texts are only available in Greek. No reference to this law is made at the present assessment report.							

SUMMARY

1. Executive summary

Directive 2009/110/EC has been transposed into national legal order mainly through a single primary act, namely Law 81(I)/2012. Two pieces of secondary legislation have also been enacted by virtue of the implementing law. The relevant directives have been issued by the Central Bank and ASDCS respectively. It should be noted that L.81(I)/2012 did not follow in principle a literal transposition of the Directive provisions. Furthermore the structure of the implementing law differs substantially from the Directive. Nonetheless, the transposition of the Directive has in principle been made in a conform manner without any particular nuances The enactment of L.81(I)/2012 also required the amendment of some provisions of the Banking Law, The Cooperative Societies Law and the Prevention and Suppression of Money Laundering Law. It should be noted the competent authorities are the Central Bank of Cyprus and the Authority for the Supervision and Development of Cooperative Societies.

2. The implementation of Directive 2009/110/EC

2.1. Scope

The scope of the application of the implementing law raises no concerns as it is focused on the implementation of the Directive.

2.2. Terminology

There are no terminological discrepancies between the Directive and L.81(I)/2012.

2.3. Explanatory note on the assessment

Conformity applies to cases whereby the national provisions follow all requirements of the corresponding provision of Directive 2009/110/EC. Some requirements of the Directive provision may not be explicitly transposed. National provisions can however be considered as conform as far as the silence does not affect the proper implementation of all requirements and that the missing ones can be inferred.

Partial conformity applies to cases whereby the national provisions do not follow all the requirements of the Directive provision, or are silent about requirements, which are considered minor but necessary. In cases of partial conformity, the interpretation of the national provision does not hamper the proper implementation of the Directive provision as a whole, and, missing requirements cannot be inferred.

Non conformity applies to cases whereby the Directive provision is not transposed or the national provisions do not follow either, all requirements of the Directive provision, or, the main ones. In cases of non conformity, the interpretation of the national provisions hamper the proper implementation of the Directive provision as a whole, and missing requirements cannot be inferred either. Also considered are additional requirements and exemptions, which hamper the proper implementation of the Directive provision.

The cases where there are no headings relate to options laid down by the Directive provision that Member States has not chosen to apply, or, to obligations resting upon the European Commission

2.4. Legal analysis

2.4.1. Title I – Scope and definitions

Overall, Cyprus has implemented Title I of the Directive in a conform manner. Part I of L.81(I)/2012 transposes the relevant provisions.

2.4.1.1. Article 1 - Subject

The subject matter and scope of the Directive have properly been implemented by L.81(I)/2012 in the preamble and articles 3 and 4 thereof by explicitly referring to the implementation of the Directive and properly defining the categories of electronic money issuers to which it intends to apply. Furthermore, its scope covers the EEA countries. However, some concerns are raised with regard to the implementation of Article 1(1)(3) of the Directive as the national provision excludes from its scope branches of credit institutions established outside the Community.

2.4.1.2. Article. 2 - Definitions

L.81(I)/2012 properly transposes the definitions contained in Article 2 of the Directive using identical or similar wording.

2.4.2. Title II – Requirements for the taking up, pursuit and prudential supervision of the business of electronic money institutions

The transposition of the second title of the Directive with regard to provisions relating to the taking up pursuit and prudential supervision of electronic money institutions has taken place, overall, in a conform manner through provisions of Parts II and III of L.81(I)/2012.

2.4.2.1. Article 3 – General prudential rules

The implementation of the general prudential rules has been done in a conform manner. It should be noted that with regard to the *mutatis mutandis* application of Articles 5, 10-15, 17(7) and 18-52 of Directive 2007/64/EC, the Cypriot legislator did not opt to refer to the relevant implementing legislation. Instead it transposed those provisions, adapted for the electronic money institutions into national law through L.81(I)/2012 and the directives of the Central Bank and ASDCS. Paragraph (2) of the Directive article has been implemented in a conform manner through Articles 9(2) and 13(1)(a) of L.81(I)/2012, paragraph (3) through Article 11 and paragraphs (4) and (5) through Article 19 respectively.

2.4.2.2. Article 4 - Initial capital

The provisions on initial capital have properly been implemented into national law. A general provision is contained in Article 12 of L.81(I)/2012 and it is further specified in Articles 6 of the directives of the Central Bank and ASDCS.

2.4.2.3. Article 5 – Own funds

Some minor concerns are raised with regard to the implementation of the provisions of the Directive with regard to own funds that should be held by electronic money institutions. Specifically, a conclusion of partial conformity has been reached with regard to the implementation of paragraph (5) of the Directive, whereas paragraph (6) of the measures to prevent the multiple use of elements eligible for own funds, has not been transposed. Nonetheless, all other provisions have properly been transposed mainly by the directives of the Central Bank and ASDCS.

2.4.2.4. Article 6 - Activities

The transposition of Article 6 of the Directive did not raise any concerns as it was almost literally transposed into national legislation through Article 15 of L.81(I)/2012.

2.4.2.5. Article 7 – Safeguarding requirements

The general principles on the safeguard requirements have been implemented through Article 13 of L.81(I)/2012, as further specified by the directives of the Central Bank and ASDCS. The implementation was done in a conform manner. It is worth noting that the option of the third subparagraph of Article 7(2) of the Directive has not been adopted by national law.

2.4.2.6. Article 8 – Relations with third countries

The only concern over the implementation of the relevant Directive article is raised because the provision whereby competent authorities are obliged to notify the Commission of all authorisations for branches of electronic money institutions having their head office outside the Community has not explicitly been transposed.

2.4.2.6. Article 9 - Optional exemptions

National law implements the option provided under Article 9 of the Directive in principle. Thus L.81(I)/2012 contains a provision empowering the competent authorities to waive or allow the application of all or part of the procedures and conditions set out in Articles 3, 4, 5 and 7 of this Directive, with the exception of Articles 20, 22, 23 and 24 of Directive 2007/64/EC, however the competent authorities have not made use of that option. Therefore a conformity assessment is rendered irrelevant.

2.4.3. Title III – Issuance and redeemability of electronic money

The transposition of the third title of the Directive with regard to the issuance and redeemability of electronic money has taken place in a conform manner through provisions of Part IV of L.81(I)/2012.

2.4.3.1. Article 10 – Prohibition from issuing electronic money

National law does not contain a general prohibition clause but Article 4 of L.81(I)/2012 clearly defines the limits of electronic issuance to the exclusion of anyone else. Therefore, the transposition does not raise any issues of conformity.

2.4.3.2. Article 11 - Issuance and redeemability

Article 11 of the Directive has been implemented in a conform manner through Article 27 of L.81(I)/2012. The wording used by national provisions is identical to the Directive.

2.4.3.3. Article 12 - Prohibition of interest

Article 12 of the Directive has been implemented in a conform manner through Article 28 of L.81(I)/2012.

2.4.3.4. Article 13 – Out-of-court complaint and redress procedures for the settlement of disputes

Article 13 of the Directive has been implemented in a conform manner through Articles 30, 42 and 43 of L.81(I)/2012

2.4.4. Title IV – Final provisions and implementing measures

The transposition of the fourth title of the Directive with raised only some concerns over the implementation of Article 18(1) of the Directive.

2.4.4.1. Article 16 – Full harmonization

Even though the provisions of Article 16 have not explicitly been transposed into national law, a conclusion of conformity was reached taking into account the overall unproblematic implementation of the Directive provisions within the national legal order.

2.4.4.2. Article 18 - Transitional provisions

The only concerns were raised with regard to the implementation of the second and third subparagraphs of Article 18(1) of the Directive. It should be noted however that those were due to the late transposition of the Directive by Cyprus.

3. Conclusions on conformity

3.1. Cases of partial conformity

A conclusion of partial conformity has been reached with regard to Article 1(1)(a) of the Directive because the wording of the national provision, along with the definitions provided under L.66(I)/1977 (Banking Law) and L.22/1985 (the Cooperative Societies Act), appear to exclude from its scope branches of credit institutions established outside the Community.

A conclusion of partial conformity has been reached with regard to the option provided for under **Article 5(5) of the Directive** as whereas the Directive provision applies in respect of electronic money institutions, the national provision only applies in respect of electronic money institutions engaged in activities not linked to the issuance of electronic money.

A conclusion of partial conformity has been reached with regard to Article 8(2) of the Directive, as the relevant provision has not been transposed into national law.

3.2. Cases of non-conformity

A conclusion of non conformity has been reached with regard to Article 5(6) of the Directive, as the relevant provisions have not been transposed into national law.

A conclusion of non conformity has been reached with regard to the **second and third subparagraphs of Article 18(1) of the Directive**, as due to late transposition the deadline of 30 October 2011 could not be respected.

3.3. Option ('May' clause)

3.3.1. Cyprus has chosen to transpose the following options into its national legislation

Article 3(3) sixth subparagraph of the Directive as to the possibility to waive the application of all or part of the obligations pursuant to Article 3(3) in respect of electronic money institutions that carry out one or more of the activities listed in Article 6(1)(e).

Article 5(5) of the Directive as to the possibility of increase or decrease of up to 20% on the requirement of own funds that electronic money institutions are required to hold.

Article 5(7) of the Directive as to the possibility to exempt from the application of paragraphs 2 and 3 of Article 5 of the Directive, electronic money institutions included in the supervision on a consolidated basis of parent credit institutions

Article 7(1) of the Directive as to credit referred to in point (b) of the first subparagraph not being granted from the funds received in exchange of electronic money.

Article 7(3) of the Directive as to the application of Article 9 of Directive 2007/64/EC to electronic money institutions for the activities referred to in Article 6(1)(a) that are not linked to the activity of issuing electronic money.

Article 7(4) of the Directive as to method to be used by the electronic money institutions in order to safeguard funds.

Article 9 of the Directive has only been transposed as far as empowering the competent authorities to provide the optional exemptions provided therein. It has to be noted though that at the time of the present analysis the competent authorities have not yet made use of this option.

Article 18(2) of the Directive as to an electronic money institution being automatically granted authorisation and entered at the register.

3.3.2. Cyprus has not chosen to transpose the following options into its national legislation

Article 1(3) of the Directive as to the waiver for institutions under Article 2 of Directive 2006/46/EC.

Article 7(2), third subparagraph of the Directive with regard to the determination of assets which do not constitute secure, low-risk assets for the purposes of subparagraph (1).

Article 9(1), third subparagraph of the Directive – additional requirement of a maximum storage per customer for benefiting g of the waiver referred to in subparagraph 1: the Republic of Latvia did not choose to apply it.

Article 9(4) of the Directive – limitation on the activities carried out by entities waived under Article 9:- the Republic of Latvia did not choose to apply it.

4. List of acronyms

'ASDCS': Authority for the Supervision and Development of Cooperative Societies

Art.: Article(s)

'Central Bank': the Central Bank of Cyprus KDP: Regulatory Administrative Act or directive

L.: Law(s)
Pt: point(s)

'Republic': The Republic of Cyprus	1			

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
Articl e No.	EN	СҮ	Act, Articl e No.	EN	СҮ	Observations
Art. 1(1) intr. wordi ng	TITLE I SCOPE AND DEFINITIONS Article 1 Subject matter and scope 1. This Directive lays down the rules for the pursuit of the activity of issuing electronic money to which end the Member States shall recognise the following categories of electronic money issuer:	ΤΙΤΛΟΣ Ι ΠΕΛΙΟ ΕΦΑΡΜΟΓΗΣ ΚΑΙ ΟΡΙΣΜΟΙ Αρθρο 1 Αντικείμενο και πεδίο εφαρμογής 1. Η παρούσα οδηγία θεσπίζει τους κανόνες για την άσκηση της δραστηριότητας της έκδοσης ηλεκτρονικού χρήματος σύμφωνα με τους οποίους τα κράτη μέλη αναγνωρίζουν τις εξής κατηγορίες εκδοτών ηλεκτρονικού χρήματος:	Law 81(I)/ 2012 Art. 3(1) and 4(1)	3 (1) This Law regulates (a) the issuance of electronic money in the Republic; (b) the issuance of electronic money in a Member State other than the Republic or any country which is not a Member State, by a person who is resident in the Republic or, if legal person, a person established in the Republic or located in the Republic or located in the Republic and (c) the authorisation and prudential supervision of electronic money institutions by the Competent Authority. 4 (1) No person other than that referred to in subparagraph (4) may	3(1) Ο παρών Νόμος ρυθμίζει - (α) την έκδοση ηλεκτρονικού χρήματος στη Δημοκρατία: (β) την έκδοση ηλεκτρονικού χρήματος σε κράτος μέλος άλλο από τη Δημοκρατία ή σε χώρα που δεν είναι κράτος μέλος, από πρόσωπο που βρίσκεται, κατοικεί ή διαμένει στη Δημοκρατία ή, αν πρόκειται για νομικό πρόσωπο, έχει συσταθεί στη Δημοκρατία ή έχει εγκατασταθεί στη Δημοκρατία, και (γ) την αδειοδότηση και προληπτική εποπτεία των ιδρυμάτων ηλεκτρονικού χρήματος από την Αρμόδια Αρχή. 4(1) Μόνο τα πρόσωπα που αναφέρονται στο	The preamble of L.81(I)/2012 explicitly mentions that the law is enacted with the scope of harmonising national law with the Directive. More specifically Article 3(1) of the national implementing measure states that it regulates the issuance of electronic money in the Republic and other Member States with regard to institutions established or located in the Republic, as well as the authorisation and prudential supervision of the above institutions. It should be noted that for the purposes of the implementing law and in accordance the definition provided under point 15 of Article 2 thereof, the term includes also states of the EEA area. Furthermore, Article 4(1) of the national implementing measure allows the issuance of electronic money only to the persons referred to in paragraph 4 thereof. Therefore, the preamble and Articles 3(1) and 4(1) of L.81(I)/2012 conform to the provision

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				exercise or purport to exercise the activity of issuing electronic money in the Republic.	εδάφιο (4) επιτρέπεται να ασκούν ή να παρουσιάζονται ότι ασκούν τη δραστηριότητα έκδοσης ηλεκτρονικού χρήματος στη Δημοκρατία.	of the introductory wording of Article 1(1) of the Directive.
Art. 1(1)(a)	(a) credit institutions as defined in point 1 of Article 4 of Directive 2006/48/EC including, in accordance with national law, a branch thereof within the meaning of point 3 of Article 4 of that Directive, where such a branch is located within the Community and its head office is located outside the Community, in accordance with Article 38 of that Directive;	α) πιστωτικά ιδρύματα κατά την έννοια του σημείου 1) του άρθρου 4 της οδηγίας 2006/48/ΕΚ, περιλαμβανομένων, σύμφωνα με το εθνικό δίκαιο, των ευρισκομένων στην Κοινότητα υποκαταστημάτων κατά την έννοια του σημείου 3) του άρθρου 4 της εν λόγω οδηγίας πιστωτικών ιδρυμάτων με έδρα εκτός της Κοινότητας σύμφωνα με το άρθρο 38 παράγραφος 3 της ίδιας οδηγίας:	Law 81(I)/ 2012 Art. 4(4)(a-c)	(4) Persons of the following categories are allowed to issue electronic money in the Republic: (a) banks; (b) banks authorised by the competent authorities of other Member States; (c) co-operative credit institutions;	(4) Πρόσωπα που εμπίπτουν σε οποιαδήποτε από τις ακόλουθες κατηγορίες επιτρέπεται να εκδίδουν ηλεκτρονικό χρήμα στη Δημοκρατία: (α) τράπεζες: (β) τράπεζες οι οποίες έχουν λάβει άδεια λειτουργίας από αρμόδιες αρχές άλλων κρατών μελών· (γ) συνεργατικά πιστωτικά ιδρύματα·	Subparagraphs (a) to (c) of Article 4(4) of L.81(I)/2012 transpose Article 1(1)(a) of the Directive. The national provision allows the issuance of electronic money by banks and cooperative credit institutions. The definitions provided by national law regarding banks and cooperative credit institutions fulfil the requirement of the Directive provision which allows the issuance of electronic money to credit institutions as defined in point 1 of Article 4 of Directive 2006/48/EC. Specifically, Article 2 of L.66(I)/1977 (Banking Law) defines 'banking operations' as 'work carried out in the Republic or outside the Republic and consists of borrowing money from the commitment towards the public in the form of deposits, securities or other debt instruments'. Similarly in Article 2 of L.22/1985 (the Cooperative Societies Law) a cooperative credit institution is defined as a 'registered firm whose business is to receive deposits or other repayable funds from the public and to

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		grant credits for its own account and includes recognised cooperative credit institutions or cooperative credit institutions on their association with the Central Agency or other listed companies, which at the date of entry into force of the Cooperative Societies Law carry on activities which are similar to the above-mentioned activities or legal persons or associations of persons constituted as cooperatives, in a state other than the Republic and who are entitled to exercise activities in the Republic as cooperative credit institution'. Therefore, although the national provision does not explicitly refer to credit institutions, the definitions of 'banking operations' and 'cooperative credit institutions' is in line with Article 4 of Directive 2006/48/EC. Furthermore, the national provision includes within its scope branches of credit institutions established in one of the Member States since it foresees that electronic money issuance is, by virtue of subparagraph (b) also permitted to banks authorised by the competent authorities of other Member States. Branches of cooperative credit institutions are also allowed to issue electronic money by virtue of the relevant definition of Article 2 of L.22/1985, above. Nonetheless, the wording of the national provision excludes from its scope branches of credit institutions established outside the Community.

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						Solely on that ground, a conclusion of partial conformity has been reached.
Art. 1(1)(b)	(b) electronic money institutions as defined in point 1 of Article 2 of this Directive including, in accordance with Article 8 of this Directive and national law, a branch thereof, where such a branch is located within the Community and its head office is located outside the Community;	β) ιδρύματα ηλεκτρονικού χρήματος κατά την έννοια του σημείου 1) του άρθρου 2 της παρούσας οδηγίας, περιλαμβανομένων, σύμφωνα με το εθνικό δίκαιο και το άρθρο 8, των ευρισκομένων στην Κοινότητα υποκαταστημάτων ιδρυμάτων ηλεκτρονικού χρήματος με έδρα εκτός της Κοινότητας·	Law 81(I)/ 2012 Art. 2 point 12 and 4(4)(g)	(g) an electronic money institution. Article 2 point 12 "Electronic money institution" means- (a) a legal person benefiting from valid authorisation to issue electronic money in accordance with Part III, or (b) a legal person benefiting from valid authorisation to issue electronic money in accordance with Part III, or (b) a legal person benefiting from valid authorisation to issue electronic money by the competent authorities of a Member State other than the Republic, provided that the procedure of article 24 has been complied with in relation to that entity;	Άρθρο 4(4)(ζ) (ζ) ιδρύματα ηλεκτρονικού χρήματος. Άρθρο 2 σημειο 12 «ίδρυμα ηλεκτρονικού χρήματος» σημαίνει- (α) νομικό πρόσωπο που απολαύει ισχύουσας άδειας προς έκδοση ηλεκτρονικού χρήματος σύμφωνα με το Μέρος ΙΙΙ, ή (β) νομικό πρόσωπο που απολαύει ισχύουσας άδειας προς έκδοση ηλεκτρονικού χρήματος, από τις αρμόδιες αρχές κράτους μέλους άλλου από τη Δημοκρατία, εφόσον έχει τηρηθεί σε σχέση με αυτό το νομικό πρόσωπο η διαδικασία του άρθρου 24·	Article 4(4)(g), as defined by point 12 of article 2 of L.81(I)/2012, transposes Article 1(1)(b) of the Directive. The national implementing provisions allow the issuance of electronic money to electronic money institutions properly authorised to carry out such operations by the competent national authorities of Cyprus or another Member State. It is noted that the definition provided by the national implementing provision excludes from its scope a legal person having its head office outside the Community. This does not contradict the Directive provision in question since, branches located within the EU having their head office located outside the EU can never benefit from the EU-passport since a branch of a third-country undertaking is not a legal person established in a Member State. Thus they would have to establish a company in the Community in order to benefit from the single licence principle and come within the remit of Article 48 EC. In view of the above, the national implementing provisions conform to the requirements of Article 1(1)(b) of the

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			II.			Directive.
Art. 1(1)(c)	(c) post office giro institutions which are entitled under national law to issue electronic money;	γ) γραφεία ταχυδρομικών επιταγών τα οποία εξουσιοδοτούνται βάσει της εθνικής νομοθεσίας να εκδίδουν ηλεκτρονικό χρήμα.	Law 81(I)/ 2012 Art. 4(4)(d)	(d) institutions providing postal services entitled under national law to issue electronic money;	(δ) ιδρύματα τα οποία παρέχουν ταχυδρομικές υπηρεσίες πληρωμών και τα οποία εκδίδουν ηλεκτρονικό χρήμα βάσει σχετικής νομοθεσίας	Article 4(4)(d) of L.81(I)/2012 almost literally transposes Article 1(1)(c) of the Directive. There are structural differences between the Directive provision and the national one.
Art. 1(1)(d)	(d) the European Central Bank and national central banks when not acting in their capacity as monetary authority or other public authorities;	δ) η Ευρωπαϊκή Κεντρική Τράπεζα και οι εθνικές κεντρικές τράπεζες όταν δεν ενεργούν υπό την ιδιότητά τους ως νομισματικές ή άλλες δημόσιες αρχές	Law 81(I)/ 2012 Art. 4(4)(e)	e) the European Central Bank and national central banks when not acting in their capacity as monetary authority or other public authorities;	(ε) η Ευρωπαϊκή Κεντρική Τράπεζα και οι εθνικές κεντρικές τράπεζες, όταν δεν ενεργούν υπό την ιδιότητά τους ως νομισματικές ή άλλες δημόσιες αρχές	CONFORM Article 4(4)(e) of L.81(I)/2012 literally transposes Article 1(1)(d) of the Directive.
Art. 1(1)(e)	(e) Member States or their regional or local authorities when acting in their capacity as public authorities.	ε) τα κράτη μέλη ή οι περιφερειακές ή τοπικές αρχές τους όταν ενεργούν υπό την ιδιότητά τους ως δημόσιες αρχές.	Law 81(I)/ 2012 Art. 4(4)(f)	(f) Member States or their regional or local authorities when acting in their capacity as public authorities.	(στ) τα κράτη μέλη ή οι περιφερειακές ή τοπικές αρχές τους, όταν ενεργούν υπό την ιδιότητά τους ως δημόσιες αρχές,	CONFORM Article 4(4)(f) of L.81(I)/2012 literally transposes Article 1(1)(e) of the Directive.
Art. 1(2)	2. Title II of this Directive lays down the rules for the taking up, the pursuit and the prudential supervision of the business of electronic money institutions.	2. Ο τίτλος ΙΙ της παρούσας οδηγίας θεσπίζει επίσης κανόνες για την ανάληψη, την άσκηση και την προληπτική εποπτεία της δραστηριότητας των ιδρυμάτων ηλεκτρονικού	N/A	N/A	N/A	CONFORM Title II of the Directive is transposed through the provisions contained under Part III of L81(I)/2012.

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		χρήματος.				
Art.1(3)	3. Member States may waive the application of all or part of the provisions of Title II of this Directive to the institutions referred to in Article 2 of Directive 2006/48/EC, with the exception of those referred to in the first and second indents of that Article.	3. Τα κράτη μέλη μπορούν να εξαιρέσουν από την εφαρμογή του συνόλου ή μέρους των διατάξεων του τίτλου ΙΙ της παρούσας οδηγίας τα ιδρύματα του άρθρου 2 της οδηγίας 2006/48/ΕΚ, εκτός των ιδρυμάτων της πρώτης και της δεύτερης περίπτωσης του εν λόγω άρθρου.	N/A	N/A	N/A	Article 1(3) of the Directive provides for an option. Due to this option Cyprus did not choose to apply it.
Art. 1(4)	4. This Directive does not apply to monetary value stored on instruments exempted as specified in Article 3(k) of Directive 2007/64/EC.	4. Η παρούσα οδηγία δεν εφαρμόζεται σε νομισματική αξία αποθηκευμένη σε μέσα που εξαιρούνται όπως ορίζεται ειδικά στο άρθρο 3 στοιχείο ια) της οδηγίας 2007/64/ΕΚ.	Law 81(I)/ 2012 Art. 3(2)(a)	(2) Subject to subparagraph (4) shall be excluded from the scope of this Law; (a) monetary value stored on an instrument that can be used to acquire goods or services only- (i) within the premises of the issuer of the instrument, or (ii) upon a commercial agreement with the issuer, within a limited network of service providers or for a limited range of goods or services;	(2) Με την επιφύλαξη του εδαφίου (4), εξαιρούνται του πεδίου εφαρμογής του παρόντος Νόμου- (α) νομισματική αξία αποθηκευμένη σε μέσο το οποίο μπορεί να χρησιμοποιηθεί για την απόκτηση αγαθών ή υπηρεσιών αποκλειστικά- (i) εντός της επαγγελματικής στέγης του εκδότη του μέσου, ή (ii) κατόπιν εμπορικής συμφωνίας με τον εκδότη, εντός περιορισμένου δικτύου παρόχων υπηρεσιών ή για περιορισμένο φάσμα	Article 3(2)(a) of L.81(I)/2012 transposes Article 1(4) of the Directive. Subparagraph (a) of the above national provision adopts an almost identical wording to Article 3(k) of Directive 2007/64/EC and thus excludes from the scope of the implementing law monetary value stored on an instrument that can be used to acquire goods or services only within the premises of the issuer or, based on a commercial agreement, within a limited network. Therefore, the national implementing provision conforms to the requirements of Article 1(4) of the Directive.

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Art. 1(5)	5. This Directive does not apply to monetary value that is used to make payment transactions exempted as specified in Article 3(1) of Directive 2007/64/EC.	5. Η παρούσα οδηγία δεν εφαρμόζεται σε νομισματική αξία που χρησιμοποιείται για τη διενέργεια συναλλαγών που εξαιρούνται όπως ορίζεται ειδικά στο άρθρο 3 στοιχείο ιβ) της οδηγίας 2007/64/ΕΚ.	Law 81(I)/ 2012 Art. 3(2)(b)	(b) monetary value that is used to perform payment transactions executed by means of telecommunications or digital or IT device, provided that the following conditions are met: (i) sold goods or services are delivered and will be used through a telecommunication or digital or IT device, and (ii) the provider of the connection is not acting as an intermediary between the payment service user and the supplier of goods or provider of services.	αγαθών ή υπηρεσιών· (β) νομισματική αξία που χρησιμοποιείται για τη διενέργεια πράξεων πληρωμής οι οποίες εκτελούνται μέσω τηλεπικοινωνιακής ή ψηφιακής συσκευής ή συσκευής πληροφορικής, εφόσον πληρούνται οι ακόλουθες προϋποθέσεις: (i) τα πωλούμενα αγαθά ή οι παρεχόμενες υπηρεσίες παραδίδονται και πρόκειται να χρησιμοποιηθούν μέσω τηλεπικοινωνιακής ή ψηφιακής συσκευής ή συσκευής πληροφορικής, και (ii) ο παρέχων τη σύνδεση δεν ενεργεί ως απλός μεσάζων μεταξύ του χρήστη υπηρεσιών πληρωμών και του	Article 3(2)(b) of L.81(I)/2012 transposes Article 1(5) of the Directive. Subparagraph (b) of the above national provision adopts an almost identical wording to Article 3(1) of Directive 2007/64/EC and thus excludes from the scope of the implementing law monetary value that is used to perform payment transactions executed by means of telecommunications or digital or IT device, provided that sold goods or services are delivered and will be used through a telecommunication or digital or IT device, and that the provider of the connection is not acting as an intermediary. Therefore, the national implementing provision conforms to the requirements of Article 1(5) of the Directive.
Art. 2 intr. wordi	Article 2 Definitions For the purposes of this Directive, the following	Άρθρο 2 Ορισμοί Για τους σκοπούς της	N/A	N/A	πωλητή των αγαθών ή του παρόχου των υπηρεσιών. Ν/Α	CONFORM Although the introductory wording of Article 2 of the Directive is not transposed, a conclusion of conformity may be reached as

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	definitions shall apply:	παρούσας οδηγίας:				the definitions provided therein have properly been implemented by national law.
Art. 2 pt (1)	1. "electronic money institution" means a legal person that has been granted authorisation under Title II to issue electronic money;	1. ως «ιδρύματα ηλεκτρονικού χρήματος» νοούνται τα νομικά πρόσωπα που έχουν άδεια, δυνάμει του τίτλου ΙΙ, να εκδίδουν ηλεκτρονικό χρήμα:	Law 81(I)/ 2012 Art. 2 point 12	'Electronic money institution' means- (a) a legal person benefiting from the valid authorisation to issue electronic money in accordance with Part III, or	«ίδρυμα ηλεκτρονικού χρήματος» σημαίνει- (α) νομικό πρόσωπο που απολαύει ισχύουσας άδειας προς έκδοση ηλεκτρονικού χρήματος σύμφωνα με το Μέρος ΙΙΙ, ή	Point 12 of Article 2 of L.81(I)/2012 literally transposes the definition of electronic money institution provided in the first point of Article 2 of the Directive. It should be mentioned that by virtue of Article 2(d) of L. 107 (I) / 2012 amending L.66(I)/1977 (Banking Law) the reference of the term "electronic money institution" has been deleted from the definition of credit institutions. Credit institutions are entitled to issue electronic money in accordance with the provisions of L.81(I)/2012. In view of the above, national law has been amended within the spirit of recital 25 of the Directive. Part III of L.81(I)/2012 transposes the provisions of Title II of the Directive. Therefore the national implementing provision conforms to the definition in the first point of Article 2 of the Directive.
Art. 2 pt (2)	2. "electronic money" means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on receipt of funds for the	2. ως «ηλεκτρονικό χρήμα» νοείται οιαδήποτε αποθηκευμένη σε ηλεκτρονικό, μεταξύ άλλων και μαγνητικό υπόθεμα νομισματική αξία αντιπροσωπευόμενη από	Law 81(I)/ 2012 Art. 2 points 10 and	'Electronic money' shall mean monetary value stored in electronic form, including magnetic form, such as the value	Άρθρο 2 σημείο 24 «ηλεκτρονικό χρήμα» σημαίνει νομισματική αξία αποθηκευμένη σε ηλεκτρονική μορφή, περιλαμβανομένης της	Point 10 of Article 2 of L.81(I)/2012 almost literally transposes the definition of electronic money provided in the second point of Article

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	purpose of making payment transactions as defined in point 5 of Article 4 of Directive 2007/64/EC, and which is accepted by a natural or legal person other than the electronic money issuer;	απαίτηση έναντι του εκδότη ηλεκτρονικού χρήματος, έχει εκδοθεί κατόπιν παραλαβής χρηματικού ποσού για τον σκοπό της πραγματοποίησης πράξεων πληρωμών όπως ορίζονται στο άρθρο 4 σημείο 5) της οδηγίας 2007/64/ΕΚ και η οποία γίνεται δεκτή από άλλα φυσικά ή νομικά πρόσωπα πέραν του εκδότη·	24	represented by a claim on the issuer which is issued on receipt of funds for the purpose of making payment transactions and is accepted by natural or legal persons other than the issuer; Article 2 point 24 payment transaction' means an act, initiated by the payer or by the payee, of placing, transferring or withdrawing of banknotes, coins, checks and electronic money irrespective of any underlying obligations between the payer and the payee;	μαγνητικής μορφής, όπως αυτή η αξία αντιπροσωπεύεται από μια απαίτηση έναντι του εκδότη ηλεκτρονικού χρήματος, η οποία εκδίδεται επί τη παραλαβή χρηματικού ποσού για το σκοπό πραγματοποίησης πράξεων πληρωμής και γίνεται δεκτή από άλλα φυσικά ή νομικά πρόσωπα πέραν του εκδότη: Αρθρο 2 σημείο 24 «πράξη πληρωμής» σημαίνει ενέργεια στην οποία προβαίνει ο πληρωτής ή ο δικαιούχος και η οποία συνίσταται στην καταβολή, μεταφορά ή ανάληψη τραπεζογραμματίων, κερμάτων, λογιστικού χρήματος ή ηλεκτρονικού χρήματος, ανεξάρτητα από οποιαδήποτε υποκείμενη υποχρέωση μεταξύ πληρωτή και δικαιούχου.	2 of the Directive. The definition of 'payment transaction', as referenced in the Directive articles has almost literally been reproduced in point 24 of the national provision. The transposition of the present Directive article into the national legal order provides a clear and technically neutral definition of electronic money wide enough to take into account any technological innovations, in line with recitals 7 and 8 of the Directive. Therefore the national implementing provision conforms to the definition in the second point of Article 2 of the Directive.
Art. 2 pt (3)	3. "electronic money issuer" means entities referred to in Article 1(1), institutions benefiting from the waiver under Article 1(3) and legal	3. ως «εκδότες ηλεκτρονικού χρήματος» νοούνται οι οντότητες που αναφέρονται στο άρθρο 1 παράγραφος 1, τα ιδρύματα που τυγχάνουν	Law 81(I)/ 2012 Art. 2 point 6	'Electronic money issuer' means a person referred to in subparagraph (4) of Article 4;	«εκδότης ηλεκτρονικού χρήματος» σημαίνει πρόσωπο που αναφέρεται στο εδάφιο(4) του άρθρου 4·	Point 6 of Article 2 of L.81(I)/2012 transposes the definition of electronic money

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	persons benefiting from a waiver under Article 9;	εξαίρεσης δυνάμει του άρθρου 1 παράγραφος 3 και τα νομικά πρόσωπα που τυγχάνουν εξαίρεσης δυνάμει του άρθρου 9·				issuer provided in point 3 of Article 2 of the Directive. The national implementing provision refers only to persons referred to in Article 4(4) of the implementing law which transposes Article 1(1) of the Directive. It is noted that Cyprus has not made use of the option provided under Article 1(3) of the Directive. Furthermore, the definition provided by national law also excludes issuers that fall under the optional exemptions provided in Article 9 of the Directive. However, although L.81(I)/2012 empowers the competent authorities to provide for such exemptions, the latter —to the date of the present analysishave not made use of this of this option. Therefore, point 6 of Article 2 of L.81(I)/2012 conforms to the definition point 3 of Article 2 of the Directive.
Art. 2 pt (4)	4. "average outstanding electronic money" means the average total amount of financial liabilities related to electronic money in issue at the end of each calendar day over the preceding six calendar months, calculated on the first calendar day of each calendar month and applied for that calendar	4. ως «μέσος όρος ηλεκτρονικού χρήματος σε κυκλοφορία» νοείται ο μέσος όρος του συνολικού όγκου των συναφών με το ηλεκτρονικό χρήμα χρηματοοικονομικών υποχρεώσεων που εκδίδεται στο τέλος κάθε ημερολογιακής ημέρας κατά τους προηγούμενους έξι ημερολογιακούς μήνες,	Law 81(I)/ 2012 Art. 2 point 2	'Average outstanding electronic money' means the average over the previous six (6) calendar months, of the total amount of financial liabilities, which are related to electronic money issued at the end of each day online, which average is calculated on the first calendar day of	«μέσος όρος ηλεκτρονικού χρήματος σε κυκλοφορία» σημαίνει το μέσο όρο, κατά τους προηγούμενους έξι (6) ημερολογιακούς μήνες, του συνολικού ύψους των χρηματοοικονομικών υποχρεώσεων, οι οποίες είναι συναφείς με το ηλεκτρονικό χρήμα το οποίο εκδίδεται στο τέλος	Point 2 of Article 2 of L.81(I)/2012 almost literally transposes point 4 Article 2 of the Directive. There are differences in the syntax and wording between the Directive provision and the national one.

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month.	που υπολογίζονται την πρώτη ημερολογιακή ημέρα εκάστου ημερολογιακού μήνα και ισχύει για τον εν λόγω ημερολογιακό μήνα.		each calendar month and applied for that calendar month;	κάθε ηλεκτρονικής ημέρας, ο οποίος μέσος όρος υπολογίζεται την πρώτη ημερολογιακή ημέρα κάθε ημερολογιακού μήνα και εφαρμόζεται για τον εν λόγω ημερολογιακό μήνα·	
Art. 3(1) TITLE II REQUIREMENTS FOR THE TAKING UP, PURSUIT AND PRUDENTIAL SUPERVISION OF THE BUSINESS OF ELECTRONIC MONEY INSTITUTIONS Article 3 General prudential rules 1. Without prejudice to this Directive, Articles 5 and 10 to 15, Article 17(7) and Articles 18 to 25 of Directive 2007/64/EC shall apply to electronic money institutions mutatis mutandis.	ΤΙΤΛΟΣ ΙΙ ΑΠΑΙΤΗΣΕΙΣ ΓΙΑ ΤΗΝ ΑΝΑΛΗΨΗ, ΤΗΝ ΑΣΚΗΣΗ ΚΑΙ ΤΗΝ ΠΡΟΛΗΠΤΙΚΗ ΕΠΟΠΤΕΙΑ ΤΗΣ ΑΡΑΣΤΗΡΙΟΤΗΤΑΣ ΙΛΡΥΜΑΤΩΝ ΗΛΕΚΤΡΟΝΙΚΟΥ ΧΡΗΜΑΤΟΣ Αρθρο 3 Γενικοί κανόνες προληπτικής εποπτείας 1. Με την επιφύλαξη της παρούσας οδηγίας, το άρθρο 17 παράγραφος 7 και τα άρθρα 18 ως 25 της οδηγίας 2007/64/ΕΚ εφαρμόζονται στα ιδρύματα ηλεκτρονικού χρήματος τηρουμένων των αναλογιών.	L.81(I) /2012 Art. 6 (1)-(7), 7, 9, 14(1), 16(1) (a)-(c), 17(1)(a))-(c), 17(3), 22, 31(1) and(2), 23, 32(1) and(2), 32(2) and(3), 33, 34, 35(1)(a) Part VII	Law 81(I) / 2012	Νόμος 81(I)/2012 Αρθρα: 6(1) έως (7), 7, 9, 14(1), 16(1)(α) έως (γ), 17(1)(α) έως (γ), 17(3), 22, 31(1) και (2), 23, 32(1) και (2), 32(2) και (3), 33, 34, 35(1)(α) και Μέρος VII, ΚΔΠ 241/2012 Παράγραφοι: 3, 4, και 16 ΚΔΠ 238/2012 Idem Σύνταγμα Άρθρο 146	With regard to the analogous application of Articles 5 and 10 to 15, Article 17(7) and Articles 18 to 25 of Directive 2007/64/EC to electronic money institutions, the national legislator did not opt to make reference to the relevant provision of the national implementing law, namely, the Payment Services Law of 2009. Instead, the relevant provisions of Directive 2007/64/EC have been transposed through various provisions of L.81(I)/2012 and KDP 241/2012 of the Central Bank and KDP 238/2012 of ASDCS. Specifically, - Article 5 of Directive 2007/64/EC is in principle transposed in a conform manner through Paragraphs 3 and 4 of KDP 241/2012 of the Central Bank and KDP 238/2012 of ASDCS. Some concerns are raised with regard to the non implementation of points (h), (j), (k), (l) and the second paragraph of Article 5. Nonetheless, with regard to point (h) it may be

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	12 and KDP 238/20 12 Para. 3, 4, 16 Con. 146	implied that the identity of the persons with a qualifying holding needs to be submitted at the time of the application since Article 11(4)(b) of 1.81(I)/2012 requires the disclosure of any change in such holdings. Similarly with regard to points (k) and (l), the wording of point (a) of subparagraph 2 of paragraph 3 of the above directives which requires information, evidence and documents of points (a), (b) and (d) of subparagraph 1, could imply disclosure of the applicants articles of association which also state the address of the head office. Finally, regarding the disclosure of the identity of the statutory auditors - point (j)- it may be implied that national law requires information as to the auditors, since it requires the disclosure of annual accounts which name the auditors. - Article 10 of Directive 2007/64/EC is in principle transposed in a conform manner by paragraphs (1) to (7) of Article 6 of L.81(I)/2012. It should be noted however that paragraphs 3 and 9 of the Directive article appear not to be explicitly transposed. Nonetheless conformity with paragraph 3 may be implies as Article 3(1)(b) of L.81(I)/2012 regulates 'the issuance of electronic money in a Member State other than the Republic or any country which is

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Conformity Assessment of Directive 2009/HD/EC Compa		not a Member State, by a person who is resident in the Republic or, if legal person, a person established in the Republic or located in the Republic'. Furthermore, with regard to paragraph 9, it should be noted that according to Articles 23(1)(a) and 24(1) of L.81(I)/2012, electronic money institutions established in the Republic and wishing to provide services abroad, or vice versa, under the status of freedom of establishment or freedom to provide services, notify the competent authority. Therefore, proper application of paragraph 9 of Article 10 of Directive 2007/64/EC may be implied. - Article 11 of Directive 2007/64/EC is transposed in a conform manner by Article 7 of L.81(I)/2012. - With regard to Article 12(1) of Directive 2007/64/EC the transposition into national law has taken place in a conform manner by L.81(I)/2012 and specifically Article 17(1)(a) to (c) for points (b) to (d) of the Directive and 16(1)(a) to (c) for points (a) and (e) thereof. Paragraphs 2 and 3 of the Directive article have been transposed through Article 17(3) of the implementing law. - Article 13 of Directive 2007/64/EC is transposed in a conform manner by

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				Paragraphs 4 of KDP 241/2012 of the Central Bank and KDP 238/2012 of ASDCS respectively.
				- Article 14 of Directive 2007/64/EC is transposed in a conform manner by Article 9 of L.81(I)/2012.
				- Article 15 of Directive 2007/64/EC is transposed in a conform manner by Article 14(1) of L.81(I)/2012
				- The provisions of Articles 17(7) and 18 of the Directive have been transposed into national legislation through a single article, namely Article 16 of KDP 241/2012 of the Central Bank and KDP 238/2012 of ASDCS respectively. No concerns over conformity are raised.
				- Article 19 of Directive 2007/64/EC is transposed in a conform manner by Article 22 of L.81(I)/2012
				- With regard to Article 20(1) of Directive 2007/64/EC the transposition into national law has taken place in a conform manner by L.81(I)/2012. Paragraph (1) of the Directive has been implemented by Article 31(1) and (2); paragraph (2) by Article 32(1) and (2) and paragraph (3) by Article 33 of the national implementing law. Paragraphs 1 to 3 have been transposed in a conform manner.

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				Paragraphs 4 and 5 of the Directive article are transposed through Article 31(1) of L.81(I)/2012.
				 Paragraphs (1) and (3) of Article 21 of Directive 2007/64/EC have properly been implemented by Article 32 of L.81(I)/2012 and in particular by paragraphs (2) and (3) thereof. The provision of paragraph (2) of the Directive article has properly been implemented by Part VII of L.81(I)/2012 Article 22 of Directive 2007/64/EC is transposed in a conform manner by Article 34 of L.81(I)/2012. Article 23 is foreseen in Article 146 of the Constitution. Article 24 of Directive 2007/64/EC is transposed in a conform manner by Article 35(1)(a) of L.81(I)/2012. Article 24 of Directive 2007/64/EC is transposed in a conform manner by Articles 23 and 24 of L.81(I)/2012. The general principle set out in recital 9 of the Directive, providing that the relevant provisions of Directive 2007/64/EC should apply <i>mutatis mutandis</i> to electronic money
				institutions without prejudice to the provisions of this Directive has been duly complied with in Cypriot law.

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						Therefore, based on the above observations the national provisions transpose the requirements of Article 3(1) of the Directive without any particular nuances. Thus, a conclusion of conformity may be reached.
Art. 3(2)	2.Electronic money institutions shall inform the competent authorities in advance of any material change in measures taken for safeguarding of funds that have been received in exchange for electronic money issued.	2. Τα ιδρύματα ηλεκτρονικού χρήματος ενημερώνουν τις αρμόδιες αρχές εκ των προτέρων για οιαδήποτε ουσιαστική μεταβολή των μέτρων που λαμβάνονται για τη διασφάλιση χρηματικών ποσών που έχουν ληφθεί έναντι ηλεκτρονικού χρήματος.	Law 81(I)/ 2012 Art. 9(2) and 13(1)(a)	(2) Without prejudice to the generality of subparagraph (1) of this Article and of subparagraphs (6) to (8) of Article 13, throughout the course of operation, the electronic money institution must notify in advance the Competent Authority of any material change affecting the measures that the electronic money institution applies in order to comply with the requirements of paragraph (a) of subparagraph (1) of Article 13. The Competent Authority may, by directive, specify this paragraph and in particular the concept of material change. Article 13(1)(a)	Άρθρο 9(2) (2) Χωρίς επηρεασμό της γενικότητας του εδαφίου (1) του παρόντος άρθρου και των εδαφίων (6) έως (8) του άρθρου 13, καθ' όλη τη διάρκεια λειτουργίας του, το ίδρυμα ηλεκτρονικού χρήματος οφείλει να γνωστοποιεί εκ των προτέρων στην Αρμόδια Αρχή οποιαδήποτε ουσιαστική μεταβολή επηρεάζει τα μέτρα που το ίδρυμα ηλεκτρονικού χρήματος λαμβάνει προς συμμόρφωση με τις απαιτήσεις της παραγράφου (α) του εδαφίου (1) του άρθρου 13. Η Αρμόδια Αρχή δύναται με οδηγία της να εξειδικεύει το παρόν εδάφιο και ιδίως την έννοια της ουσιαστικής μεταβολής.	Article 9(2) combined with Article 13(1)(a) of L.81(I)/2012 transpose Article 3(2) of the Directive. Article 9(2) of the implementing law requires electronic money institutions to notify in advance the competent authority of any material change affecting the measures that the electronic money institution applies in order to comply with the requirements of paragraph (a) of subparagraph (1) of Article 13. Article 13(1)(a) imposes upon electronic money institutions an obligation to ensure the safeguarding of funds received in exchange of electronic money. The last indent of Article 9(2) foresees the concept of material change may be specified by directive issued by the competent authority. In view of the above, the national provisions
				13 (1) An electronic	Άρθρο 13(1)(α)	are in line with the spirit of recital 14 of the Directive which notes that 'it is necessary that

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				money institution shall ensure- (a) the funds received in exchange for the issuance of electronic money and []	13(1) Τα ιδρύματα ηλεκτρονικού χρήματος υποχρεούνται να διασφαλίζουν- (α) τα χρηματικά ποσά που λαμβάνουν σε αντάλλαγμα για την έκδοση ηλεκτρονικού χρήματος, και []	the competent authorities be informed in advance of any material change, such as a change in the safeguarding method, a change in the credit institution where safeguarded funds are deposited, or a change in the insurance undertaking or credit institution which insured or guaranteed the safeguarded funds.' Therefore, the national implementing provisions conform to the requirements of Article 3(2) of the Directive.
Art. 3(3) 1 st subpar a.	3. Any natural or legal person who has taken a decision to acquire or dispose of, directly or indirectly, a qualifying holding within the meaning of point 11 of Article 4 of Directive 2006/48/EC in an electronic money institution, or to further increase or reduce, directly or indirectly, such qualifying holding as a result of which the proportion of the capital or of the voting rights held would reach, exceed or fall below 20 %, 30 % or 50 %, or so that the electronic money institution would become or cease to be its subsidiary, shall inform	3. Οιοδήποτε φυσικό ή νομικό πρόσωπο έχει λάβει απόφαση να αποκτήσει ή να διαθέσει, άμεσα ή έμμεσα, ειδική συμμετοχή κατά την έννοια του άρθρου 4 παράγραφος 11 της οδηγίας 2006/48/ΕΚ σε ίδρυμα ηλεκτρονικού χρήματος ή να αυξήσει περαιτέρω ή μειώσει, άμεσα ή έμμεσα, αυτή την ειδική συμμετοχή με αποτέλεσμα η αναλογία των δικαιωμάτων ψήφου στο κεφάλαιο που κατέχει να φθάνει, υπερβαίνει ή μειώνεται κατά 20 %, 30 % ή 50 %, ή το ίδρυμα ηλεκτρονικού χρήματος να γίνεται ή να παύει να είναι θυγατρική του, ενημερώνει τις αρμόδιες	Law 81(I)/ 2012 Art. 11(1)	11 (1) Any natural or legal person who has decided- (a) to acquire or dispose, directly or indirectly, control in an electronic money institution or (b) to further increase or reduce, directly or indirectly, such control so- (i) the proportion of the capital or voting rights held would reach or exceed the threshold of twenty percent (20%), thirty percent (30%) or fifty percent (50%), or (ii) the proportion of the share capital or voting rights to be reduced to less	11(1) Κάθε φυσικό ή νομικό πρόσωπο το οποίο έχει αποφασίσει- (α) να αποκτήσει ή να παύσει να κατέχει, άμεσα ή έμμεσα, έλεγχο σε ίδρυμα ηλεκτρονικού χρήματος, ή (β) να αυξήσει περαιτέρω ή να μειώσει, άμεσα ή έμμεσα, τέτοιον έλεγχο ούτως ώστε- (ί) η αναλογία των μεριδίων κεφαλαίου ή των δικαιωμάτων ψήφου που κατέχει να φθάνει ή να υπερβαίνει τα κατώτατα όρια του είκοσι τοις εκατό (20%), του τριάντα τοις εκατό (30%) ή του πενήντα τοις εκατό (50%),	Article 11(1) of L.81(I)/2012 almost literally transposes the first subparagraph of Article 3(3) of the Directive. The wording used by the national provision is almost identical to the Directive article with structural differences between the Directive provision and the national one present. It should be noted that the national provision does not use the term 'qualifying holding' in an electronic money institution but 'control' of it. In accordance with point 8 of Article 2 of the implementing law 'control' has the meaning given to it under articles 2 of L.66(I)/1977 (Banking Law) and K.D.P 388/2009 of ASDCS.

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	the competent authorities of their intention in advance of such acquisition, disposal, increase or reduction.	αρχές για την πρόθεσή του πριν από την απόκτηση, τη διάθεση, την αύξηση ή τη μείωση.		than twenty percent (20%) to thirty percent (30%) or fifty percent (50%), or (iii) the electronic money institution becomes a subsidiary, or (iv) the electronic money institution would cease to be a subsidiary, notifies its intention to the Competent Authority before making the acquisition, termination of the holding, the increase or decrease, respectively	(ii) η αναλογία των μεριδίων κεφαλαίου ή των δικαιωμάτων ψήφου που κατέχει να μειώνεται σε λιγότερο από το είκοσι τοις εκατό (20%), το τριάντα τοις εκατό (30%) ή το πενήντα τοις εκατό (50%), ή (iii) το ίδρυμα ηλεκτρονικού χρήματος να καθίσταται θυγατρική του, ή (iv) το ίδρυμα ηλεκτρονικού χρήματος να παύει να είναι θυγατρική του, Γνωστοποιεί την πρόθεσή του στην Αρμόδια Αρχή πριν προβεί στην απόκτηση, την παύση της κατοχής, την αύξηση ή τη μείωση, αντίστοιχα.	Thus, control under L.66(I)/1977means: (a) ownership by a person of the share capital of the company or its parent company that is providing 10 or more than 10% of the votes at any general meeting of the company or its parent company, or (b) the ability of a person to determine in any manner the election of a majority of the directors of the company or its parent. As mentioned under paragraph (a) of the implementing article control may be direct or indirect. K.D.P. 388/2009 however uses the term 'qualifying holding' and defines it as a direct or indirect ownership of at least 10% of the capital or voting rights or the exercise of significant influence in the management of the enterprise in which the interest is held. In view of all of the above, Article 11(1) of L.81(I)/2012 conforms to the requirements of Article 3(3) of the Directive.
Art. 3(3) 2 nd subpar a.	The proposed acquirer shall supply to the competent authority information indicating the size of the intended holding and relevant information referred to in Article 19a(4) of Directive	Ο υποψήφιος αγοραστής παρέχει στην αρμόδια αρχή πληροφορίες που αναφέρουν το μέγεθος της συμμετοχής που προτίθεται να αγοράσει και σχετικές πληροφορίες που εμφαίνονται στο	Law 81(I)/ 2012 Art. 11(2)	(2) The prospective acquirer gives the Competent Authority information regarding the size of the intended holding and, <i>mutatis mutandis</i> , the information specified under - (a) of	(2) Ο υποψήφιος αγοραστής παρέχει στην Αρμόδια Αρχή πληροφορίες που προσδιορίζουν το ύψος της σκοπούμενης συμμετοχής και, τηρουμένων των	Article 11(2) of L.81(I)/2012 transposes the second subparagraph of Article 3(3) of the Directive.

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	2006/48/EC.	άρθρο 19α παράγραφος 4 της οδηγίας 2006/48/ΕΚ.		subparagraph (4) of paragraph 8 of the Regulatory Decision of ASDCS on procedural rules and evaluation criteria for the prudential assessment of acquisitions, growth and decline of participation in cooperative credit institutions when it comes to acquire or increase control over electronic money institution established under the Cooperative Societies Law; (b) of paragraph (4) of Article 17A of the Banking Law, when it comes to acquire or increase control over any other electronic money institution.	αναλογιών, τις πληροφορίες που ορίζονται δυνάμει - (α) της υποπαραγράφου (4) της παραγράφου 8 της Κανονιστικής Απόφασης της Επιτροπής της ΥΕΑΣΕ σχετικά με τους διαδικαστικούς κανόνες και τα κριτήρια για την προληπτική αξιολόγηση της απόκτησης, αύξησης και μείωσης συμμετοχής στα Συνεργατικά Πιστωτικά Ιδρύματα, όταν πρόκειται για απόκτηση ή αύξηση ελέγχου επί ιδρύματος που έχει συσταθεί δυνάμει των περί Συνεργατικών Εταιρειών Νόμων· (β) του εδαφίου (4) του άρθρου 17Α των περί Τραπεζικών Εργασιών Νόμου, όταν πρόκειται για απόκτηση ή αύξηση ελέγχου επί οποιουδήποτε άλλου ιδρύματος ηλεκτρονικού χρήματος ηλεκτρονικού χρήματος.	It foresees an obligation upon the prospective acquirer to provide the competent authority information on the size of intended holding along with any other information as specified under 8(4) of the referred Regulatory Decision of ASDCS (KDP 388/2009), or Article 17A(4) of the Banking Law, depending on the competent authority in each case. The above referred national provisions are almost identical. Article 17A(4) of the Banking Law foresees that 'the Central Bank publishes a list of information that is necessary to carry out the assessment and that it must be provided with the relevant information at the time of notification referred to in paragraph (1) of Article 17. The information required shall be proportionate and adapted to the nature of the proposed acquirer and the proposed acquisition. It is to be understood that the Central Bank does not require information that is not relevant to the assessment'. Thus, paragraph 8(4) of KDP 388/2009 of ASDCS and Article 17A(4) of the Banking Law conform to Article 19a(4) of Directive 2006/48/EC. Therefore, Article 11(2) of L.81(I)/2012 conforms to the requirements of the second subparagraph of Article 3(3) of the Directive.
Art. 3(3)	Where the influence exercised by the persons	Σε περίπτωση που η επιρροή των προσώπων τα	Law 81(I)/	Article 11(3)	Άρθρο 11(3)	CONFORM

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3 rd subpar a.	referred to in the second subparagraph is likely to operate to the detriment of the prudent and sound management of the institution, the competent authorities shall express their opposition or take other appropriate measures to bring that situation to an end. Such measures may include injunctions, sanctions against directors or managers, or the suspension of the exercise of the voting rights attached to the shares held by the shareholders or members in question.	οποία αναφέρει το δεύτερο εδάφιο είναι δυνατόν να αποβεί εις βάρος της συνετής και χρηστής διαχείρισης του ιδρύματος, οι αρμόδιες αρχές εκφράζουν την αντίθεσή τους ή λαμβάνουν άλλα κατάλληλα μέτρα για να τερματισθεί αυτή ή κατάσταση. Στα εν λόγω μέτρα είναι δυνατό να περιλαμβάνονται διαταγές, κυρώσεις κατά των διευθυνόντων ή αναστολή της άσκησης των δικαιωμάτων ψήφου που απορρέουν από μετοχές ή μερίδα που κατέχουν οι εν λόγω μέτοχοι ή εταίροι.	2012 Art. 11(3), 41(2) and 42(2)	(3) If the relevant person referred to in paragraph (2) is likely to operate against the prudent and sound management of electronic money institutions, the Competent Authority opposes and, additionally, it may take one or more of the following measures: (a) suspension of the exercise of voting rights arising from shares or voting rights held by that person; (b) gives an order under which the disposal, signing of disposal, sale, exchange, lease, transfer, donation and general alienation of shares held is void; (c) prohibiting the acquisition, including the acquisition by donation or through the exercise of warrants and shares of electronic money institutions and; (d) prohibition on any payments from the	(3) Σε περίπτωση που η επιρροή προσώπου το οποίο αναφέρεται στο εδάφιο (2) είναι δυνατόν να αποβεί σε βάρος της συνετής και χρηστής διαχείρισης του ιδρύματος ηλεκτρονικού χρήματος, η Αρμόδια Αρχή εκφράζει την αντίθεσή της και, επιπρόσθετα, δύναται να λαμβάνει ένα ή περισσότερα από τα ακόλουθα μέτρα: (α) αναστολή της άσκησης των δικαιωμάτων ψήφου που απορρέουν από μετοχές ή δικαιώματα ψήφου που κατέχει το εν λόγω πρόσωπο· (β) έκδοση διαταγής δυνάμει της οποίας η διάθεση, η υπογραφή συμφωνίας διάθεσης, η πώληση, η ανταλλαγή, η μίσθωση, η μεταβίβαση, η δωρεά και εν γένει η αποξένωση των μετοχών που κατέχει είναι άκυρη· (γ) απαγόρευση απόκτησης, περιλαμβανομένης απόκτησης, περιλαμβανομένης απόκτησης δια δωρεάς ή	Article 11(3), 41(2) and 42(2) of L.81(I)/2012 transpose the third subparagraph of Article 3(3) of the Directive. Article 11(3) provides that in case the influence exercised by the persons referred to in the analysis of the second subparagraph of Article 3(2) of the Directive is likely to operate to the detriment of the prudent and sound management of the institution, the competent authority may take one more of the measures listed therein. Specifically, the competent authority may order the suspension of the voting rights, order that the transfer of the shares is void, and prohibit the acquisition or the any payments from the electronic money institution arising from the shares, except in the case of dissolution of the electronic money institution. Thus the national implementing measure includes injunctions and the suspension of the exercise of the voting rights attached to the shares held by the shareholders or members in question, as provided for in the third subparagraph of Article 3(3) of the Directive. With regard to sanctions Article 41(2) of L.81(I)/2012 foresees that the offence of subparagraph (c) of Article 11(3) carries a penalty of imprisonment of up to 2 years or a fine of up to EUR 85 000 or both. It should be

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	electronic money institution arising from the shares, except in the case of dissolution of the electronic money institution. Article 41(2) 41 (2) Violation of the measure referred to in paragraph (c) of subparagraph (3) of Article 11, which the competent authority receives under subparagraph (3), (4) or (5) of Article 11 constitutes an offense punishable with imprisonment not exceeding two (2) years or a fine not exceeding eighty five thousand euro (€ 85.000) or with both these penalties. Article 41(2) (2) If a violation of subparagraph (1) is attributed to the fault of the Board, the Chief Executive Officer or a director of the issuer of	μέσω άσκησης δικαιωμάτων αγοράς, μετοχών του ιδρύματος ηλεκτρονικού χρήματος και (δ) απαγόρευση διενέργειας οποιωνδήποτε πληρωμών από το ίδρυμα ηλεκτρονικού χρήματος που απορρέουν από τις μετοχές, εξαιρουμένης της περίπτωσης διάλυσης του ιδρύματος ηλεκτρονικού χρήματος. Άρθρο 41(2) 41(2) Η παράβαση του μέτρου που αναφέρεται στην παράγραφο (γ) του εδαφίου (3) του άρθρου 11, το οποίο η Αρμόδια Αρχή λαμβάνει δυνάμει του εδαφίου (3), (4) ή (5) του άρθρου 11, συνιστά αδίκημα τιμωρούμενο με φυλάκιση που δεν υπερβαίνει τα δύο (2) χρόνια ή με χρηματική ποινή που δεν υπερβαίνει τις ογδόντα πέντε χιλιάδες ευρώ (€85.000) ή και με τις δύο αυτές ποινές.	noted that from the wording of the relevant national provision that not just directors or managers but any natural person responsible could fall within the remit of Article 41(2) of L.81(I)/2012. Specifically with regard to sanctions for directors and managers, Article 42(2) of L.81(I)/2012 foresees that for any failure to comply with any provision of the implementing law (L.81(I)/2012) the board, the CEO or a director may face an administrative fine of EUR 1 000 up to EUR 20 000, depending on the severity of the offense and its continuation. In view of all of the above, the national implementing measures appear to conform to the requirements of the Directive article.
	electronic money, the Central Bank, after giving	Άρθρο 42(2)	

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				notice to the person to provide explanations, it may impose on such person and with regard to each violation an administrative fine of one thousand euro (€ 1.000) up to twenty thousand euro (€ 20.000), depending on the severity of the offense and, if the violation continues, the Central Bank may additionally imposes an administrative fine, depending on the severity the offense, of one hundred euro (€ 100) to one thousand euro (€ 1.000) for each day the violation continues.	(2) Αν η παράβαση του εδαφίου (1) αποδίδεται σε υπαιτιότητα του διοικητικού συμβούλου, του πρώτου εκτελεστικού διευθυντή ή διευθυντή του εκδότη ηλεκτρονικού χρήματος, η Κεντρική Τράπεζα, αφού προηγουμένως καλέσει σε απολογία το πρόσωπο αυτό, δύναται να επιβάλλει στο πρόσωπο αυτό για κάθε παράβαση διοικητικό πρόστιμο από χίλια ευρώ (€1.000) έως και είκοσι χιλιάδες ευρώ (€20.000), ανάλογα με τη βαρύτητα της παράβασης και, σε περίπτωση που η παράβαση συνεχίζεται, η Κεντρική Τράπεζα δύναται επιπρόσθετα να του επιβάλλει διοικητικό πρόστιμο, ανάλογα με τη βαρύτητα της παράβασης, από εκατό ευρώ (€100) μέχρι χίλια ευρώ (€100) για κάθε ημέρα συνέχισης της παράβασης.	
Art. 3(3) 4 th subpar a.	Similar measures shall apply to natural or legal persons who fail to comply with the obligation to provide prior	Παρόμοια μέτρα εφαρμόζονται κατά των φυσικών ή νομικών προσώπων τα οποία δεν τηρούν την υποχρέωση	Law 81(I)/ 2012 Art. 11(4)(a	(4) (a) In the event of a natural or legal persons failing to comply with the prior notification of this section, the Competent	(4)(α) Σε περίπτωση φυσικών ή νομικών προσώπων που παραβαίνουν την κατά το παρόν άρθρο υποχρέωση	CONFORM Article 11(4)(a) of L.81(I)/2012 transposes

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	information, as laid down in this paragraph.	της εκ των προτέρων ενημέρωσης που αναφέρεται στην παράγραφο αυτή.		Authority may take any of the measures referred to in paragraph (3), defining the duration of the measure or that the measure is valid until revoked by the Competent Authority.	εκ των προτέρων γνωστοποίησης, η Αρμόδια Αρχή δύναται να λαμβάνει οποιοδήποτε από τα μέτρα που αναφέρονται στο εδάφιο (3), ορίζοντας τη χρονική διάρκεια ισχύος του μέτρου ή ότι το μέτρο ισχύει μέχρι την ανάκλησή του από την Αρμόδια Αρχή.	subparagraph 4 of Article 3(3) of the Directive. From the wording of subparagraph (a) of the national provision, it becomes apparent that the obligations imposed under Article 11(4) - implementing Article 3(3) of the Directive-are equally applicable to natural and legal persons. Thus, in line with the present Directive provision, the measures listed in the analysis of subparagraph 3 of Article 3(3) of the Directive, can also be imposed against natural persons who fail to comply with the obligation of prior notification. Furthermore, it is noted that the national provision foresees that the decision of the competent authority should also state the duration of the imposed measures. Therefore, Article 11(4)(a) of L.81(I)/2012 conforms to the provisions of Article 3(3) of the Directive.	
Art. 3(3) 5 th subpar a.	If a holding is acquired despite the opposition of the competent authorities, those authorities shall, regardless of any other sanction to be adopted, provide for the exercise of the voting rights of the acquirer to be suspended, the nullity of votes cast or the possibility of annulling those votes.	Σε περίπτωση απόκτησης συμμετοχής παρά την αντίθεση των αρμόδιων αρχών, οι αρμόδιες αρχές, ανεξάρτητα από τις άλλες κυρώσεις που πρόκειται να επιβληθούν, προβλέπουν είτε την αναστολή της άσκησης των αντίστοιχων δικαιωμάτων ψήφου είτε την ακυρότητα ή τη δυνατότητα ακύρωσης	Law 81(I)/ 2012 Art. 11(5) and (6)	(5) In case of acquisition despite the opposition of the Competent Authority, whether that is expressed before or thereafter, the Competent Authority shall suspend the voting rights arising from shares or voting rights held by the acquiring person and may additionally take any of the measures referred to in subparagraphs (b) and (d)	(5) Σε περίπτωση απόκτησης συμμετοχής παρά την αντίθεση της Αρμόδιας Αρχής, είτε η Αρμόδια Αρχή εξέφρασε την αντίθεσή της πριν από την απόκτηση συμμετοχής είτε μετά από αυτή, η Αρμόδια Αρχή αναστέλλει την άσκηση των δικαιωμάτων ψήφου που απορρέουν από μετοχές ή δικαιώματα ψήφου που	Paragraphs (5) and (6) of Article 11 of L.81(I)/2012 transpose the fifth subparagraph of Article 3(3) of the Directive. Paragraph 5 of the above national provision foresees that if a holding is acquired despite the opposition of the competent authorities, the latter shall suspend the voting rights arising from shares or voting rights held by	

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		των σχετικών ψήφων.		of paragraph (3). (6) The suspension of the exercise of voting rights in accordance with paragraph (5), invalidates any voting rights held after the competent authority has expressed its opposition.	κατέχει ο αποκτήσας τη συμμετοχή και δύναται επιπρόσθετα να λάβει οποιοδήποτε από τα μέτρα που αναφέρεται στις παραγράφους (β) και (δ) του εδαφίου (3). (6) Η αναστολή της άσκησης των δικαιωμάτων ψήφου σύμφωνα με το εδάφιο (5), καθιστά άκυρη τυχόν άσκηση των δικαιωμάτων ψήφου που πραγματοποιήθηκε αφότου η Αρμόδια Αρχή εξέφρασε την αντίθεσή της.	the acquiring person. As the provision of paragraph (5) applies irrespective of whether the opposition of the competent authority was expressed before or after the acquisition, paragraph (6) qualifies that in case the opposition of the competent authority was expressed following the acquisition, any voting rights are suspended or invalidated after the publication of the opposition. Therefore, paragraphs (5) and (6) of Article 11 of L.81(I)/2012 conform to the requirements of subparagraph 5 of Article 3(3) of the Directive.
Art. 3(3) 6 th subpar a.	The Member States may waive or allow their competent authorities to waive the application of all or part of the obligations pursuant to this paragraph in respect of electronic money institutions that carry out one or more of the activities listed in Article 6(1)(e).	Τα κράτη μέλη μπορούν, πλήρως ή εν μέρει, να απαλλάσσουν ή να επιτρέπουν στις αρμόδιες αρχές τους να απαλλάσσουν από υποχρεώσεις σύμφωνα με την παράγραφο αυτή τα ιδρύματα ηλεκτρονικού χρήματος που επιτελούν μία ή περισσότερες από τις δραστηριότητες που καταγράφονται στο άρθρο 6 παράγραφος 1 στοιχείο ε).	Law 81(I)/ 2012 Art. 11(8)	(8) The Competent Authority may, by way of directives provide that this Article shall not apply, in whole or in part, in the case of electronic money institutions engaged in one or more activities covered by subparagraph (d) of paragraph (1) of Article 15.	(8) Η Αρμόδια Αρχή δύναται με οδηγίες της να ορίζει ότι το παρόν άρθρο δεν εφαρμόζεται, εν όλω ή εν μέρει, στην περίπτωση ιδρύματος ηλεκτρονικού χρήματος που ασκεί μια ή περισσότερες δραστηριότητες που εμπίπτουν στην παράγραφο (δ) του εδαφίου (1) του άρθρου 15.	Article 11(8) of L.81(I)/2012 transposes the option provided under subparagraph 6 of Article 3(3) of the Directive. The national legislator provides the competent authorities the option to exclude, by way of directives, in whole or in part the application of Article 11 (implementing Article 3(3) of the Directive) with regard to electronic money institutions engaged in one or more activities covered Article 15(1)(d) (which corresponds to Article 6(1)(e) of the

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						Directive).
						It is noted that such a directive has not yet been issued by the competent authorities
						Therefore, Article 11(8) of L.81(I)/2012 transposes in a conform manner subparagraph 6 of Article 3(3) of the Directive.
Art. 3(4)	4. Member States shall allow electronic money institutions to distribute and redeem electronic money through natural or legal persons which act on their behalf. Where the electronic money institution wishes to distribute electronic money in another Member State by engaging such a natural or legal person, it shall follow the procedure set out in Article 25 of Directive 2007/64/EC.	4. Τα κράτη μέλη επιτρέπουν στα ιδρύματα ηλεκτρονικού χρήματος να διανέμουν και να εξαργυρώνουν ηλεκτρονικό χρήμα μέσω φυσικών ή νομικών προσώπων εξ ονόματός τους. Εάν το ίδρυμα ηλεκτρονικού χρήματος επιθυμεί να διανείμει ηλεκτρονικό χρήμα σε άλλο κράτος μέλος με πρόσληψη φυσικού ή νομικού προσώπου, ακολουθεί τις διαδικασίες του άρθρου 25 της οδηγίας 2007/64/ΕΚ.	Law 81(I)/ 2012 Art. 19(7)(a) and 19(7)(a)	Article 19(6)(a) (6) (a) Electronic money institutions are allowed to distribute and redeem electronic money through natural or legal persons which act on their behalf and meet the criteria that the Competent Authority may define by directive. Article 19(7)(a) (7) (a) Without prejudice to the other paragraphs of this Article if the electronic money institution wishes to distribute and redeem electronic money through natural or legal persons acting on its behalf in another Member State, the	Άρθρο 19(6)(α) (6)(α) Τα ιδρύματα ηλεκτρονικού χρήματος επιτρέπεται να διανέμουν και να εξαργυρώνουν ηλεκτρονικό χρήμα μέσω φυσικών ή νομικών προσώπων που ενεργούν εξ ονόματός τους και πληρούν τα κριτήρια που η Αρμόδια Αρχή δύναται να καθορίσει με οδηγία της. Άρθρο 19(7)(α) (7)(α) Χωρίς επηρεασμό των λοιπών εδαφίων του παρόντος άρθρου, εάν το ίδρυμα ηλεκτρονικού χρήματος επιθυμεί να διανέμει και να εξαργυρώνει ηλεκτρονικό	Paragraphs 6(a) and 7(a) of Article 19 of L.81(I)/2012 almost literally transpose Article 3(4) of the Directive. Paragraph 6(a) literally transposes the first sentence of the Directive article, adding that the competent authorities may define by directive the criteria to be met by natural or legal persons who distribute and redeem electronic money on behalf of electronic money institutions. Therefore, the national provision is in line with the spirit of recital 10 of the Directive which notes that '[] electronic money institutions distribute electronic money, including by selling or reselling electronic money products to the public, providing a means of distributing electronic money to customers, or of redeeming electronic money on the request of customers or of topping up
				provisions of subparagraphs (1) to (4) of Article 23, apply	χρήμα μέσω φυσικών ή νομικών προσώπων που ενεργούν εξ ονόματός του σε άλλο κράτος μέλος,	customers' electronic money products, through natural or legal persons on their behalf, according to the requirements of their

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				mutatis mutandis.	εφαρμόζονται οι διατάξεις των εδαφίων (1) έως (4) του άρθρου 23, τηρουμένων των αναλογιών.	respective business models.' Paragraph 7(a) foresees that for the issuance and redemption of electronic money in another Member State through natural or legal persons acting on behalf of an electronic money institution, the provisions of paragraphs (1) to (4) of Article 23 have to be met. It is noted that paragraphs (1) to (4) of Article 23 correspond to the procedure laid down under Article 25 of Directive 2007/64/EC Therefore the national provisions conform to the requirements of Article 3(4) of the Directive.
Art. 3(5)	5. Notwithstanding paragraph 4, electronic money institutions shall not issue electronic money through agents. Electronic money institutions shall be allowed to provide payment services referred to in Article 6(1)(a) through agents only if the conditions in Article 17 of Directive 2007/64/EC are met.	5. Ανεξαρτήτως των διατάξεων της παραγράφου 4, τα ιδρύματα ηλεκτρονικού χρήματος δεν εκδίδουν ηλεκτρονικό χρήμα μέσω πρακτόρων. Τα ιδρύματα ηλεκτρονικού χρήματος έχουν την άδεια να παρέχουν τις υπηρεσίες πληρωμών όπως αναφέρεται στο άρθρο 6 παράγραφος 1 στοιχείο α) μέσω πρακτόρων μόνον εφόσον πληρούνται οι προϋποθέσεις του άρθρου 17 της οδηγίας	Law 81(I)/ 2012 Art. 19(5) and 19(1-3)	Article 19(5) 5) Subject to paragraph (6), electronic money institutions shall not issue electronic money through agents. Article 19(1-3) 19 (1) Where an electronic money institution intends to provide payment services through an agent, it applies for the registration of the agent in the register provided for in Article 8.	Άρθρο 19(5) (5) Με την επιφύλαζη του εδαφίου (6), τα ιδρύματα ηλεκτρονικού χρήματος απαγορεύεται να εκδίδουν ηλεκτρονικό χρήμα μέσω αντιπροσώπων. Άρθρο 19(1-3) 19(1) Σε περίπτωση που ίδρυμα ηλεκτρονικόύ χρήματος προτίθεται να παρέχει υπηρεσίες πληρωμών μέσω αντιπροσώπου, αιτείται την εγγραφή του	Paragraphs 1, 2 3 and 5 of Article 19 of L.81(I)/2012 transpose Article 3(5) of the Directive. Paragraph 5, using similar wording, transposes the first sentence of the Directive article, prohibiting the issuance of electronic money by agents, subject to the provisions of paragraph 6 which implements Article 3(4) of the Directive. Paragraphs 1 to 3 transpose the second sentence of the Directive provision. The national provision foresees that in order for

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2007/64/EK.	The application must be accompanied by evidence that the Competent Authority shall determine by directive (2) The Competent Authority shall not approve the registration of the agent unless it is fully satisfied that the information provided under paragraph (1) is correct and that the agent meets the criteria set by the Competent Authority as those may determine by directive. Subject to Articles 34 and 35, during the examination of an application for registration of the agent in the register provided for in Article 8, the Competent Authority may at its sole discretion consult any other authority in the Republic or in another country. (3) The Competent Authority may revoke the registration approval of an agent who no longer meets the criteria established under paragraph (2).	αντιπροσώπου στο μητρώο που προβλέπεται στο άρθρο 8. Η αίτηση πρέπει να συνοδεύεται από τα στοιχεία που η Αρμόδια Αρχή καθορίζει με οδηγία της. (2) Η Αρμόδια Αρχή δεν εγκρίνει την εγγραφή του αντιπροσώπου εάν δεν έχει πεισθεί πλήρως ότι τα στοιχεία που της παρασχέθηκαν δυνάμει του εδαφίου (1) είναι ορθά και ότι ο αντιπρόσωπος πληροί τα κριτήρια που η Αρμόδια Αρχή ήθελε καθορίσει με οδηγία της. Με την επιφύλαξη των άρθρων 34 και 35, κατά την εξέταση της αίτησης για εγγραφή του αντιπροσώπου στο μητρώο που προβλέπεται στο άρθρο 8 η Αρμόδια Αρχή δύναται κατά την κρίση της να διαβουλευθεί με κάθε άλλη αρχή στη Δημοκρατία ή σε άλλη χώρα. (3) Η Αρμόδια Αρχή δύναται να ανακαλέσει την έγκριση εγγραφής αντιπροσώπου ο οποίος	payment services to be provided by agents, the latter has to be registered by the competent authority, in line with the provision of Article 17(2) of Directive 2007/64/EC. It is noted that that the national provision refers only to payment services without making specific to those listed in Article 6(1)(a) of the Directive. Nonetheless, according to the definition of 'payment services' provided under point 34 of Article 2 of L.81(I)/2012, those services are the ones included in the Annex of L.128(I)/2009 which literally transposed the Annex to Directive 2007/64/EC. As a result the term 'services' as used in the implementing law corresponds to the 'payment services' of Article 6(1)(a). Furthermore, the national provision foresees that the application must be accompanied by evidence that the competent authority shall determine by directive. The information required pursuant to KDP 241/2012 of the Central Bank and KDP 238/2012 of ASDCS, in paragraph 15(1) respectively, corresponds to the information required by virtue of Article 17(1) of Directive 2007/64/EC. Paragraphs 2 and 3 of the national implementing provision correspond to paragraphs 3 and 4 of Article 17(1) of Directive 2007/64/EC and foresee that the competent authority may verify the correctness of the information provided or revoke the registration if the criteria set are no

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					κριτήρια που καθορίζονται δυνάμει του εδαφίου (2).	In view of all of the above, the national provisions conform to the requirements of Article 3(5) of the Directive.
Art. 4	Article 4 Initial capital Member States shall require electronic money institutions to hold, at the time of authorisation, initial capital, comprised of the items set out in Article 57(a) and (b) of Directive 2006/48/EC, of not less than EUR 350000.	Αρθρο 4 Αρχικό κεφάλαιο Τα κράτη μέλη απαιτούν από τα ιδρύματα ηλεκτρονικού χρήματος να διαθέτουν, κατά τον χρόνο έκδοσης της σχετικής άδειας, αρχικό κεφάλαιο, αποτελούμενο από τα στοιχεία που ορίζονται στο άρθρο 57 στοιχεία α) και β) της οδηγίας 2006/48/ΕΚ, αξίας 350 000 ευρώ τουλάχιστον.	Law 81(I)/2012 Art. 12(1-2), KDP 241/20 12 Para. 6(1) and KDP 238/20 12 Para. 6(1)	Law 81(I)/2012 Article 12(1-2) (1) The legal person requesting a license for electronic money institution must have at the time of licensing an initial capital of at least three hundred fifty thousand euro (€ 350.000) (2) The Competent Authority shall determine by directive the composition of the initial capital. KDP 241/2012 Paragraph 6(1) (1) For the purposes of Article 12 of the Law on Electronic Money, initial capital consists of the elements specified in points (a) and (b) of paragraph 3(1) of Section	Νόμος 81(I)/2012 Άρθρο 12(1-2) (1) Το νομικό πρόσωπο που ζητεί άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος οφείλει να έχει κατά το χρόνο αδειοδότησης αρχικό κεφάλαιο τουλάχιστον τριακοσίων πενήντα χιλιάδων ευρώ (€350.000) (2) Η Αρμόδια Αρχή καθορίζει με οδηγία της τη σύνθεση του αρχικού κεφαλαίου. ΚΛΠ 241/2012 Παράγραφος 6(1) (1) Για τους σκοπούς του άρθρου 12 του περί Ηλεκτρονικού Χρήματος Νόμου το αρχικό κεφάλαιο αποτελείται από το στοιχεία που ορίζονται	Paragraphs 1 and 2 of Article 12 of L.81(I)/2012 transpose Article 4 of the Directive. In accordance with the Directive provision the national implementing provision imposes a minimum initial capital of EUR 350 000 for licensing an electronic money institution. Paragraph 2 of the national provision refers to secondary legislation for the determination of the composition of the initial capital. The competent authorities (Central Bank and ASDCS) have already issued the relevant directives. Only the directive of the Central Bank is reproduced and analysed here as the one by ASDCS is almost identical, taking into account the necessary differences in references made therein. Thus, Paragraph 6(1) of KDP 241/2012 of the Central Bank foresees that the initial capital consists of the elements specified in points (a) and (b) of paragraph 3(1) of Section A of the

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				A of the directives to banks for calculating capital requirements for large exposures of 2006 to (No. 2) 2011.	στα σημεία (α) και (β) της υποπαραγράφου (1), της παραγράφου 3 της Ενότητας Α των Οδηγιών προς τις τράπεζες για τον υπολογισμό των κεφαλαιακών απαιτήσεων των μεγάλων χρηματοδοτικών ανοιγμάτων, του 2006 έως (Αρ. 2) του 2011.	directives to banks for calculating capital requirements for large exposures of 2006 to (No. 2) 2011. The items of points (a) and (b) above correspond to the subscribed capital and reserves, as set out in Article 57(a) and (b) of Directive 2006/48/EC. From the above the national provisions are in line with recital 11 of the Directive which specifies that '[] need for a regime for initial capital combined with one for ongoing capital to ensure an appropriate level of consumer protection and the sound and prudent operation of electronic money institutions'. Therefore, the national implementing provisions conform to the requirements of Article 4 of the Directive.
Art. 5(1)	Article 5 Own funds 1. The electronic money institution's own funds, as set out in Articles 57 to 61, 63, 64 and 66 of Directive 2006/48/EC shall not fall below the amount required under paragraphs 2 to 5 of this Article or under Article 4 of this Directive, whichever the higher.	Άρθρο 5 Τδια κεφάλαια 1. Τα ίδια κεφάλαια του ιδρύματος ηλεκτρονικού χρήματος, όπως ορίζονται στα άρθρα 57 έως 61, 63, 64 και 66 της οδηγίας 2006/48/ΕΚ, δεν μπορούν να υπολείπονται του μεγαλύτερου ποσού που απαιτείται δυνάμει των παραγράφων 2 έως 5 του παρόντος άρθρου ή του άρθρου 4 της παρούσας	Law 81(I)/ 2012 Art. 12(3) and (10)	(3) The electronic money institution is required to hold throughout its lifetime own funds, the composition of which is determined by directive of the Competent Authority, a minimum amount equal to the sum of the calculations resulting from paragraphs (4) to (6) and (7) to (9). (10) The own funds of an electronic money institution shall in no case	(3) Το ίδρυμα ηλεκτρονικού χρήματος υποχρεούται να διαθέτει καθ' όλη τη διάρκεια λειτουργίας του ίδια κεφάλαια, τη σύνθεση των οποίων καθορίζει με οδηγία της η Αρμόδια Αρχή, ελάχιστου ύψους ίσου με το άθροισμα των ποσών που προκύπτουν από τους κατά τα εδάφια (4) έως (6) υπολογισμούς και τους κατά τα εδάφια (7) έως (9) υπολογισμούς.	Paragraphs 3 and 10 of Article 12 of L.891(I)/2012 transpose Article 5(1) of the Directive. The implementing provision foresees that the electronic money institution's own funds should never fall below the sum of the calculations resulting from paragraphs (4) to (6) and (7) to (9). With the scope of avoiding repetition, it suffices at present to note that the referenced paragraphs (4) to (6) and (7) to (9) implement in a conform manner

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οδηγίας.	be reduced below the level of initial capital as provided in paragraph (1). (10) Τα ίδια κεφάλαια του ιδρύματος ηλεκτρονικού χρήματος δεν επιτρέπεται σε καμία περίπτωση να μειωθούν κάτω από το επίπεδο του αρχικού κεφαλαίου κατά τα προβλεπόμενα στο εδάφιο (1).	paragraphs 2 to 5 of the Directive article. Paragraph 10 of the implementing provision adds another minimum threshold, namely that own capital may not never fall below the initial capital of EUR 350 000 provided in paragraph (1), implementing Article 4 of the Directive. Unlike the Directive the national provisions do not explicitly mention that the higher of the above two mentioned thresholds should apply, it may nonetheless be implied from the wording of paragraph 10. It should also be noted that the national provision does not make explicit reference to the calculation methods as set out in Articles 57 to 61, 63, 64 and 66 of Directive 2006/48/EC. Nonetheless, the directives issued by the competent authorities, as those will be analysed in the following paragraphs do take proper account of the principles and methods contained in the above mentioned articles of Directive 2006/48/EC. Based on the above observations the national provisions are in line with the spirit of recital 11 of the Directive which refers to the need to ensure an appropriate level of consumer protection and the sound and prudent operation of electronic money institutions. Therefore, the national implementing provisions conform to the requirements of Article 5(1) of the Directive.

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Art. 5(2) 1 st subpar a.	2. In regard to the activities referred to in Article 6(1)(a) that are not linked to the issuance of electronic money, the own funds requirements of an electronic money institution shall be calculated in accordance with one of the three methods (A, B or C) set out in Article 8(1) and (2) of Directive 2007/64/EC. The appropriate method shall be determined by the competent authorities in accordance with national legislation.	2. Για τις δραστηριότητες που ορίζονται στο άρθρο 6 παράγραφος 1 στοιχείο α), οι οποίες δεν έχουν σχέση με την έκδοση ηλεκτρονικού χρήματος, οι απαιτήσεις περί ιδίων κεφαλαίων ιδρύματος ηλεκτρονικού χρήματος υπολογίζονται σύμφωνα με μία από τις τρεις μεθόδους (Α, Β ή Γ) που αναφέρονται στο άρθρο 8 παράγραφοι 1 και 2 της οδηγίας 2007/64/ΕΚ. Η επιλογή της προσήκουσας μεθόδου γίνεται από τις αρμόδιες αρχές βάσει της εθνικής νομοθεσίας.	Law 81(I)/ 2012 Art. 12(4)	(4) For each electronic money institution, the Competent Authority shall establish a directive-which constitutes an individual administrative act- and transmit it to the relevant electronic money institution, with the methods for calculating the minimum amount of own funds in cases where payments services are provided that have no connection with the issuance of electronic money.	(4) Για έκαστο ίδρυμα ηλεκτρονικού χρήματος, η Αρμόδια Αρχή καθορίζει με οδηγία της, η οποία συνιστά ατομική διοικητική πράξη και την οποία διαβιβάζει στο σχετικό ίδρυμα ηλεκτρονικού χρήματος, τις μεθόδους για τον υπολογισμό του ελάχιστου ύψους των ιδίων κεφαλαίων για τις περιπτώσεις όπου παρέχονται υπηρεσίες πληρωμών και η παροχή αυτή δεν έχει σχέση με την έκδοση ηλεκτρονικού χρήματος.	Article 12(4) of L.81(I)/2012 transposes the first subparagraph of Article 5(2) of the Directive. It foresees that the competent authority shall issue individual administrative acts, for each electronic money institution, with the methods for calculating the minimum amount of own funds with regard to payment services that have no connection with the issuance of electronic money. As noted before, the national implementing provision's reference to payment services corresponds to the services listed under Article 6(1)(a). It should be noted that the competent authorities reproduce in Paragraph 8 of KDP 238/2012 and KDP 241/2012 of the ASDCS and the Central Bank respectively methods A, B or C, as set out in Article 8(1) and (2) of Directive 2007/64/EC. Based on the above observations the national provisions are in line with the spirit of recital 11 of the Directive regarding the need to ensure an appropriate level of consumer protection and the sound and prudent operation of electronic money institutions. Therefore, the national implementing

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						provision conforms to the requirements of the first subparagraph of Article 5(2) of the Directive.
Art. 5(2) 2 nd subpar a.	In regard to the activity of issuing electronic money, the own funds requirements of an electronic money institution shall be calculated in accordance with Method D as set out in paragraph 3.	Για τις δραστηριότητες έκδοσης ηλεκτρονικού χρήματος, οι απαιτήσεις περί ιδίων κεφαλαίων ιδρύματος ηλεκτρονικού χρήματος υπολογίζονται σύμφωνα με τη μέθοδο Δ που ορίζεται στην παράγραφο 3.	Law 81(I)/2012 Art. 12(7), KDP 241/20 12 Para. 7 and KDP 238/20 12 Para. 7	Law 81(I)/2012 Article 12(7) (7) The Competent Authority shall establish by directive a method for calculating the minimum amount of own funds for the issuance of electronic money; the method is based, subject to subparagraph (8), to the amount of electronic money in circulation. KDP 241/2012 Paragraph 7 7. For the purpose of applying paragraph (7) of Article 12 of the Electronic Money Law the minimum amount of own funds for issuance of electronic money is 2% of the average outstanding electronic money.	Νόμος 81(I)/2012 Αρθρο 12(7) (7) Η Αρμόδια Αρχή καθορίζει με οδηγία της μέθοδο για τον υπολογισμό του ελάχιστου ύψους των ιδίων κεφαλαίων για την έκδοση ηλεκτρονικού χρήματος· η μέθοδος αυτή στηρίζεται, με την επιφύλαξη του εδαφίου (8), στο ποσό του ηλεκτρονικού χρήματος σε κυκλοφορία. ΚΑΠ 241/2012 Παράγραφος 7 7. Για το σκοπό εφαρμογής του εδαφίου (7) του άρθρου 12 του περί Ηλεκτρονικού Χρήματος Νόμου, το ελάχιστο ύψος των ιδίων κεφαλαίων για έκδοση ηλεκτρονικού έκδοση χρήματος είναι 2% του μέσου όρου ηλεκτρονικού χρήματος σε κυκλοφορία.	Article 12(7) of L.81(I)/2012 and Paragraphs 7 of KDP 241/2012 of the Central Bank and KDP 238/2012 of the ASDCS respectively, transpose the second subparagraph Article 5(2) of the Directive. Article 12(7) of L.81(I)/2012 provides a general rule that the competent authorities may determine a method for calculating the minimum amount of own funds for the issuance of electronic money. Paragraphs 7 of KDP 241/2012 the Central Bank and DP 238/2012 of the ASDCS however set the calculation of that minimum amount of own funds in accordance with Method D. It is noted that the content of Paragraphs 7 of KDP 241/2012 the Central Bank and KDP 238/2012 of the ASDCS are identical and only one of them is reproduced here. Therefore, the national implementing provisions conform to the requirements of the second subparagraph Article 5(2) of the Directive.

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Art. 5(2) 3 rd subpar a.	Electronic money institutions shall at all times hold own funds that are at least equal to the sum of the requirements referred to in the first and second subparagraphs.	Τα ιδρύματα ηλεκτρονικού χρήματος έχουν ανά πάσα στιγμή κεφάλαια που υπερβαίνουν ή είναι ίσα του ποσού των απαιτήσεων που εμφαίνονται στο πρώτο και δεύτερο εδάφιο.	Law 81(I)/ 2012 Art. 12(3)	(3) The electronic money institution is required to hold throughout its lifetime own funds, the composition of which is determined by directive of the Competent Authority, a minimum amount equal to the sum of the calculations resulting from paragraphs (4) to (6) and (7) to (9).	(3) Το ίδρυμα ηλεκτρονικού χρήματος υποχρεούται να διαθέτει καθ' όλη τη διάρκεια λειτουργίας του ίδια κεφάλαια, τη σύνθεση των οποίων καθορίζει με οδηγία της η Αρμόδια Αρχή, ελάχιστου ύψους ίσου με το άθροισμα των ποσών που προκύπτουν από τους κατά τα εδάφια (4) έως (6) υπολογισμούς και τους κατά τα εδάφια (7) έως (9) υπολογισμούς.	Article 12(3) of L.81(I)/2012 transposes the third subparagraph of Article 5(2) of the Directive, using similar wording. It is noted that paragraph 4 of Article 12 of L.81(I)/2012 transposes in a conform manner the provisions of the first subparagraph of Article 5(2) of the Directive and similarly paragraph 7 the second subparagraph of the above Directive article. Therefore, Article 12(3) of L.81(I)/2012 conforms to the requirements of the third subparagraph of Article 5(2) of the Directive.
Art. 5(3)	3. Method D: The own funds of an electronic money institution for the activity of issuing electronic money shall amount to at least 2 % of the average outstanding electronic money.	3. Μέθοδος Δ: Τα ίδια κεφάλαια ιδρύματος ηλεκτρονικού χρήματος για τη δραστηριότητα έκδοσης ηλεκτρονικού χρήματος ισούνται τουλάχιστον με το 2 % του μέσου όρου ηλεκτρονικού χρήματος σε κυκλοφορία.	KDP 241/20 12 Para. 7 and KDP 238/20 12 Para. 7	7. For the purpose of applying paragraph (7) of Article 12 of the Electronic Money Law, the minimum amount of own funds for issuance of electronic money issuance is 2% of the average outstanding electronic money.	7. Για το σκοπό εφαρμογής του εδαφίου (7) του άρθρου 12 του περί Ηλεκτρονικού Χρήματος Νόμου, το ελάχιστο ύψος των ιδίων κεφαλαίων για έκδοση ηλεκτρονικού έκδοση χρήματος είναι 2% του μέσου όρου ηλεκτρονικού χρήματος σε κυκλοφορία.	Paragraphs 7 of KDP 241/2012 of the Central Bank and KDP 238/2012 of the ASDCS transpose Article 5(3) of the Directive. It is noted that the text of both articles is identical, this only one is reproduced here. The implementing provisions apply method D as formulated in the Directive article and set the own funds of an electronic money institution for the activity of issuing electronic money at a minimum of 2% of the average outstanding electronic money.

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						Based on the above observations the national provisions are in line with the spirit of recital 11 of the Directive pointing to the need for an additional method for calculating ongoing capital. Therefore, the national implementing provisions conform to the requirements of Article 5(3) of the Directive.
Art. 5(4)	4. Where an electronic money institution carries out any of the activities referred to in Article 6(1)(a) that are not linked to the issuance of electronic money or any of the activities referred to in Article 6(1)(b) to (e) and the amount of outstanding electronic money is unknown in advance, the competent authorities shall allow that electronic money institution to calculate its own funds requirements on the basis of a representative portion assumed to be used for the issuance of electronic money, provided such a representative portion can be reasonably estimated on the basis of historical data and to the satisfaction of the competent	4. Όταν τα ιδρύματα ηλεκτρονικού χρήματος πραγματοποιούν οιαδήποτε από τις δραστηριότητες του άρθρου 6 παράγραφος 1 στοιχείο α) που δεν έχουν σχέση με την έκδοση ηλεκτρονικού χρήματος ή οιαδήποτε από τις δραστηριότητες του άρθρου 6 παράγραφος 1 στοιχεία β) έως ε) και δεν μπορεί να ορισθεί εκ των προτέρων το ποσό του ηλεκτρονικού χρήματος σε κυκλοφορία, οι αρμόδιες αρχές επιτρέπουν στα ιδρύματα αυτά να υπολογίσουν τα ίδια κεφάλαιά τους υποθέτοντας ότι ένα αντιπροσωπευτικό ποσό των κεφαλαίων θα χρησιμοποιηθεί στις υπηρεσίες πληρωμών, υπό	Law 81(I)/ 2012 Art. 12(8)	(8)(a) Where an electronic money institution provides one or more payment services unrelated to the issuance of electronic money or perform one or more of the activities referred to in Article 15 (1) (b) to (d) and (2), and the amount of electronic money in circulation is not known in advance; (i) the relevant electronic money institution may seek the approval of the Competent Authority that the calculation of the minimum amount of own funds to issue electronic money is based on a representative portion assumed to be used for the issuance of electronic money and	(8)(α) Σε περίπτωση που ίδρυμα ηλεκτρονικού χρήματος παρέχει μία ή περισσότερες υπηρεσίες πληρωμών χωρίς η παροχή αυτή να έχει σχέση με την έκδοση ηλεκτρονικού χρήματος ή ασκεί μια ή περισσότερες από τις δραστηριότητες που αναφέρονται στο άρθρο 15(1)(β) έως και (δ) και (2), και το ποσό του ηλεκτρονικού χρήματος σε κυκλοφορία δεν είναι γνωστό εκ των προτέρων- (ί) το σχετικό ίδρυμα ηλεκτρονικού χρήματος δύναται να αιτείται την έγκριση της Αρμόδιας Αρχής ώστε ο υπολογισμός του ελάχιστου ύψους των ιδίων κεφαλαίων για την έκδοση ηλεκτρονικού	Article 12(8) of L.81(I)/2012 transposes Article 5(4) of the Directive. Subparagraph (a) of the implementing national provision provides, in line with the Directive provision contained in the first sentence, that where an electronic money institution carries out any of the activities referred to in Article 6(1)(a) not linked to the issuance of electronic money or those referred to in Article 6(1)(b) to (e) of the Directive (properly referenced in the national provision as 'payment services and services foreseen in Article 15 (1) (b) to (d) and (2)), they seek the approval of the competent authority on the calculation of the minimum amount of own funds based on a representative portion assumed to be used for the issuance of electronic money. It remains up to the competent authority to verify if the representative portion can reasonably be estimated based on historical data.

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authorities. Where an electronic money institution has not completed a sufficient period of business, its of funds requirements shall be calculated on the bast of projected outstanding electronic money evidenced by its businest plan subject to any adjustment to that plan having been required by the competent authorities.	Ι σωστά και με τρόπο ικανοποιητικό για τις αρμόδιες αρχές. Εάν ένα ίδρυμα ηλεκτρονικού χρήματος δεν έχει ακόμη ασκήσει δραστηριότητα για επαρκές χρονικό διάστημα, τα ίδια		(ii) The competent authority shall grant such approval if it is satisfied that the representative portion can reasonably be estimated based on historical data. (b) If the electronic money institution has not completed a sufficient period of time, the minimum amount of own funds calculated on the basis of projected outstanding electronic money is documented through the operational plan, subject to any adjustment of that plan requested by the Competent Authority.	χρήματος να στηρίζεται σε ένα αντιπροσωπευτικό τμήμα που θεωρείται ότι θα χρησιμοποιηθεί για την έκδοση ηλεκτρονικού χρήματος, και (ii) η Αρμόδια Αρχή χορηγεί τέτοιαν έγκριση εφόσον ικανοποιείται ότι το αντιπροσωπευτικό αυτό τμήμα εκτιμάται εύλογα βάσει ιστορικών δεδομένων. (β) Σε περίπτωση που το ίδρυμα ηλεκτρονικού χρήματος δεν έχει ασκήσει δραστηριότητα για επαρκές χρονικό διάστημα, το ελάχιστο ύψος των ιδίων κεφαλαίων υπολογίζεται πάνω στη βάση του προβλεπόμενου ηλεκτρονικού χρήματος σε κυκλοφορία που τεκμηριώνεται μέσω του επιχειρησιακού σχεδίου, με την επιφύλαξη τυχόν αναπροσαρμογής του σχεδίου αυτού κατ' απαίτηση της Αρμόδιας Αρχής.	Subparagraph (b) of Article 12(8) provides that when the historical data are not sufficient due to its period of business, the minimum amount of own funds be calculated on the basis of projected outstanding electronic money that is documented at the operational plan, to which the competent authority may also make adjustments. Therefore, Article 12(8) of L.81(I)/2012 conforms to the requirements of Article 5(4) of the Directive.
Art. 5. On the basis of an evaluation of the risk-management processes,		Law 81(I)/ 2012	(5) The Competent Authority may amend or replace its directive	(5) Η Αρμόδια Αρχή δύναται να τροποποιεί ή να αντικαθιστά οδηγία της	PARTIALLY CONFORM

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internal control mechanisms of the electronic money institution, the competent authorities may require the electronic money institution to hold an amount of own funds which is up to 20 % higher than the amount which would result from the application of the relevant method in accordance with paragraph 2, or permit the electronic money institution to hold an amount of own funds which is up to 20 % lower than the amount which would result from the application of the relevant method in accordance with would result from the application of the relevant method in accordance with paragraph 2.	διαδικασιών διαχείρισης κινδύνου, των βάσεων δεδομένων κινδύνου ζημίας και των μηχανισμών εσωτερικού ελέγχου του ιδρύματος, να απαιτούν από το ίδρυμα ηλεκτρονικού χρήματος γο κατέχει ποσό εκ των ιδίων κεφαλαίων του ανώτερο έως και 20 % του ποσού που θα προέκυπτε από την εφαρμογή της σχετικής μεθόδου σύμφωνα με την παράγραφο 2, ή να του επιτρέπουν να κατέχει ποσό εκ των ιδίων κεφαλαίων του κατώτερο έως 20 % του ποσού που θα προέκυπτε από την εφαρμογή της σχετικής μεθόδου σύμφωνα με την παράγραφο 2.	Art. 12(5)	referred to in paragraph (4) by another directive which constitutes an individual administrative act, and which is transmitted to the relevant electronic money institution for the purpose of one or more of the following: (c) after evaluating the risk management procedures, databases on the risk of damage and internal control mechanisms of electronic money institutions to increase to 20% or reduce to 20% the minimum amount of own funds resulting from each specific method.	που αναφέρεται στο εδάφιο (4) με άλλη οδηγία που συνιστά ατομική διοικητική πράξη και την οποία διαβιβάζει στο σχετικό ίδρυμα ηλεκτρονικού χρήματος με σκοπό έναν ή περισσότερους από τους ακόλουθους: [] (γ) αφού αξιολογήσει τις διαδικασίες διαχείρισης κινδύνου, τις βάσεις δεδομένων σχετικά με τον κίνδυνο ζημίας και τους μηχανισμούς εσωτερικού ελέγχου του ιδρύματος ηλεκτρονικού χρήματος, να αυξάνει έως και 20% ή να μειώνει έως και 20% το ελάχιστο ύψος ιδίων κεφαλαίων που προκύπτει από την εκάστοτε καθορισμένη μέθοδο.	Article 12(5) of L.81(I)/2012 transposes the option provided in Article 5(5) of the Directive. The Directive provision foresees the possibility that the competent authority reduces or increases by 20% the amount of own funds that the electronic money institution is required to hold based on an evaluation of the risk-management processes, and internal control mechanisms. The basis for this increase or decrease is to be based on the result from the application of the relevant method in accordance with paragraph 2. Subparagraph (c) of the transposing national provision provides for a possible increase or decrease of 20% of the own funds requirement following the result from the application of each method. However, the applicability of subparagraph (c) is connected to Article 12(4) which only applies in respect of electronic money institutions engaged in activities not linked to the issuance of electronic money. Moreover, the applicability of Article 5(5) of the Directive does not depend on the activities in which an electronic money institution engages in. Instead, the Directive provision applies in respect of electronic money institutions. Therefore, Article 12(5) of L.81(I)/2012 only

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						partially conforms to Article 5(5) of the Directive.
Art. 5(6) intr. wordi	6. Member States shall take the necessary measures to prevent the multiple use of elements eligible for own funds:	6. Τα κράτη μέλη λαμβάνουν τα αναγκαία μέτρα για να εμποδίσουν την πολλαπλή χρήση στοιχείων επιλέξιμων ως ίδια κεφάλαια:	N/A	N/A	N/A	NOT CONFORM Cyprus has not transposed the provisions of Article 5(6) of the Directive.
Art. 5(6)(a)	(a) where the electronic money institution belongs to the same group as another electronic money institution, a credit institution, a payment institution, an investment firm, an asset management company or an insurance or reinsurance undertaking;	α) εφόσον το ίδρυμα ηλεκτρονικού χρήματος ανήκει στον ίδιο όμιλο με άλλο ίδρυμα ηλεκτρονικού χρήματος, πιστωτικό ίδρυμα, ίδρυμα πληρωμών, επιχείρηση επενδύσεων, εταιρεία διαχείρισης περιουσιακών στοιχείων ή ασφαλιστική ή αντασφαλιστική επιχείρηση.	N/A	N/A	N/A	NOT CONFORM Cyprus has not transposed the provisions of Article 5(6) of the Directive.
Art. 5(6)(b)	(b) where an electronic money institution carries out activities other than the issuance of electronic money.	β) όταν ένα ίδρυμα ηλεκτρονικού χρήματος ασκεί δραστηριότητες άλλες από την έκδοση ηλεκτρονικού χρήματος.	N/A	N/A	N/A	NOT CONFORM Cyprus has not transposed the provisions of Article 5(6) of the Directive.
Art. 5(7)	7. Where the conditions laid down in Article 69 of Directive 2006/48/EC are met, Member States or their competent authorities may choose not to apply	7. Εφόσον πληρούνται οι όροι του άρθρου 69 της οδηγίας 2006/48/ΕΚ, τα κράτη μέλη ή οι αρμόδιες αρχές τους μπορούν να επιλέξουν να μην	Law 81(I)/ 2012 Art. 12(9)	(9) Subject to the conditions that the Competent Authority may determine by directive, it may, notwithstanding paragraphs (3), (4) and (7),	(9) Με την επιφύλαξη των προϋποθέσεων που η Αρμόδια Αρχή ήθελε ορίσει με οδηγία της, η Αρμόδια Αρχή δύναται, κατά παρέκκλιση από τα	CONFORM Article 12(9) of L.81(I)/2012 transposes the option provided under Article 5(7) of the

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	paragraphs 2 and 3 of this Article to electronic money institutions which are included in the consolidated supervision of the parent credit institutions pursuant to Directive 2006/48/EC.	εφαρμόσουν τις παραγράφους 2 και 3 του παρόντος άρθρου στα ιδρύματα ηλεκτρονικού χρήματος που συμπεριλαμβάνονται στην εποπτεία σε ενοποιημένη βάση των μητρικών πιστωτικών ιδρυμάτων σύμφωνα με την οδηγία 2006/48/ΕΚ.		exempt from the obligation to apply the method for calculating minimum amount of own funds, electronic money institutions included in the consolidated supervision of the parent credit institutions in accordance with the provisions if the Banking Law or of the Cooperative Societies Law. The Competent Authority shall grant such exemption by directive which constitutes an individual administrative act, and which is transmitted to the relevant electronic money institution.	εδάφια (3), (4) και (7), να εξαιρεί από την υποχρέωση εφαρμογής μεθόδου για τον υπολογισμό ελάχιστου ύψους ιδίων κεφαλαίων, ιδρύματα ηλεκτρονικού χρήματος που περιλαμβάνονται στην πραγματοποιούμενη σε ενοποιημένη βάση εποπτεία των μητρικών πιστωτικών ιδρυμάτων σύμφωνα με τις κατά περίπτωση διατάξεις των περί Τραπεζικών Εργασιών Νόμων ή των περί Συνεργατικών Εταιρειών Νόμων. Η Αρμόδια Αρχή χορηγεί την εν λόγω εξαίρεση με οδηγία της η οποία συνιστά ατομική διοικητική πράξη και την οποία διαβιβάζει στο σχετικό ίδρυμα ηλεκτρονικού χρήματος.	Directive. Thus it foresees that the competent authorities may exempt from the application of paragraphs (3), (4) and (7), (properly transposing paragraphs 2 and 3 of Article 5 of the Directive), electronic money institutions included in the supervision on a consolidated basis of parent credit institutions in accordance with the provisions of the Banking Law or of the Cooperative Societies Law. It is noted that the Banking Law and the Cooperative Societies Law have incorporated the provisions of Directive 2006/48/EC. Therefore, Article 12(9) of L.81(I)/2012 conforms to the provisions of Article 5(7) of the Directive.
Art. 6(1) 1 st subpar a.	Article 6 Activities 1. In addition to issuing electronic money, electronic money institutions shall be entitled to engage in any	Άρθρο 6 Δραστηριότητες 1. Εκτός από την έκδοση ηλεκτρονικού χρήματος, τα ιδρύματα ηλεκτρονικού χρήματος μπορούν να ασκούν κάποια από τις ακόλουθες	Law 81(I)/ 2012 Art. 15(1)	15(1) In addition to issuing electronic money, electronic money institutions shall be entitled to engage in any of the following activities:	15(1) Τα ιδρύματα ηλεκτρονικού χρήματος επιτρέπεται, πέραν της έκδοσης ηλεκτρονικού χρήματος, να ασκούν μια ή περισσότερες από τις ακόλουθες δραστηριότητες:	Article 15(1) of L.81(I)/2012 literally transposes the first subparagraph of Article 6(1) of the Directive.

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	of the following activities:	δραστηριότητες:				
Art. 6(1) 1 st subpar a. (a)	(a) the provision of payment services listed in the Annex to Directive 2007/64/EC;	α) παροχή των υπηρεσιών πληρωμών που αναφέρονται στο παράρτημα της οδηγίας 2007/64/ΕΚ·	Law 81(I)/ 2012 Art. 15(1)(a)	(a) provide the payment services covered by the license for electronic money institution	(α) να παρέχουν τις υπηρεσίες πληρωμών που καλύπτει η άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος	Article 15(1)(a) of L.81(I)/2012 transposes point (a) of the first subparagraph of Article 6(1) of the Directive. According to the definition of 'payment services' provided under point 34 of Article 2 of L.81(I)/2012, those services are the ones included in the Annex of L.128(I)/2009 which literally transposed the Annex to Directive 2007/64/EC. Therefore, Article 15(1)(a) of L.81(I)/2012 conforms to the provision of point (a) of the first subparagraph of Article 6(1) of the Directive.
Art. 6(1) 1 st subpar a. (b)	(b) the granting of credit related to payment services referred to in points 4, 5 or 7 of the Annex to Directive 2007/64/EC, where the conditions laid down in Article 16(3) and (5) of that Directive are met;	β) χορήγηση πιστώσεων σχετικών με τις υπηρεσίες πληρωμών που αναφέρονται στα σημεία 4, 5 ή 7 του παραρτήματος της οδηγίας 2007/64/ΕΚ, εφόσον πληρούνται οι προϋποθέσεις που προβλέπονται στο άρθρο 16 παράγραφοι 3 και 5 της εν λόγω οδηγίας:	Law 81(I)/2012 Art. 15(1)(b) and KDP 238 Para. 14	(b) grant credit related to payment services, points 4, 5 or 7 of the Annex of the Payment Services Law, which covers the authorisation of electronic money institutions, as the Competent Authority may determine by its directives: It is to be understood that this provision shall not prejudice the application	Νόμος 81(I)/2012 Άρθρο 15(1)(β) (β) να χορηγούν πίστωση σε σχέση με τις υπηρεσίες πληρωμών των σημείων 4, 5 ή 7 του Παραρτήματος των περί Υπηρεσιών Πληρωμών Νόμων τις οποίες καλύπτει η άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος, εφόσον τηρούν όρους που η Αρμόδια Αρχή ήθελε	Article 15(1)(b) of L.81(I)/2012 and Paragraphs 14 of KDP 238 and 241 respectively transpose point (b) of the first subparagraph of Article 6(1) of the Directive. Article 15(1)(b) makes reference to the Annex of the Payment Services Law (L.128(I)/2009) which, as already noted, literally transposed the Annex to Directive

Directive 2009/110/EC		National Implementing Measures		Conformity Assessment
	KDP 241/20 12	of the Conventions Consumer Credit Law, the provisions of Community law and compatible with	ορίσει με οδηγίες της: Νοείται ότι η παρούσα διάταξη δε θίγει την	2007/64/EC. The last phrase of the Directive provision is transposed by the second subparagraph of
	Para. 14	European Union law provisions of Cypriot law, relating to the granting of credit to consumers;	εφαρμογή του περί των Συμβάσεων Καταναλωτικής Πίστης Νόμου, τις διατάξεις του κοινοτικού δικαίου και τις	Article 15(1)(b) and Paragraph 14 of the KDP of the Central Bank and the ASDCS. It is noted that the content of Paragraphs 14 of KDP 241/2012 the Central Bank and KDP
		KDP 241/2012 Paragraph 14 14. The electronic money	συμβατές με το δίκαιο της Ευρωπαϊκής Ένωσης διατάξεις του κυπριακού δικαίου, οι οποίες	238/2012 of the ASDCS are identical and only one of them is reproduced here. Therefore, Article 15(1)(b) of L.81(I)/2012
		institution is authorised to grant credit under paragraph (b) of subsection (1) of Article	σχετίζονται με τη χορήγηση πιστώσεων στους καταναλωτές·	conforms to the provision of point (b) of the first subparagraph of Article 6(1) of the Directive.
		15 of the Electronic Money Law only if:	ΚΔΠ 238/2012 Παράγραφος 14	
		(A) the credit is ancillary and granted exclusively in connection with the execution of a payment transaction	14. Το ίδρυμα ηλεκτρονικού χρήματος επιτρέπεται να χορηγεί πίστωση σύμφωνα με την παράγραφο (β) του εδαφίου (1) του άρθρου 15	
		(B) the credit is repaid in a short period of time not in any case exceeding 12	του περί Ηλεκτρονικού Χρήματος Νόμου μόνο εφόσον:	
		months when the payment service, in relation to which the credit is granted, is provided in	(α) η πίστωση είναι επικουρική και χορηγείται αποκλειστικά σε συνδυασμό με την	
		another Member State of the credit is not granted by use the funds received or held for the payment	εκτέλεση μιας πράξης πληρωμής (β) η πίστωση	

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	transaction or monies received by electronic money institution in exchange for the issuance of electronic money and held in accordance with paragraph (a) of subsection (1) of section 13 of the Electronic Money Law and (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted (C) the electronic money institution has adequate capital, at the discretion ASDCS, in view of total credit granted at the discretion ASDCS, in view of total credit granted at the first pr	

	Directive 2009/110/EC		National Implementing Measures			Conformity Assessment
Art. 6(1) 1 st subpar a. (c)	(c) the provision of operational services and closely related ancillary services in respect of the issuing of electronic money or to the provision of payment services referred to in point (a);	γ) παροχή λειτουργικών και στενά συνδεόμενων επικουρικών υπηρεσιών που έχουν σχέση με την έκδοση ηλεκτρονικού χρήματος ή παροχή υπηρεσιών πληρωμών που εμφαίνονται στο στοιχείο α)·	Law 81(I)/ 2012 Art. 15(2)	(2) Notwithstanding the existence of prior authorisation for the exercise of a given activity, electronic money institutions are authorised to provide operational services and closely related ancillary services in respect of the issuing of electronic money or to the provision of payment services. The Competent Authority may specify by directive the concept of operational and closely related ancillary services, which are associated with the issuance of electronic money or payment services	(2) Παρά την ύπαρξη προηγούμενης αδειοδότησης για την άσκηση δεδομένης δραστηριότητας, τα ιδρύματα ηλεκτρονικού χρήματος επιτρέπεται να παρέχουν λειτουργικές και στενά συνδεόμενες επικουρικές υπηρεσίες, οι οποίες έχουν σχέση με την έκδοση ηλεκτρονικού χρήματος ή την παροχή υπηρεσιών πληρωμών. Η Αρμόδια Αρχή δύναται να εξειδικεύει με οδηγία της την έννοια των λειτουργικών και στενά συνδεόμενων επικουρικών υπηρεσιών, οι οποίες έχουν σχέση με την έκδοση ηλεκτρονικού χρήματος ή την παροχή υπηρεσιών, οι παροχή υπηρεσιών πληρωμών.	Article 15(2) of L.81(I)/2012 transposes point (c) of the first subparagraph of Article 6(1) of the Directive using almost identical wording. Thus, the national implementing provision authorises electronic money institutions to provide operational services and closely related ancillary services to the issuance of electronic money or to the provision of payment services. It is noted that the competent authorities reserve the right to specify, by directive, the concept of operational and closely related ancillary services. Therefore, Article 15(2) of L.81(I)/2012 conforms to the provision of point (c) of the first subparagraph of Article 6(1) of the Directive.
Art. 6(1) 1 st subpar a. (d)	(d) the operation of payment systems as defined in point 6 of Article 4 of Directive 2007/64/EC and without prejudice to Article 28 of that Directive;	δ) λειτουργία συστημάτων πληρωμών όπως ορίζεται στο άρθρο 4 παράγραφος 6 της οδηγίας 2007/64/ΕΚ και με την επιφύλαξη του άρθρου 28 της εν λόγω οδηγίας	Law 81(I)/ 2012 Art. 15(1)(c	(c) subject to applicable law, to operate payment systems, provided that they comply with the directive issued by the Central Bank pursuant to Article 5 of the Payment Services Act with the scope of harmonisation with Article 28 of Directive 2007/64/EC	(γ) υπό την επιφύλαξη του ισχύοντος δικαίου, να λειτουργούν συστήματα πληρωμών, νοουμένου ότι συμμορφώνονται με την οδηγία που η Κεντρική Τράπεζα εκδίδει δυνάμει του άρθρου 5 του περί Υπηρεσιών Πληρωμών Νόμου με σκοπό την εναρμόνιση με το Άρθρο	Article 15(1)(c) of L.81(I)/2012 literally transposes point (d) of the first subparagraph of Article 6(1) of the Directive, save for the references to national law, which correspond to Article 4, point 6 of Directive 2007/64/EC.

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					28 της Οδηγίας 2007/64/ΕΚ·	
Art. 6(1) 1 st subpar a. (e)	(e) business activities other than issuance of electronic money, having regard to the applicable Community and national law.	ε) επιχειρηματικές δραστηριότητες εκτός της έκδοσης ηλεκτρονικού χρήματος, τηρουμένου του ισχύοντος κοινοτικού και εθνικού δικαίου.	Law 81(I)/ 2012 Art. 15(1)(d	(d) subject to applicable law, engage in commercial activity or business.	(δ) με την επιφύλαξη του ισχύοντος δικαίου, να ασκούν εμπορική δραστηριότητα ή επιχείρηση.	Article 15(1)(d) of L.81(I)/2012 almost literally transposes point (e) of the first subparagraph of Article 6(1) of the Directive. There are mere wording differences between the two provisions References to the applicable law are to be understood as both community and national law. Therefore, Article 15(1)(d) of L.81(I)/2012 conforms to the provision of point (e) of the first subparagraph of Article 6(1) of the Directive.
Art. 6(1) 2 nd subpar a.	Credit referred to in point (b) of the first subparagraph shall not be granted from the funds received in exchange of electronic money and held in accordance with Article 7(1).	Οι πιστώσεις του στοιχείου β) της πρώτης παραγράφου, δεν χορηγούνται από τα ποσά που λαμβάνονται σε ανταλλαγή ηλεκτρονικού χρήματος και κατέχονται σύμφωνα με το άρθρο 7 παράγραφος 1.	Law 81(I)/ 2012 Art. 15(1)(b), 2 nd indent	It is to be understood that this provision shall not prejudice the application of the Conventions Consumer Credit Law, the provisions of Community law and compatible with European Union law provisions of Cypriot law, relating to the granting of credit to consumers;	Νοείται ότι η παρούσα διάταξη δε θίγει την εφαρμογή του περί των Συμβάσεων Καταναλωτικής Πίστης Νόμου, τις διατάξεις του κοινοτικού δικαίου και τις συμβατές με το δίκαιο της Ευρωπαϊκής Ένωσης διατάξεις του κυπριακού δικαίου, οι οποίες σχετίζονται με τη χορήγηση πιστώσεων στους καταναλωτές·	The second indent of Article 15(1)(b) of L.81(I)/2012 transposes the second subparagraph of Article 6(1) of the Directive. Although the content of national implementing provision differs substantially from the Directive article, its aim is to safeguard and distinguish operations relating both to the granting of credit to consumers and electronic money services.It is also noted that the national provision is in line with the

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Art. 6(2)	2. Electronic money institutions shall not take deposits or other repayable funds from the public	2. Τα ιδρύματα ηλεκτρονικού χρήματος δεν επιτρέπεται να δέχονται καταθέσεις ή	Law 81(I)/ 2012 Art.	(3) Electronic money institutions shall be prohibited from conducting business of	(3) Τα ιδρύματα ηλεκτρονικού χρήματος απαγορεύεται να διεξάγουν εργασίες	spirit of recital 13 of the Directive. Therefore, the second indent of Article 15(1)(b) of L.81(I)/2012 conforms to the provisions of the second subparagraph of Article 6(1) of the Directive. CONFORM
	within the meaning of Article 5 of Directive 2006/48/EC.	οεχονται καταθέσεις η άλλα επιστρεπτέα κεφάλαια από το κοινό κατά την έννοια του άρθρου 5 της οδηγίας 2006/48/ΕΚ.	Art. 15(3)	accepting deposits or other repayable funds within the meaning of Articles 2 and paragraph (1) of article 3 of the Banking Law or Article 2 and paragraph (1) of article 41A of the Cooperative Societies Law:	οιεζαγούν εργασιες αποδοχής καταθέσεων ή άλλων επιστρεπτέων κεφαλαίων κατά την έννοια των άρθρων 2 και του εδαφίου (1) του άρθρου 3 του περί Τραπεζικών Εργασιών Νόμου ή του άρθρου 2 και του εδαφίου (1) του άρθρου 41Α του περί Συνεργατικών Εταιρειών Νόμου:	Article 15(3) of L.81(I)/2012 almost literally transposes Article 6(2) of the Directive. There are wording differences between the two provisions. Articles 2 and 3(1) of the Banking Law and Articles 2 and 41A(1) of the Cooperative Societies Law transpose Article 5 of Directive 2006/48/EC, with regard to banks and cooperative credit institutions respectively. Thus, the national provision is in line with recital 13 of the Directive which notes that electronic money is normally of a limited amount and it is not intended that it is to be used as a means of saving. Therefore, Article 15(3) of L.81(I)/2012 conforms to the provision of Article 6(2) of the Directive.
Art. 6(3)	3. Any funds received by electronic money institutions from the electronic money holder shall be exchanged for	3. Η παραλαβή εκ μέρους των ιδρυμάτων ηλεκτρονικού χρήματος τυχόν χρηματικών ποσών από τους κατόχους	Law 81(I)/ 2012 Art. 15(3),	It is to be understood that provided that the electronic money institution exchanges without delay electronic	Νοείται ότι, εφόσον το ίδρυμα ηλεκτρονικού χρήματος ανταλλάσσει χωρίς καθυστέρηση με ηλεκτρονικό χρήμα τα	CONFORM The second indent of Article 15(3) of

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
	electronic money without delay. Such funds shall not constitute either a deposit or other repayable funds received from the public within the meaning of Article 5 of Directive 2006/48/EC.	ηλεκτρονικού χρήματος ανταλλάσσεται χωρίς καθυστέρηση με ηλεκτρονικό χρήμα. Τα χρηματικά αυτά ποσά δεν συνιστούν κατάθεση ή άλλα επιστρεπτέα κεφάλαια που λαμβάνονται από το κοινό κατά την έννοια του άρθρου 5 της οδηγίας 2006/48/ΕΚ.	2 nd indent	money with the funds received, this receipt of funds does not constitute a deposit or other repayable funds from the public.	χρηματικά ποσά που λαμβάνει, αυτή η παραλαβή χρηματικών ποσών δεν συνιστά αποδοχή καταθέσεων ή άλλων επιστρεπτέων κεφαλαίων από το κοινό.	L.81(I)/2012 almost literally transposes Article 6(3) of the Directive. The absence of a reference to Article 5 of Directive 2006/48/EC does not raise any concerns as reference to it has already been made to the first indent of the national provision Therefore, the second indent of Article 15(3) of L.81(I)/2012 conforms to the provision of Article 6(3) of the Directive.
Art. 6(4)	4. Article 16(2) and (4) of Directive 2007/64/EC shall apply to funds received for the activities referred to in paragraph 1(a) of this Article that are not linked to the activity of issuing electronic money.	4. Το άρθρο 16 παράγραφοι 2 και 4 της οδηγίας 2007/64/ΕΚ εφαρμόζεται στα χρηματικά ποσά που λαμβάνονται για τη δραστηριότητα που ορίζεται στο στοιχείο α) της παραγράφου 1 του παρόντος άρθρου, η οποία δεν έχει σχέση με τη δραστηριότητα της έκδοσης ηλεκτρονικού χρήματος.	Law 81(I)/ 2012 Art. 15(4), 2 nd indent	It is to be understood that for payment services not related to the issuance of electronic money, the receipt by the electronic money institution of payment service users' funds for the execution of the transaction, does not constitute deposit or other repayable funds within the meaning of Article 2 and subparagraph (1) of article 3 of the Banking Law or Article 2 and subparagraph (1) of Article 41A of the Cooperative Societies Law, or electronic money.	Νοείται ότι, κατά την παροχή υπηρεσιών πληρωμών που δεν έχει σχέση με την έκδοση ηλεκτρονικού χρήματος, η παραλαβή από το ίδρυμα ηλεκτρονικού χρήματος χρηματικών ποσών των χρηστών υπηρεσιών πληρωμών για την εκτέλεση πράξης πληρωμής, δεν συνιστά ούτε αποδοχή καταθέσεων ή άλλων επιστρεπτέων κεφαλαίων, κατά την έννοια του άρθρου 2 και του εδαφίου (1) του άρθρου 3 του περί Τραπεζικών Εργασιών Νόμου ή του άρθρου 2 και του εδαφίου (1) του άρθρου 41A του περί Συνεργατικών Εταιρειών Νόμου, ούτε ηλεκτρονικό	The second indent of Article 15(4) of L.81(I)/2012 transposes Article 6(4) of the Directive. It provides that funds received for payment services not related to the issuance of electronic money may not constitute deposit or other repayable funds or electronic money. Therefore, the national implementing provision conforms to the requirements of Article 6(4) of the Directive.

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Art. 7(1)	Article 7 Safeguarding requirements 1. Member States shall require an electronic money institution to safeguard funds that have been received in exchange for electronic money that has been issued, in accordance with Article 9(1) and (2) of Directive 2007/64/EC. Funds received in the form of payment by payment instrument need not be	Αρθρο 7 Απαιτήσεις διασφάλισης 1. Τα κράτη μέλη απαιτούν από τα ιδρύματα ηλεκτρονικού χρήματος να διασφαλίζουν τα χρηματικά ποσά που λαμβάνουν έναντι ηλεκτρονικού χρήματος που έχει εκδοθεί σε συμφωνία με τις διατάξεις του άρθρου 9 παράγραφοι 1 και 2 της οδηγίας 2007/64/ΕΚ. Χρηματικά ποσά που λαμβάνονται	Law 81(I)/ 2012 Art. 13(1)(a), KDP 238/20 12 Para. 11(2) and KDP 241/20 12	Law 81(I)/2012 Article 13(1)(a) 13 (1)(a) electronic money institutions shall safeguard- (a) the funds received in exchange for the issuance of electronic money and [] KDP 238/2012 Paragraph 11(2) (2) Funds referred to in subparagraph (a) of paragraph (1) of article 13 of the Electronic Money	χρήμα. Νόμος 81(I)/2012 Άρθρο 12(7) 13(1) Τα ιδρύματα ηλεκτρονικού χρήματος υποχρεούνται να διασφαλίζουν- (α) τα χρηματικά ποσά που λαμβάνουν σε αντάλλαγμα για την έκδοση ηλεκτρονικού χρήματος, και [] ΚΛΠ 238/2012 Παράγραφος 11(2) (2) Χρηματικά ποσά που	CONFORM Article 13(1)(a) of L.81(I)/2012 and Paragraphs 11(2) of KDP238/2012 of the ASDCS and KDP 241/2012 of the Central Bank respectively, transpose the option provided under Article 7(1) of the Directive. Article 13(1)(a) contains only the general principle that electronic money institutions must safeguard the funds they have received for the issuance of electronic money. Paragraph 11(2) (the text of the relevant paragraph in KDP238/2012 is reproduced
	safeguarded until they are credited to the electronic money institution's payment account or are otherwise made available to the electronic money institution in accordance with the execution time requirements laid down in the Directive 2007/64/EC, where applicable. In any event, such funds shall be safeguarded by no later than five business days, as defined in point 27 of Article 4 of that Directive, after the issuance of	υπό τη μορφή πληρωμής από ίδρυμα πληρωμών δεν χρειάζεται να διασφαλίζονται έως ότου πιστωθούν σε λογαριασμών πληρωμών ιδρυμάτων ηλεκτρονικού χρήματος ή να καταστούν με άλλο τρόπο διαθέσιμα σε ίδρυμα ηλεκτρονικού χρήματος σύμφωνα με τις απαιτήσεις περί προθεσμίας εκτέλεσης που ορίζονται στην οδηγία 2007/64/ΕΚ, κατά περίπτωση. Εν πάση περιπτώσει, αυτά τα	Para. 11(2)	Law, received by the electronic money institution in the form of payment by payment instrument, need not be safeguarded until they are credited to the electronic money institution's payment account or are otherwise made available to it in accordance with the execution time requirements of the Payment Services Law; by the fifth business day at the latest after the issuance of electronic money,	αναφέρονται στην παράγραφο (α) του εδαφίου (1) του άρθρου 13 του περί Ηλεκτρονικού Χρήματος Νόμου και το οποία λαμβάνει το ίδρυμα ηλεκτρονικού χρήματος σε μορφή πληρωμής με μέσο πληρωμών, το ίδρυμα ηλεκτρονικού χρήματος δεν υποχρεούται να το διασφαλίζει έως ότου πιστωθούν στο λογαριασμό πληρωμών του ή καταστούν με άλλο τρόπο διαθέσιμα σε αυτό σύμφωνα με τις διατάξεις	here only since it is identical to that of KDP 241/2012) foresees that funds received by means of a payment instrument need not be secured before they are actually received or otherwise made available to the electronic money institution. In any case, electronic institutions are obliges to safeguard the funds by the fifth business day at the latest after the issuance of electronic money. The national implementing provision also foresees that none of the above obligations require the electronic money institution to issue electronic money before the funds have been received. Last, it should be noted that the absence of a

	Directive 2009/110/EC			National Implementing Measures		Conformity Assessment
	electronic money.	χρηματικά ποσά διασφαλίζονται έως το αργότερο πέντε εργάσιμες ημέρες κατά την έννοια του άρθρου 4 παράγραφος 27 της εν λόγω οδηγίας, μετά την έκδοση ηλεκτρονικού χρήματος.		electronic money institution must ensure the funds: None of the items listed in this subparagraph shall require electronic money institutions to issue electronic money before receiving funds in return.	του περί Υπηρεσιών Πληρωμών Νόμου για την προθεσμία εκτέλεσης, όπου αυτές εφαρμόζονται σε κάθε περίπτωση, από την πέμπτη εργάσιμη ημέρα μετά την έκδοση του ηλεκτρονικού χρήματος, το αργότερο, το ίδρυμα ηλεκτρονικού χρήματος υποχρεούται να διασφαλίζει αυτά το χρηματικά ποσά: Ουδέν εκ των διαλαμβανομένων στην παρούσα υποπαράγραφο υποχρεώνει τα ιδρύματα ηλεκτρονικού χρήματος να εκδίδουν ηλεκτρονικό χρήμα προτού λάβουν χρηματικά ποσά σε αντάλλαγμα.	reference to Article 9(1) and (2) of Directive 2007/64/EC does not raise any concerns over conformity, as the provisions therein have properly been addressed in Paragraph 1(1) of KDP 238 and 241/2012 of the ASDCS and the Central Bank respectively. Therefore, the national implementing provisions conform to the requirements of Article 7(1) of the Directive.
Art. 7(2) 1 st subpar a.	2. For the purposes of paragraph 1, secure, lowrisk assets are asset items falling into one of the categories set out in Table 1 of point 14 of Annex I to Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions for which the	2. Για τους σκοπούς της παραγράφου 1, ασφαλή, χαμηλού κινδύνου στοιχεία ενεργητικού είναι στοιχεία ενεργητικού που εμπίπτουν σε μία από τις κατηγορίες του πίνακα 1 της παραγράφου 14 του παραρτήματος Ι της οδηγίας 2006/49/ΕΚ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου, της 14ης	KDP 238/20 12 Para. 11(3) and KDP 241/20 12 Para. 11(3)(a	(3) For purposes of point (a) of subparagraph (1), safe, low-risk assets are: (a) assets that fall into one of the categories in Table 1, subparagraph 14 of Annex I of Section B of the regulatory decisions for the calculation of capital requirements of large exposures, and pursuit of the business of	(3) Για σκοπούς του στοιχείου (α) της υποπαραγράφου (1), ασφαλή στοιχεία ενεργητικού χαμηλού κινδύνου είναι: (α) στοιχεία ενεργητικού που εμπίπτουν σε μια από τις κατηγορίες του πίνακα 1 της υποπαραγράφου 14 του Παραρτήματος Ι της Ενότητας Β της	Paragraphs 11(3)(a) of KDP238/2012 of the ASDCS and KDP 241/2012 of the Central Bank respectively, almost literally transpose the first subparagraph of Article 7(2) of the Directive. The only difference consists in the reference to the national provisions as opposed to

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	specific risk capital charge is no higher than 1,6 %, but excluding other qualifying items as defined in point 15 of that Annex.	Ιουνίου 2006, για την επάρκεια των ιδίων κεφαλαίων των επιχειρήσεων επενδύσεων και των πιστωτικών ιδρυμάτων (1), για τα οποία η κεφαλαιακή απαίτηση ειδικού κινδύνου δεν υπερβαίνει το 1,6 % αλλά που αποκλείουν άλλα αποδεκτά στοιχεία κατά την έννοια της παραγράφου 15 του ανωτέρω παραρτήματος.		the cooperative credit institutions and other related matters as in force, for which the specific risk capital charge does not exceed 1.6%, excluding qualifying items within the meaning of paragraph 15 of that Annex,	Κανονιστικής Απόφασης για τον υπολογισμό των κεφαλαιακών απαιτήσεων, των μεγάλων χρηματοδοτικών ανοιγμάτων, την ανάληψη και άσκηση δραστηριότητας ΣΠΙ και άλλα συναφή θέματα ως εκάστοτε ισχύει, για το οποία η κεφαλαιακή απαίτηση ειδικού κινδύνου δεν υπερβαίνει το 1.6%, εξαιρουμένων των αποδεκτών στοιχείων κατά την έννοια της παραγράφου 15 του ίδιου Παραρτήματος, και	Annex I to Directive 2006/49/EC. It is noted that the above Annex has literally been transposed into national legislation. The text of Paragraph 11(3)(a) of KDP238/2012 only is reproduced here, as it is identical to that of KDP 241/2012 taking into account the proper referencing. Therefore, Paragraphs 11(3)(a) of KDP238/2012 of the ASDCS and KDP 241/2012 of the Central Bank respectively, conform to the requirements of the first subparagraph of Article 7(2) of the Directive.
Art. 7(2) 2 nd subpar a.	For the purposes of paragraph 1, secure, lowrisk assets are also units in an undertaking for collective investment in transferable securities (UCITS) which invests solely in assets as specified in the first subparagraph.	Για τους σκοπούς της παραγράφου 1, ασφαλή, χαμηλού κινδύνου στοιχεία ενεργητικού είναι επίσης συμμετοχές σε οργανισμό συλλογικών επενδύσεων σε κινητές αξίες (ΟΣΕΚΑ) που επενδύει αποκλειστικά σε στοιχεία ενεργητικού όπως ορίζονται στο πρώτο εδάφιο.	KDP 238/20 12 Para. 11(3)(b) and KDP 241/20 12 Para. 11(3)(b)	(3) For purposes of point (a) of subparagraph (1), safe, low-risk assets are: (b) units in collective investment in transferable securities within the meaning given to those terms in Article 2 of the Open-Ended Undertakings for Collective Investment in Transferable Securities and Related Matters Act, which invests solely in assets listed in point (a) of this subparagraph.	(3) Για σκοπούς του στοιχείου (α) της υποπαραγράφου (1), ασφαλή στοιχεία ενεργητικού χαμηλού κινδύνου είναι: (β) μερίδια σε οργανισμό συλλογικών επενδύσεων σε κινητές αξίες, κατά την έννοια που αποδίδεται στους όρους αυτούς από το άρθρο 2 του περί των Ανοικτού Τύπου Οργανισμών Συλλογικών Επενδύσεων σε Κινητές Αξίες και περί Συναφών Θεμάτων Νόμου, ο οποίος	Paragraphs 11(3)(b) of KDP238/2012 of the ASDCS and KDP 241/2012 of the Central Bank respectively, almost literally transpose the second subparagraph of Article 7(2) of the Directive. There are differences in the syntax of the Directive provision and the national one. The text of Paragraph 11(3)(b) of KDP238/2012 only is reproduced here, as it is identical to that of KDP 241/2012 taking into account the proper referencing.

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					επενδύει αποκλειστικά σε στοιχεία ενεργητικού που αναφέρονται στο στοιχείο (α) της παρούσας υποπαραγράφου.	Therefore, Paragraphs 11(3)(b) of KDP238/2012 of the ASDCS and KDP 241/2012 of the Central Bank respectively, conform to the requirements of the second subparagraph of Article 7(2) of the Directive.
Art. 7(2) 3 rd subpar a.	In exceptional circumstances and with adequate justification, the competent authorities may, based on an evaluation of security, maturity, value or other risk element of the assets as specified in the first and second subparagraphs, determine which of those assets do not constitute secure, low-risk assets for the purposes of paragraph 1.	Σε εξαιρετικές περιστάσεις και με επαρκή αιτιολόγηση, οι αρμόδιες αρχές μπορούν, βάσει αξιολόγησης ασφαλείας, ληκτότητας, αξίας ή άλλου στοιχείου κινδύνου των στοιχείων ενεργητικού όπως προσδιορίζονται στο πρώτο και δεύτερο εδάφιο, να καθορίζουν ποια από τα στοιχεία αυτά ενεργητικού δεν συνιστούν ασφαλή, χαμηλού κινδύνου στοιχεία ενεργητικού για τους σκοπούς της παραγράφου 1.	N/A	N/A	N/A	The third subparagraph of Article 7(2) of the Directive provides an option. Owing to this option, Cyprus did not choose to apply it.
Art. 7(3)	3. Article 9 of Directive 2007/64/EC shall apply to electronic money institutions for the activities referred to in Article 6(1)(a) of this Directive that are not linked to the activity of issuing electronic money.	3. Το άρθρο 9 της οδηγίας 2007/64/ΕΚ εφαρμόζεται στα ιδρύματα ηλεκτρονικού χρήματος για τις δραστηριότητες που ορίζονται στο άρθρο 6 παράγραφος 1 στοιχείο α) της παρούσας οδηγίας οι οποίες δεν έχουν σχέση με τη δραστηριότητα της	Law 81(I)/ 2012 Art. 13(1)(b	13 (1) An electronic money institution shall safeguard- (b) in case of a payment service which has no connection with the issuance of electronic money, the funds received from payment service	13(1) Τα ιδρύματα ηλεκτρονικού χρήματος υποχρεούνται να διασφαλίζουν- (β) σε περίπτωση παροχής υπηρεσιών πληρωμών που δεν έχει σχέση με την έκδοση ηλεκτρονικού χρήματος, τα χρηματικά	Article 13(1)(b) of L.81(I)/2012 transposes the option provided under Article 7(3) of the Directive. It thus foresees that the funds received from payment service users must be ensured even

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έκδοσης ηλεκτρονικο χρήματος.	users or through another payment service provider for the execution of payment transactions. πληρωμών ή παρόχου υπη πληρωμώς γι εκτέλεση πρό πληρωμής.	connection with the issuance of electronic money. μέσω άλλου μεσιών α την It is also worth adding that in accordance with

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Art. 7(4)	4. For the purposes of paragraphs 1 and 3, Member States or their competent authorities may determine, in accordance with national legislation, which method shall be used by the electronic money institutions to safeguard funds.	4. Για τους σκοπούς των παραγράφων 1 και 3 τα κράτη μέλη ή οι αρμόδιες αρχές τους μπορούν να καθορίζουν, σύμφωνα με την εθνική νομοθεσία, ποια μέθοδος χρησιμοποιείται από τα ιδρύματα ηλεκτρονικού χρήματος για να διασφαλίζονται τα χρηματικά ποσά.	Law 81(I)/ 2012 Art. 13(4)(a)	4) The Competent Authority may by directives- (a) determine the method of calculation for safeguarding funds; []	4) Η Αρμόδια Αρχή με οδηγίες- (α) δύναται να καθορίζει τη μέθοδο υπολογισμού των διασφαλιστέων χρηματικών ποσών· []	Article 13(4)(a) of L.81(I)/2012 transposes the option provided under Article 7(4) of the Directive. The national legislator empowers the competent authorities to determine on their own which method shall be used by the electronic money institutions to safeguard funds. It should also be noted that subparagraphs (b) to (f) of the same article contain a wide range of measures that the competent authorities may select with regard to safeguarding funds as well as individual administrative acts depending on the particular circumstances of the electronic money institution at hand. Therefore, Article 13(4)(a) of L.81(I)/2012 conforms to the requirements of Article 7(4) of the Directive.
Art. 8(1)	Article 8 Relations with third countries 1. Member States shall not apply to a branch of an electronic money institution having its head office outside the Community, when taking	Άρθρο 8 Σχέσεις με τρίτες χώρες 1. Τα κράτη μέλη δεν εφαρμόζουν επί των υποκαταστημάτων των ιδρυμάτων ηλεκτρονικού χρήματος που έχουν την έδρα τους εκτός της Κοινότητας, όταν αυτά	Law 81(I)/ 2012 Art. 5(2)(a) , 1 st indent	(2) (a) The Competent Authority shall ensure that persons established outside the European Union, and licensed for electronic money issuance from a third country should not be treated more favourably than electronic money institutions having	(2) (α) Η Αρμόδια Αρχή μεριμνά ώστε πρόσωπα που έχουν συσταθεί εκτός της Ευρωπαϊκής Ένωσης και έχουν λάβει άδεια έκδοσης ηλεκτρονικού χρήματος από τρίτη χώρα να μην τυγχάνουν ευνοϊκότερης μεταχείρισης σε σύγκριση	CONFORM The first indent of Article 5(2)(a) of L.81(I)/2012 transposes Article 8(1) of the Directive. The national provision foresees that persons established outside the EU and are licensed

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	up or pursuing its business, provisions which result in more favourable treatment than that accorded to an electronic money institution having its head office within the Community.	αρχίζουν ή συνεχίζουν τη δραστηριότητά τους, διατάξεις που οδηγούν σε ευνοϊκότερο καθεστώς από εκείνο στο οποίο υπόκεινται τα υποκαταστήματα των ιδρυμάτων ηλεκτρονικού χρήματος που έχουν την έδρα τους εντός της Κοινότητας.		their registered office in a Member State.	με τα ιδρύματα ηλεκτρονικού χρήματος που έχουν την έδρα τους σε κράτος μέλος.	for electronic money issuance shall not be treated more favourably than those having their registered office in one of the Member States. Reference made in national law to the European Union as opposed to the Community is unproblematic given the date of enactment of L.81(I)/2012. Furthermore, it should be noted that from the wording of the national provision it may safely be assumed the above right granted to persons established outside the European Union only concerns branches that will exclusively run electronic money issuance activities and the payment services linked to such issuance activity. Finally, although the nation implementing law remains silent on the point it may be implied that such a branch would be limited to the territory of the Republic, as by virtue of EU law such branch cannot be granted the EU passport. It is also noted that the national provision is in line with the spirit of recital 15 of the Directive. Therefore, the national implementing provision conforms to the requirements of Article 8(1) of the Directive.
Art. 8(2)	2. The competent authorities shall notify the Commission of all authorisations for branches of electronic money	2. Οι αρμόδιες αρχές γνωστοποιούν στην Επιτροπή όλες τις άδειες λειτουργίας υποκαταστημάτων που	N/A	N/A	N/A	PARTIALLY CONFORM The obligation to notify the Commission of

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	institutions having their head office outside the Community.	χορηγούνται στα ιδρύματα ηλεκτρονικού χρήματος που έχουν την έδρα τους εκτός της Κοινότητας.				all authorisations for branches of electronic money institutions having their head office outside the Community granted by the competent authorities has not been transposed. Nonetheless, the absence, in the national legislation, of a binding provision requiring the competent authorities to notify the Commission of the authorisations does not prevent the latter being bound by the same Article 8(2) to provide such information. Therefore a conclusion of partial conformity has been reached.
Art. 8(3)	3. Without prejudice to paragraph 1, the Community may, through agreements concluded with one or more third countries, agree to apply provisions that ensure that branches of an electronic money institution having its head office outside the Community are treated identically throughout the Community.	3. Με την επιφύλαξη της παραγράφου 1, η Κοινότητα δύναται να συνάπτει συμφωνίες με μία ή περισσότερες τρίτες χώρες και να συμφωνεί την εφαρμογή διατάξεων οι οποίες εξασφαλίζουν ότι τα υποκαταστήματα ενός ιδρύματος ηλεκτρονικού χρήματος που έχει την έδρα του εκτός της Κοινότητος έχουν το ίδιο καθεστώς στο σύνολο της Κοινότητας.	Law 81(I)/ 2012 Art. 5(2)(a) , 2 nd indent	In case of an agreement between the EU and third country within the meaning of Article 8, paragraph 3, of Directive 2009/110/EC, the Competent Authority shall permit the operation of electronic money institutions to legal entities established in that third country, licensed for electronic money issuance by the competent authorities of that country and intend to maintain a branch in the Republic.	Σε περίπτωση που συναφθεί συμφωνία μεταξύ της Ευρωπαϊκής Ένωσης και τρίτης χώρας κατά την έννοια του Αρθρου 8, παράγραφος 3, της Οδηγίας 2009/110/ΕΚ, η Αρμόδια Αρχή χορηγεί άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος σε νομικά πρόσωπα που έχουν συσταθεί στην εν λόγω τρίτη χώρα, έχουν λάβει άδεια έκδοσης ηλεκτρονικού χρήματος από τις αρμόδιες αρχές της χώρας εκείνης και προτίθενται να διατηρούν υποκατάστημα στη	CONFORM The second indent of Article 5(2)(a) of L.81(I)/2012 transposes Article 8(3) of the Directive. The national provision foresees that the competent authorities shall permit the operation of electronic money institutions to legal entities licensed for electronic money issuance, established in a third country with which the Community has concluded a relevant agreement. Therefore, the national implementing provision conforms to the requirements of Article 8(3) of the Directive.

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					Δημοκρατία.	
Art. 9(1) 1 st subpar a. intr. wordi ng	Article 9 Optional Exemptions 1. Member States may waive or allow their competent authorities to waive the application of all or part of the procedures and conditions set out in Articles 3, 4, 5 and 7 of this Directive, with the exception of Articles 20, 22, 23 and 24 of Directive 2007/64/EC, and allow legal persons to be entered in the register for electronic money institutions if both of the following requirements are complied with:	Αρθρο 9 Προαιρετικές εξαιρέσεις 1. Τα κράτη μέλη μπορούν να εξαιρούν ή να επιτρέπουν στις αρμόδιες αρχές τους να εξαιρούν νομικά πρόσωπα από την εφαρμογή του συνόλου ή μέρους των διαδικασιών και των προϋποθέσεων που προβλέπονται στα άρθρα 3, 4, 5 και 7 της παρούσας οδηγίας, πλην των άρθρων 20, 22, 23 και 24 της οδηγίας 2007/64/ΕΚ, και να τους επιτρέπουν να εγγράφονται στο μητρώο ιδρυμάτων ηλεκτρονικού χρήματος εφόσον πληρούνται αμφότερες οι απαιτήσεις:	Law 81(I)/2012 Art. 5(3)	(a) The Central Bank and the ASDCS may individually or jointly, either one in respect of the person for which each is the competent authority, define by directive the circumstances under which an electronic money institution that does not meet the requirements of this Part is permitted to issue electronic money, if the average outstanding electronic money resulting from all business activities does not exceed the limit set by the above authorities, these legal persons may register in the register provided they meet the conditions defined under the relevant directive. (b) Upon issuance of a directive under this section, the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.	(α) Η Κεντρική Τράπεζα και η ΥΕΑΣΕ δύνανται μεμονωμένα ή από κοινού να καθορίζουν με οδηγία, καθεμία ως προς τα πρόσωπα σε σχέση με τα οποία η καθεμιά αποτελεί την Αρμόδια Αρχή, τις περιπτώσεις κατά τις οποίες επιτρέπεται η έκδοση ηλεκτρονικού χρήματος από νομικό πρόσωπο που δεν πληροί τις προϋποθέσεις του παρόντος Μέρους εφόσον ο μέσος όρος ηλεκτρονικού χρήματος σε κυκλοφορία που προκύπτει από το σύνολο των επιχειρηματικών δραστηριοτήτων του δεν υπερβαίνει το όριο που ήθελε καθορίσουν τα νομικά αυτά πρόσωπα εγγράφονται στο μητρώο που προβλέπεται στο άρθρο που προβλέπεται εάν πληρούν τις προϋποθέσεις που ήθελε οριστούν με τη σχετική οδηγία. (β) Κατά την έκδοση οδηγίας δυνάμει του παρόντος άρθρου, η	Article 5(3) of L.81(I)/2012 transposes the option provided under the first subparagraph of Article 9(1) of the Directive. The national implementing provision delegates to the competent authorities the power to define by directive(s) the conditions under which the requirements of Part III of L.81(I)/2012 may be waived provided that the average outstanding electronic money resulting from all business activities does not exceed the limit set by the competent authorities. It should first be pointed out that at present the competent authorities have not yet issued such a waiver. Thus Cyprus has not practically made use of the option provided herein. Part III of the implementing law (L.81(I)/2012) entitled 'Electronic money institutions licensing' contains a large number of provisions relating amongst others to the prior authorisation requirements for electronic money institutions, the conditions and procedures for granting and maintaining authorisation, provisions regarding the initial capital and own funds, right of establishment and freedom to provide services etc.

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					Κεντρική Τράπεζα και η ΥΕΑΣΕ ενεργούν εντός του πλαισίου που καθορίζει το Άρθρο 9 της Οδηγίας 2009/110/ΕΚ.	Nonetheless, as subparagraph (b) of the implementing provision limits the powers of the competent authorities within the boundaries of thee provision of Article 9 of the Directive, the waivers to be provided may only relate to the application of all or part of the procedures and conditions set out in Articles 3, 4, 5 and 7 of this Directive, with the exception of Articles 20, 22, 23 and 24 of Directive 2007/64/EC. Furthermore the average outstanding electronic money to be set by the competent authorities may not exceed the limit of EUR 5 000 000 and it would have to be assured that none of the natural persons responsible for the management or operation of the business has been convicted of offences relating to money laundering or terrorist financing or other financial crimes. Based on the above observations the waiver of requirements provided by the national provision is in line with recital 16 of the Directive which considers that 'it is appropriate to allow Member States to waive the application of certain provisions of this Directive as regards institutions issuing only a limited amount of electronic money' Therefore, the national implementing provision conforms to the requirements of the present directive article.
Art. 9(1) 1 st subpar	(a) the total business activities generate an average outstanding	α) όλες οι επιχειρηματικές δραστηριότητες οδηγούν σε μέσο όρο ηλεκτρονικού	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive,

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. (a)	electronic money that does not exceed a limit set by the Member State but that, in any event, amounts to no more than EUR 5000000; and	χρήματος σε κυκλοφορία που δεν υπερβαίνει το όριο που έχει θέσει το κράτος μέλος αλλά που σε καμιά περίπτωση δεν είναι υψηλότερο από 5 000 000 ευρώ·				the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(1) 1 st subpar a. (b)	(b) none of the natural persons responsible for the management or operation of the business has been convicted of offences relating to money laundering or terrorist financing or other financial crimes.	β) κανένα από τα φυσικά πρόσωπα που είναι υπεύθυνα για τη διαχείριση ή τη λειτουργία της επιχείρησης δεν έχει καταδικαστεί για αδικήματα σχετικά με νομιμοποίηση εσόδων από παράνομες δραστηριότητες ή χρηματοδότηση της τρομοκρατίας ή άλλα οικονομικά εγκλήματα.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(1) 2 nd subpar a,	Where an electronic money institution carries out any of the activities referred to in Article 6(1)(a) that are not linked to the issuance of electronic money or any of the activities referred to in Article 6(1)(b) to (e) and the amount of outstanding	Όταν τα ιδρύματα ηλεκτρονικού χρήματος πραγματοποιούν οιαδήποτε από τις δραστηριότητες του άρθρου 6 παράγραφος 1 στοιχείο α) που δεν έχουν σχέση με την έκδοση ηλεκτρονικού χρήματος ή οιαδήποτε από τις	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that

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electronic money is unknown in advance, the competent authorities shall allow that electronic money institution to apply point (a) of the first subparagraph on the basis of a representative portion assumed to be used for the issuance of electronic money, provided that such a representative portion can be reasonably estimated on the basis of historical data and to the satisfaction of the competent authorities. Where an electronic money institution has not completed a sufficiently long period of business, that requirement shall be assessed on the basis of projected outstanding electronic money evidenced by its business plan subject to any adjustment to that plan having been required by the competent authorities.	δραστηριότητες του άρθρου 6 παράγραφος 1 στοιχεία β) έως ε) και δεν μπορεί να ορισθεί εκ των προτέρων το ποσό του ηλεκτρονικού χρήματος σε κυκλοφορία, οι αρμόδιες αρχές επιτρέπουν στα ιδρύματα αυτά να εφαρμόσουν το στοιχείο α) του πρώτου εδαφίου υποθέτοντας ότι ένα αντιπροσωπευτικό ποσό των κεφαλαίων θα χρησιμοποιηθεί στις υπηρεσίες πληρωμών, υπό την προϋπόθεση ότι, με βάση τα ιστορικά δεδομένα, αυτό το αντιπροσωπευτικό ποσό μπορεί να υπολογισθεί σωστά και με τρόπο ικανοποιητικό για τις αρμόδιες αρχές. Όταν ένα ίδρυμα ηλεκτρονικού χρήματος δεν έχει ακόμη ασκήσει δραστηριότητα για επαρκές χρονικό διάστημα, η παρούσα απαίτηση αξιολογείται βάσει του προβλεπόμενου ηλεκτρονικού χρήματος σε κυκλοφορία που αποδεικνύεται από το επιχειρηματικό του πρόγραμμα με την επιφύλαξη τυχόν		subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.

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		προσαρμογών του εν λόγω προγράμματος κατόπιν απαιτήσεως των αρμόδιων αρχών.				
Art. 9(1) 3 rd subpar a.	Member States may also provide for the granting of the optional exemptions under this Article to be subject to an additional requirement of a maximum storage amount on the payment instrument or payment account of the consumer where the electronic money is stored.	Τα κράτη μέλη μπορούν επίσης να προβλέπουν ότι η χορήγηση προαιρετικών εξαιρέσεων δυνάμει αυτού του άρθρου υπόκειται στην επιπρόσθετη απαίτηση ανώτατου ποσού αποθήκευσης στο μέσο πληρωμών ή στο λογαριασμό πληρωμών του καταναλωτή όπου είναι αποθηκευμένο το ηλεκτρονικό χρήμα.	N/A	N/A	N/A	Article 9(1), third subparagraph of the Directive sets out an option. Owing to this option, Cyprus has chosen not to apply it. In this regard, no corresponding provision(s) could be located in the legislation of Cyprus.
Art. 9(1) 4 th subpar a.	A legal person registered in accordance with this paragraph may provide payment services not related to electronic money issued in accordance with this Article only if conditions set out in Article 26 of Directive 2007/64/EC are met.	Οιοδήποτε νομικό πρόσωπο έχει καταχωρισθεί σύμφωνα με την παράγραφο αυτή μπορεί να παρέχει υπηρεσίες πληρωμών που δεν έχουν σχέση με ηλεκτρονικό χρήμα εκδιδόμενο σύμφωνα με το παρόν άρθρο μόνον εφόσον πληρούνται οι προϋποθέσεις του άρθρου 26 της οδηγίας 2007/64/ΕΚ.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(2)	2. A legal person registered in accordance	2. Οιοδήποτε νομικό πρόσωπο έχει	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first

	Directive 2009/110/EC			National Implementing Measures		Conformity Assessment
	with paragraph 1 shall be required to have its head office in the Member State in which it actually pursues its business.	καταχωρισθεί σύμφωνα με την παράγραφο 1 υποχρεούται να διατηρεί τα κεντρικά του γραφεία στο κράτος μέλος στο οποίο ασκεί πραγματικά τις επιχειρηματικές του δραστηριότητες.				subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(3)	3. A legal person registered in accordance with paragraph 1 shall be treated as an electronic money institution. However, Article 10(9) and Article 25 of Directive 2007/64/EC shall not apply to it.	3. Κάθε νομικό πρόσωπο που αναφέρεται στην παράγραφο 1 αντιμετωπίζεται ως ίδρυμα ηλεκτρονικού χρήματος. Ωστόσο, το άρθρο 10 παράγραφος 9 και το άρθρο 25 της οδηγίας 2007/64/ΕΚ δεν εφαρμόζονται σε αυτά.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(4)	4. Member States may provide for a legal person registered in accordance with paragraph 1 to engage only in some of the activities listed in Article 6(1).	4. Τα κράτη μέλη μπορούν να ορίζουν ότι νομικά πρόσωπα καταχωρισμένα σύμφωνα με την παράγραφο 1 μπορούν να ασκούν μόνο ορισμένες από τις δραστηριότητες του άρθρου 6 παράγραφος	N/A	N/A	N/A	Article 9(4) of the Directive sets out an option. Owing to this option, Cyprus has chosen not to apply it. In this regard, no corresponding provision(s) could be located in the legislation of Cyprus.

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
		1.				
Art. 9(5) intr. wordi ng	5. A legal person referred to in paragraph 1 shall:	5. Τα νομικά πρόσωπα που αναφέρονται στην παράγραφο 1:	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC. Therefore, the competent authorities may or may not opt to adopt the option provided by the Directive provision in question.
Art. 9(5)(a)	(a) notify the competent authorities of any change in its situation which is relevant to the conditions specified in paragraph 1; and	α) γνωστοποιούν στις αρμόδιες αρχές κάθε μεταβολή της κατάστασής τους που έχει επίπτωση στους όρους που προβλέπονται στην παράγραφο 1· και	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
Art. 9(5)(b)	(b) at least annually, on date specified by the competent authorities, report on the average outstanding electronic money.	β) τουλάχιστον μία φορά το έτος σε ημερομηνία που προσδιορίζεται από τις αρμόδιες αρχές υποβάλλουν έκθεση για το κατά μέσο όρο ηλεκτρονικό χρήμα σε κυκλοφορία.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(6)	6. Member States shall take the necessary steps to ensure that where the conditions set out in paragraphs 1, 2 and 4 are no longer met, the legal person concerned shall seek authorisation within 30 calendar days in accordance with Article 3. Any such person that has not sought authorisation within that period shall be prohibited, in accordance with Article 10, from issuing electronic money.	6. Τα κράτη μέλη μεριμνούν ώστε, εάν έχουν παύσει να τηρούνται οι προϋποθέσεις των παραγράφων 1, 2 και 4, το οικείο πρόσωπο να ζητήσει άδεια εντός τριάντα ημερολογιακών ημερών, σύμφωνα με τη διαδικασία του άρθρου 3. Τα κράτη μέλη απαγορεύουν, σύμφωνα με το άρθρο 10, στα νομικά πρόσωπα που δεν ζητούν άδεια εντός της προαναφερθείσας προθεσμίας να εκδίδουν ηλεκτρονικό χρήμα.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.

	Directive 2009/110/EC			National Implementing Measures		Conformity Assessment
Art. 9(7)	7. Member States shall ensure that their competent authorities are sufficiently empowered to verify continued compliance with the requirements laid down in this Article.	7. Τα κράτη μέλη εξασφαλίζουν ότι οι αρμόδιες αρχές είναι επαρκώς εξουσιοδοτημένες για να διαπιστώνουν τη συνεχή τήρηση των απαιτήσεων που ορίζονται δυνάμει του παρόντος άρθρου.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(8)	8. This Article shall not apply in respect of the provisions of Directive 2005/60/EC or national anti-money-laundering provisions.	8. Το παρόν άρθρο δεν εφαρμόζεται στην περίπτωση των διατάξεων της οδηγίας 2005/60/ΕΚ ή εθνικών διατάξεων περί πρόληψης της νομιμοποίησης εσόδων από παράνομες δραστηριότητες.	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 9(9)	9. Where a Member State avails itself of the waiver provided for in paragraph 1, it shall notify the Commission accordingly by 30 April 2011. The	9. Εφόσον ένα κράτος μέλος εφαρμόζει την παρέκκλιση από την παράγραφο 1, το γνωστοποιεί στην Επιτροπή το αργότερο	N/A	N/A	N/A	As noted under the assessment of the introductory wording of the first subparagraph of Article 9(1) of the Directive, the competent authorities have not yet issued directives that activate the optional exemptions. In the absence of a practical

	Directive 2009/110/EC			National Implementing Measures		Conformity Assessment
	Member State shall notify the Commission forthwith of any subsequent change. In addition, the Member State shall inform the Commission of the number of legal persons concerned and, on an annual basis, of the total amount of outstanding electronic money issued at 31 December of each calendar year, as referred to in paragraph 1.	στις 30 Απριλίου 2011. Τα κράτη μέλη γνωστοποιούν πάραυτα στην Επιτροπή κάθε επακόλουθη τροποποίηση. Επίσης, το κράτος μέλος γνωστοποιεί στην Επιτροπή τον αριθμό των σχετικών φυσικών και νομικών προσώπων και την ενημερώνει, σε ετήσια βάση, σχετικά με το συνολικό ποσό ηλεκτρονικού χρήματος σε κυκλοφορία που έχει εκδοθεί στις 31 Δεκεμβρίου κάθε ημερολογιακού έτους, όπως αναφέρεται στην παράγραφο 1.				implementation, a conformity assessment is rendered irrelevant. However it noted as a reminder that subparagraph (b) of Article 5(3) of L.81(I)/2012 requires that the Central Bank and ASDCS act within the framework laid down in Article 9 of Directive 2009/110/EC.
Art. 10	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	ΤΙΤΛΟΣ ΙΙΙ ΕΚΑΟΣΗ ΚΑΙ ΑΥΝΑΤΟΤΗΤΑ ΕΞΑΡΓΥΡΩΣΗΣ ΤΟΥ ΗΛΕΚΤΡΟΝΙΚΟΥ ΧΡΗΜΑΤΟΣ Αρθρο 10 Απαγόρευση έκδοσης ηλεκτρονικού χρήματος Με την επιφύλαξη του άρθρου 18, τα κράτη μέλη απαγορεύουν στα φυσικά ή νομικά πρόσωπα που δεν είναι εκδότες ηλεκτρονικού χρήματος να εκδίδουν ηλεκτρονικό	Law 81(I)/ 2012 Art. 4(1)	No person other than the ones referred to in subsection (4) may exercise or purport to exercise the activity of issuing electronic money in the Republic.	(1) Μόνο τα πρόσωπα που αναφέρονται στο εδάφιο (4) επιτρέπεται να ασκούν ή να παρουσιάζονται ότι ασκούν τη δραστηριότητα έκδοσης ηλεκτρονικού χρήματος στη Δημοκρατία.	CONFORM Article 4(1) of L.81(I)/2012 indirectly transposes Article 10 of the Directive. National law does not provide for a general prohibition. However, the issuance of electronic money can take place only through duly authorised persons. Therefore national law conforms to the requirements of Article 10 of the Directive.

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
	money.	χρήμα.				
Art. 11(1)	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.	Άρθρο 11 Έκδοση και εξαργύρωση 1. Τα κράτη μέλη εξασφαλίζουν ότι οι εκδότες ηλεκτρονικού χρήματος εκδίδουν ηλεκτρονικό χρήμα ίσης αξίας κατόπιν παραλαβής χρηματικού ποσού.	Law 81(I)/ 2012 Art. 26	26. The electronic money issuer shall, on receipt of funds, issue electronic money at par value.	26. Ο εκδότης ηλεκτρονικού χρήματος εκδίδει, επί τη παραλαβή χρηματικού ποσού, ηλεκτρονικό χρήμα ίσης ονομαστικής αξίας.	Article 26 of L.81(I)/2012 literally transposes Article 11(1) of the Directive. It is noted that the provision is in line with the spirit of recital 18 of the Directive.
Art. 11(2)	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.	2. Τα κράτη μέλη εξασφαλίζουν ότι οι εκδότες ηλεκτρονικού χρήματος, κατόπιν αιτήσεως του κατόχου ηλεκτρονικού χρήματος, εξαργυρώνουν, ανά πάσα στιγμή και στην ονομαστική αξία, τη νομισματική αξία του ηλεκτρονικού χρήματος.	Law 81(I)/ 2012 Art. 27(1)	(1) At the request of the holder of electronic money, electronic money issuer redeem at any time, at par value, the monetary value of the electronic money held by the holder of electronic money.	(1) Κατόπιν σχετικού αιτήματος του κατόχου ηλεκτρονικού χρήματος, ο εκδότης ηλεκτρονικού χρήματος εξαργυρώνει, ανά πάσα στιγμή και στην ονομαστική αξία, τη νομισματική αξία του ηλεκτρονικού χρήματος που βρίσκεται στην κατοχή του κατόχου ηλεκτρονικού χρήματος.	Article 27(1) of L.81(I)/2012 almost literally transposes Article 11(2) of the Directive. There are differences in the syntax between the Directive provision and the national one.
Art. 11(3)	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	3. Η σύμβαση μεταξύ του εκδότη ηλεκτρονικού χρήματος και του κατόχου ηλεκτρονικού χρήματος αναφέρει σαφώς και εμφανώς τους όρους εξαργύρωσης, περιλαμβανομένων των συναφών τελών, ο δε κάτοχος ηλεκτρονικού	Law 81(I)/ 2012 Art. 27(7)	(7) Without prejudice to the other subparagraphs of this Article, the contract between the issuer of electronic money and electronic money holder shall prominently and clearly state the conditions of redemption, including charges for cashing. The	(7) Με την επιφύλαξη των λοιπών εδαφίων του παρόντος άρθρου, η σύμβαση μεταξύ του εκδότη ηλεκτρονικού χρήματος και του κατόχου ηλεκτρονικού χρήματος αναφέρει εμφανώς και σαφώς τους όρους εξαργύρωσης,	CONFORM Article 27(7) of L.81(I)/2012 literally transposes Article 11(3) of the Directive.

	Directive 2009/110/EC			National Implementing Measures		Conformity Assessment
	conditions before being bound by any contract or offer.	χρήματος ενημερώνεται για τους όρους αυτούς πριν δεσμευθεί από οιαδήποτε σύμβαση ή προσφορά.		electronic money issuer shall inform the holder and potential electronic money holder of those terms before the holder or potential holder of electronic money is bound by tender or contract.	περιλαμβανομένων των χρεώσεων για την εξαργύρωση. Ο εκδότης ηλεκτρονικού χρήματος ενημερώνει τον κάτοχο και τον πιθανό κάτοχο ηλεκτρονικού χρήματος για τους όρους αυτούς προτού ο κάτοχος ή πιθανός κάτοχος ηλεκτρονικού χρήματος δεσμευτεί από προσφορά ή σύμβαση.	
Art. 11(4) 1 st subpar a. intr. wordi ng	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:	4. Η εξαργύρωση μπορεί να υπόκειται σε τέλος μόνον εάν αναφέρεται στη σύμβαση σύμφωνα με την παράγραφο 3 και μόνον σε οιαδήποτε από τις ακόλουθες περιπτώσεις:	Law 81(I)/ 2012 Art. 27(2)	(2) Redemption of electronic money cannot carry a fee unless it is foreseen in the contract between the issuer of electronic money and electronic money holder under paragraph (7) and there is any of the following cases:	(2) Απαγορεύεται η επιβολή χρέωσης για την εξαργύρωση ηλεκτρονικού χρήματος εκτός εάν προβλέπεται στη σύμβαση μεταξύ του εκδότη ηλεκτρονικού χρήματος και του κατόχου ηλεκτρονικού χρήματος σύμφωνα με το εδάφιο (7) και συντρέχει οποιαδήποτε από τις ακόλουθες περιπτώσεις:	Article 27(2) of L.81(I)/2012 almost literally transposes the introductory wording of the first subparagraph of Article 11(4) of the Directive. There are differences in the syntax and wording between the Directive provision and the national one The reference to paragraph (7) of the national provision corresponds to paragraph 3 of the Directive provision.
Art.11 (4) 1 st subpar a. (a)	(a) where redemption is requested before the termination of the contract;	α) όταν η εξαργύρωση ζητείται πριν από τη λύση της σύμβασης:	Law 81(I)/ 2012 Art. 27(2)(a	(a) the redemption is requested before the termination or expiration of the contract	(α) η εξαργύρωση ζητείται πριν από τον τερματισμό ή τη λήξη της σύμβασης·	CONFORM Article 27(2)(a) of L.81(I)/2012 literally transposes point (a) of the first subparagraph

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
)			of Article 11(4) of the Directive.
Art. 11(4) 1st subpar a. (b)	(b) where the contract provides for a termination date and the electronic money holder terminates the contract before that date; or	β) όταν η σύμβαση προβλέπει ημερομηνία λύσης και ο κάτοχος ηλεκτρονικού χρήματος έλυσε τη σύμβαση πριν από την ημερομηνία αυτή ή	Law 81(I)/ 2012 Art. 27(2)(b	(b) the contract provides for expiration date and the electronic money holder terminated the contract before that date;	(β) η σύμβαση προβλέπει ημερομηνία λήξης και ο κάτοχος ηλεκτρονικού χρήματος τερμάτισε τη σύμβαση πριν από την ημερομηνία αυτή·	CONFORM Article 27(2)(b) of L.81(I)/2012 literally transposes point (b) of the first subparagraph of Article 11(4) of the Directive.
Art. 11(4) 1 st subpar a. (c)	(c) where redemption is requested more than one year after the date of termination of the contract.	γ) όταν η εξαργύρωση ζητείται ένα έτος και πλέον από την ημερομηνία λύσης της σύμβασης.	Law 81(I)/ 2012 Art. 27(2)(c	(c) the redemption is requested more than one year from the termination or expiration of the contract.	(γ) η εξαργύρωση ζητείται ένα έτος και πλέον από τον τερματισμό ή τη λήξη της σύμβασης.	CONFORM Article 27(2)(c) of L.81(I)/2012 literally transposes point (c) of the first subparagraph of Article 11(4) of the Directive
Art. 11(4) 2 nd subpar a.	Any such fee shall be proportionate and commensurate with the actual costs incurred by the electronic money issuer.	Οιοδήποτε παρόμοιο τέλος είναι ανάλογο και αντιστοιχεί προς το πραγματικό κόστος που βαρύνει τον εκδότη ηλεκτρονικού χρήματος.	Law 81(I)/ 2012 Art. 27(3)	(3) For purposes of subparagraph (2), the charge imposed for the redemption of electronic money must be proportionate and reflect the real cost of redeeming the electronic money issuer.	(3) Για σκοπούς του εδαφίου (2), η χρέωση που επιβάλλεται για την εξαργύρωση ηλεκτρονικού χρήματος πρέπει να είναι ανάλογη και να αντιστοιχεί στο πραγματικό κόστος που συνεπάγεται η εξαργύρωση για τον εκδότη ηλεκτρονικού χρήματος.	Article 27(3) of L.81(I)/2012 almost literally transposes the second subparagraph of Article 11(4) of the Directive. There are differences in the syntax and wording between the Directive provision and the national one
Art. 11(5)	5. Where redemption is requested before the termination of the contract, the electronic money holder may request	5. Όταν η εξαργύρωση ζητείται πριν από την ημερομηνία λύσης της σύμβασης, ο κάτοχος ηλεκτρονικού χρήματος	Law 81(I)/ 2012 Art.	(4) If the redemption is requested before the termination or expiration of the contract between the electronic money issuer	(4) Σε περίπτωση που η εξαργύρωση ζητείται πριν από τον τερματισμό ή τη λήξη της σύμβασης μεταξύ του εκδότη	CONFORM Article 27(4) of L.81(I)/2012 almost literally

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
	redemption of the electronic money in whole or in part.	μπορεί να ζητήσει να εξαργυρωθεί είτε μέρος είτε το σύνολο του ηλεκτρονικού χρήματος.	27(4)	and the holder of electronic money, the holder may request redemption of electronic money in whole or in part.	ηλεκτρονικού χρήματος και του κατόχου ηλεκτρονικού χρήματος, ο κάτοχος ηλεκτρονικού χρήματος μπορεί να ζητήσει εξαργύρωση του ηλεκτρονικού χρήματος εν όλω ή εν μέρει.	transposes Article 11(5) of the Directive. There are mere phrasing differences between the Directive provision and the national one
Art. 11(6) intr. wordi ng	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:	6. Όταν η εξαργύρωση ζητείται την ημερομηνία λύσης της σύμβασης ή μέχρι ένα έτος μετά τη λύση αυτής, κατόπιν αιτήσεως του κατόχου ηλεκτρονικού χρήματος:	Law 81(I)/ 2012 Art. 27(5)	(5) If the redemption is requested by the holder of electronic money the day of expiry or termination of his contract with the issuer or up to one (1) year from that date, then -	(5) Σε περίπτωση που η εξαργύρωση ζητείται από τον κάτοχο ηλεκτρονικού χρήματος την ημέρα κατά την οποία λήγει ή τερματίζεται η σύμβασή του με τον εκδότη ηλεκτρονικού χρήματος ή έως και ένα (1) έτος από την ημερομηνία αυτή, τότε -	CONFORM Article 27(5) of L.81(I)/2012 almost literally transposes the introductory wording of Article 11(6) of the Directive. There are mere phrasing differences between the Directive provision and the national one
Art. 11(6)(a)	a) the total monetary value of the electronic money held shall be redeemed; or	α) εξαργυρώνεται η συνολική ονομαστική αξία του ηλεκτρονικού χρήματος· ή	Law 81(I)/ 2012 Art. 27(5)(a	(a) the total monetary value of the electronic money held by the electronic money holder shall be redeemed; or;	(α) εξαργυρώνεται η συνολική νομισματική αξία του ηλεκτρονικού χρήματος που βρίσκεται στην κατοχή του κατόχου ηλεκτρονικού χρήματος· ή	Article 27(5)(a) of L.81(I)/2012 almost literally transposes Article 11(6)(a) of the Directive. There are mere phrasing differences between the Directive provision and the national one.
Art. 11(6)(b)	(b) where the electronic money institution carries out one or more of the activities listed in Article	β) εάν ίδρυμα ηλεκτρονικού χρήματος ασκεί μία ή περισσότερες από τις δραστηριότητες	Law 81(I)/ 2012 Art.	(b) where the electronic money institution carries out one or more of the activities specified in	(β) σε περίπτωση που το ίδρυμα ηλεκτρονικού χρήματος ασκεί μία ή περισσότερες από τις	CONFORM

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	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.	του άρθρου 6 παράγραφος 1 στοιχείο ε) και δεν είναι γνωστό εκ των προτέρων τι μέρος του χρηματικού ποσού πρόκειται να χρησιμοποιηθεί ως ηλεκτρονικό χρήμα, το ίδρυμα ηλεκτρονικού χρήματος εξαργυρώνει όλα τα χρηματικά ποσά που απαιτεί ο κάτοχος ηλεκτρονικού χρήματος.	27(5)(b)	paragraph (d) of subparagraph (1) of Article 15 and it is not known in advance the portion to be used as electronic money, the entire amount requested by the holder of electronic money is redeemed.	δραστηριότητες που προβλέπονται στην παράγραφο (δ) του εδαφίου (1) του άρθρου 15 και δεν είναι γνωστό εκ των προτέρων το μέρος του χρηματικού ποσού πρόκειται να χρησιμοποιηθεί ως ηλεκτρονικό χρήμα, εξαργυρώνεται όλο το χρηματικό ποσό που ζητεί ο κάτοχος ηλεκτρονικού χρήματος.	Article 27(5)(b) of L.81(I)/2012 literally transposes Article 11(6)(b) of the Directive. References made to national law correspond to Article 6(1)(e) of the Directive.
Art. 11(7)	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.	7. Με την επιφύλαξη των παραγράφων 4 έως 6 τα δικαιώματα εξαργύρωσης προσώπων, άλλων από τους καταναλωτές, που αποδέχονται ηλεκτρονικό χρήμα υπόκεινται σε σύμβαση μεταξύ των εκδοτών ηλεκτρονικού χρήματος και των ιδίων.	Law 81(I)/ 2012 Art. 27(6)	(6) Notwithstanding subparagraphs (2) to (5), 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.	(6) Ανεξάρτητα από τα εδάφια (2) έως και (5), το δικαίωμα προσώπου που αποδέχεται ηλεκτρονικό χρήμα και δεν είναι καταναλωτής να ζητεί εξαργύρωση ηλεκτρονικού χρήματος, υπόκειται στη σύμβασή του με τον εκδότη ηλεκτρονικού χρήματος.	Article 27(6) of L.81(I)/2012 literally transposes Article 11(7) of the Directive, taking into account the references made to national law which correspond to paragraphs 4, 5 and 6 of the Directive article.
Art. 12	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	Άρθρο 12 Απαγόρευση τόκων Τα κράτη μέλη απαγορεύουν τη χορήγηση τόκου ή οιουδήποτε άλλου οφέλους που έχει σχέση με τη διάρκεια του χρονικού διαστήματος	Law 81(I)/ 2012 Art. 28	28. Granting of interest or any other benefits associated with the length of time during which the electronic money holder holds electronic money is prohibited.	28. Απαγορεύεται η χορήγηση τόκου ή οιουδήποτε άλλου οφέλους συνδεόμενου με τη διάρκεια του χρονικού διαστήματος κατά το οποίο ο κάτοχος ηλεκτρονικού χρήματος κατέχει το ηλεκτρονικό	CONFORM Article 28 of L.81(I)/2012 almost literally transposes Article 12 of the Directive. There are mere phrasing differences between the Directive provision and the national one. It is noted that the provision is in line with the

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	holder holds the electronic money.	κατά το οποίο ο κάτοχος ηλεκτρονικού χρήματος κατέχει ηλεκτρονικό χρήμα.			χρήμα.	spirit of recital 13 of the Directive.
Art. 13	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.	Αρθρο 13 Διαδικασίες καταγγελίας και εξωδικαστικών προσφυγών για την επίλυση διαφορών Με την επιφύλαξη της παρούσας οδηγίας, το κεφάλαιο 5 του τίτλου IV της οδηγίας 2007/64/ΕΚ εφαρμόζεται τηρουμένων των αναλογιών στους εκδότες ηλεκτρονικού χρήματος σε σχέση με τα καθήκοντά τους τα οποία απορρέουν από τον τίτλο αυτόν.	Law 81(I)/ 2012 Art. 30 and 42-43	(1) The supervisory authority of Article 37 organises extrajudicial dispute resolution process, concerning the rights and obligations set out in Part IV, for issues that do not come within the remit of the Single Entity Disputes Settlement of Financial Nature: Any competent supervisory authority deals with any dispute arising from the issuance of electronic money in relation to which it is responsible under Article 37. (2) Each supervisory authority shall cooperate with the competent authorities of other Member States in crossborder disputes. (3) With respect to electronic money issuers that are cooperative societies, this Article shall apply without prejudice to Article 52 of the	(1) Η κατά το άρθρο 37 αρμόδια εποπτική αρχή οργανώνει διαδικασία εξωδικαστικής επίλυσης διαφορών, οι οποίες αφορούν τα δικαιώματα και υποχρεώσεις που προβλέπονται στο Μέρος ΙV και των οποίων δεν επιλαμβάνεται ο Ενιαίος Φορέας Εξώδικης Επίλυσης Διαφορών Χρηματοοικονομικής Φύσης: Νοείται ότι κάθε αρμόδια εποπτική αρχή επιλαμβάνεται οποιασδήποτε διαφοράς προκύπτει από έκδοση ηλεκτρονικού χρήματος σε σχέση με την οποία είναι αρμόδια δυνάμει του άρθρου 37. (2) Κάθε αρμόδια εποπτική αρχή συνεργάζεται με τις αρμόδιες αρχές των άλλων κρατών μελών σε περίπτωση διασυνοριακών	With regard to the out-of-court complaint and redress procedures for the settlement of disputes, national law does not refer to the provisions of Chapter 5 of Title IV of Directive 2007/64/EC, nor to the relevant implementing provisions of national law. Instead it opted to introduce similar provisions within L.81(I)/2012. Thus Article 30 of the implementing law introduces out-of-court dispute settlement procedures with regard to disputes arising out of the application of the implementing law that are similar and compatible with Chapter 5 of Title IV of Directive 2007/64/EC. Furthermore, Articles 42 and 43 of the implementing law introduce fines to electronic money issuers violating the provisions of the implementing law. Fines are also foreseen for natural persons that act on behalf of the legal person and can be held criminally liable. It is noted that the content of Article 43 of L.81(I)/2012 is not reproduced as it is identical to Article 42, referring to ASDCS instead of the Central Bank. It is also noted that the national provision is in

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	Articles 42 and 43 42 (1) In the event that the Central Bank finds that electronic money issuer under its supervision contravenes or fails to comply with any provision of this Act or any directive or notice of the Central Bank issued under this Act including an individual administrative act, the Central Bank, after giving notice for explanations to the electronic money, is empowered to impose for the violation any administrative fine of one thousand euro (€ 1.000) up to eighty thousand euro (€ 8.000), depending the gravity of the offense and, if the violation continues, the Central Bank may additionally impose an administrative fine, depending on the severity of the offense, one hundred euro (€ 100) to eight thousand euro (€ 8.000) for each day the violation continues.	διαφορών. (3) Καθόσον αφορά εκδότες ηλεκτρονικού χρήματος που είναι συνεργατικές εταιρείες, το παρόν άρθρο εφαρμόζεται με την επιφύλαξη του άρθρου 52 του περί Συνεργατικών Εταιρειών Νόμου. Άρθρα 42 και 43 42(1) Σε περίπτωση κατά την οποία η Κεντρική Τράπεζα διαπιστώνει ότι εκδότης ηλεκτρονικού χρήματος που βρίσκεται υπό την εποπτεία της παραβαίνει ή παραλείπει να συμμορφωθεί με οποιαδήποτε διάταξη του παρόντος Νόμου ή οποιαδήποτε οδηγία ή ειδοποίηση της Κεντρικής Τράπεζας που εκδόθηκε δυνάμει του παρόντος Νόμου, περιλαμβανομένης οδηγίας που συνιστά ατομική διοικητική πράξη, η Κεντρική Τράπεζα, αφού προηγουμένως καλέσει σε απολογία τον εκδότη ηλεκτρονικού χρήματος, δύναται να του επιβάλλει για κάθε	line with the spirit of recital 19 of the Directive. Therefore, national law conforms to the requirements of Article 13 of the Directive.

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	subparagraph (1) is attributable to the fault of the Board, Chief Executive Officer or director of the issuer of electronic money, the Central Bank, after giving notice to the person, may impose to such person and for each violation an administrative fine of one thousand euro (€ 1.000) up to twenty thousand euro (€ 20.000), depending on the severity of the offense and, if the violation continues, the Central Bank may additionally imposes an administrative fine, depending on the severity the offense, one hundred euro (€ 1.000) to one thousand euro (€ 1.000) to one thousand euro (€ 1.000) for each day the violation continues. 43 – Idem παράβαση διοικητικό πρόστιμο από χίλια ευρώ (€8.000), ανάλογα με τη βαρύτητα της παράβασης και, σε περίπποση που η παράβαση του επιβάλλει διοικητικό πρόστιμο, ανάλογα με τη βαρύτητα της παράβασης, ανάλογα με τη βαρύτητα της παράβασης, ανάλογα με τη βαρύτητα του δύναται επιπρόσθετα να του επιβάλλει διοικητικό πρόστιμο από χίλια ευρώ (€8.000), ανάλογα με τη βαρύτητα του δύναται επιπρόσθετα να του επιβάλλει διοικητικό πρόστιμο από χίλια ευρώ (€8.000) για κάθε ημέρα συνέχισης της παράβασης. (2) Αν η παράβαση του εδαφίου (1) αποδίδεται σε υπαιτιότητα του διοικητικού συμβούλου, του πρώτου εκτελεστικού διευθυντή ή διευθυντή του εκδότη ηλεκτρονικού χρήματος, η Κεντρική Τράπεζα, αφού προηγουμένως καλέσει σε απολογία το πρόσωπο αυτό, για κάθε παράβαση διοικητικό πρόστιμο από χίλια ευρώ (€1.000) έως και είκοσι χιλιάδες ευρώ (€20.000), ανάλογα με τη	

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					βαρύτητα της παράβασης και, σε περίπτωση που η παράβαση συνεχίζεται, η Κεντρική Τράπεζα δύναται επιπρόσθετα να του επιβάλλει διοικητικό πρόστιμο, ανάλογα με τη βαρύτητα της παράβασης, από εκατό ευρώ (€1.00) μέχρι χίλια ευρώ (€1.000) για κάθε ημέρα συνέχισης της παράβασης.	
Art. 16(1)	TITLE IV FINAL PROVISIONS AND IMPLEMENTING MEASURES Article 16 Full harmonization 1. Without prejudice to Article 1(3), the sixth subparagraph of Article 3(3), Article 5(7), Article 7(4), Article 9 and Article 18(2) and in so far as this Directive provides for harmonisation, Member States shall not maintain or introduce provisions other than those laid down in this Directive.	ΤΙΤΛΟΣ ΙΥ ΤΕΛΙΚΕΣ ΔΙΑΤΑΞΕΙΣ ΚΑΙ ΜΕΤΡΑ ΕΦΑΡΜΟΓΗΣ Αρθρο 16 Πλήρης εναρμόνιση 1. Με την επιφύλαξη του άρθρου 1 παράγραφος 3, του άρθρου 3 παράγραφος 3 έκτο εδάφιο, του άρθρου 5 παράγραφος 7, του άρθρου 7 παράγραφος 4, του άρθρου 18 παράγραφος 2 στον βαθμό που η παρούσα οδηγία περιέχει εναρμονισμένες διατάξεις, και τα κράτη μέλη δεν διατηρούν ούτε θεσπίζουν άλλες διατάξεις από αυτές που καθορίζονται στην	N/A	N/A	N/A	CONFORM The national implementing law does not explicitly transpose Article 16(1) of the Directive. However, taking into account the overall unproblematic implementation of the Directive provisions within the national legal order save for the cases of partial conformity with regard to the implementation of Article 1(1)(a), 5(5) and 8(2) of the Directive, conformity may be implied. A conclusion of partial conformity has been reached with regard to Article 1(1)(a) of the Directive because the wording of the national provision, along with the definitions provided under L.66(I)/1977 (Banking Law) and L.22/1985 (the Cooperative Societies Act), appear to exclude from its scope branches of

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		παρούσα οδηγία.				Article 5(5) of the Directive was found to be partially transposed as whereas the Directive provision applies in respect of electronic money institutions, the national provision
						only applies in respect of electronic money institutions engaged in activities not linked to the issuance of electronic money. A conclusion of partial conformity has been reached with regard to Article 8(2) of the Directive, as the relevant provision has not been transposed into national law.
						A failure by Cyprus to transpose Article 5(6) of the Directive into national legislation resulted in a conclusion of non-conformity.
Art. 16(2)	2. Member States shall ensure that an electronic money issuer does not derogate, to the detriment of an electronic money holder, from the provisions of national law implementing or corresponding to provisions of this Directive except where explicitly provided for therein.	2. Τα κράτη μέλη εξασφαλίζουν ότι οι εκδότες ηλεκτρονικού χρήματος δεν παρεκκλίνουν, εις βάρος των κατόχων ηλεκτρονικού χρήματος, από τις διατάξεις της εθνικής νομοθεσίας που έχουν θεσπισθεί κατ' εφαρμογή ή κατ' αντιστοιχία προς τις διατάξεις της παρούσας οδηγίας, εκτός εάν η δυνατότητα παρέκκλισης προβλέπεται ρητά από την οδηγία.	Law 81(I)/ 2012 Art. 31(1)	31 (1) The Competent Authority is responsible for implementing the provisions of Part III of this Act and its implementing measures adopted by the European Commission under Article 14 of Directive 2009/110/EC, to the extent that on persons which it is responsible.	31(1) Η Αρμόδια Αρχή είναι υπεύθυνη για την εφαρμογή των διατάξεων του Μέρους ΙΙΙ του παρόντος Νόμου και των μέτρων εφαρμογής που θεσπίζει η Ευρωπαϊκή Επιτροπή βάσει του Άρθρου 14 της Οδηγίας 2009/110/ΕΚ, σε όση έκταση αφορούν πρόσωπα για τα οποία είναι αρμόδια.	The national implementing law does not explicitly transpose Article 16(2) of the Directive. Nevertheless as shown below the Competent Authority has been conferred with powers in order to ensure that the electronic money institutions do not derogate from the rules set out in Law 81(I)/2012. Article 31(1) of Law 81(I)/2012 provides that the Competent Authority is responsible for implementing Part III of Law 81(I)/2012 which provides for the licensing of electronic money institutions. Supervisory powers and duties are conferred on the Competent

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
Ant	Article 18	70000 18	Low	(5) The persons referred to	(5) Τα πράσωπα που	Authority pursuant to Part III of Law 81(I)/2012 e.g. according to Article 17 of Law 81(I)/2012, which falls under Part III, the Competent Authority has the power to revoke electronic money licences. Therefore, conformity to the Directive provision can be observed. CONFORM
Art. 18(1) 1st subpar a.	Transitional provisions 1. Member States shall allow electronic money institutions that have taken up, before 30 April 2011, activities in accordance with national law transposing Directive 2000/46/EC in the Member State in which their head office is located, to continue those activities in that Member State or in another Member State in accordance with the mutual recognition arrangements provided for in Directive 2000/46/EC without being required to seek authorisation in accordance with Article 3 of this Directive or to comply with the other provisions laid down or referred to in Title II of	Αρθρο 18 Μεταβατικές διατάξεις 1. Τα κράτη μέλη επιτρέπουν στα ιδρύματα ηλεκτρονικού χρήματος που έχουν αρχίσει δραστηριότητες κατά την έννοια της οδηγίας 2000/46/ΕΚ στο κράτος μέλος στο οποίο έχουν τα κεντρικά τους γραφεία, πριν από τις 30 Απριλίου 2011, να τις συνεχίσουν σε εκείνο το κράτος μέλος και σε οιοδήποτε άλλο κράτος μέλος σύμφωνα με τις ρυθμίσεις αμοιβαίας αναγνώρισης που προβλέπονται από την οδηγία 2000/46/ΕΚ χωρίς την προβλεπόμενη στο άρθρο 3 της παρούσας οδηγίας άδεια, και χωρίς να απαιτείται η συμμόρφωση με τις άλλες διατάξεις που αναγράφονται ή	Law 81(I)/2012 Art. 46(5)	(5) The persons referred to in subparagraphs (1) to (4), and as long as they lawfully continue to engage in activities without licence for electronic money institutions remain subject to licensing requirements and prudential provisions in force in the Republic before entry into force of this Law.	(5) Τα πρόσωπα που προβλέπονται στα εδάφια (1) έως (4), για όσο χρόνο συνεχίζουν να ασκούν νομίμως δραστηριότητες χωρίς άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος, εξακολουθούν να υπόκεινται στις προϋποθέσεις αδειοδότησης και τις διατάξεις προληπτικής εποπτείας που ίσχυαν στη Δημοκρατία πριν από την έναρξη της ισχύος του παρόντος Νόμου.	Article 46(5) of L.81(I)/2012 transposes the first subparagraph of Article 18(1) of the Directive. The national provision does not follow the wording of the Directive article. However it foresees that for the persons referred to under paragraphs (1) to (4), and by that implying persons who had permission to operate under Directive 2000/46/EC and engaged in such activities before 30 April 2011 may continue to operate under that regime until the date of entry into force of implementing law 81(I)/2012 i.e. 27 June 2012. Although the 27 June 2012 does not conform to Directive provisions it does not impact the overall conformity of implementation as it is due to the late implementation of the Directive. From the above, the national provision intends to keep in line with the thought contained in recital 23 which considers that

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	this Directive.	αναφέρονται στον τίτλο ΙΙ της παρούσας οδηγίας.				'In the interests of legal certainty, transitional arrangements should be made to ensure that electronic money institutions which have taken up their activities in accordance with the national laws transposing Directive 2000/46/EC are able to continue those activities within the Member State concerned for a specified period.' Therefore, the national provision conforms to the requirements of the first subparagraph of Article 18(1) of the Directive.
Art. 18(1) 2 nd subpar a.	Member States shall require such electronic money institutions to submit all relevant information to the competent authorities in order to allow the latter to assess, by 30 October 2011, whether the electronic money institutions comply with the requirements laid down in this Directive and, if not, which measures need to be taken in order to ensure compliance or whether a withdrawal of authorisation is appropriate.	Τα κράτη μέλη απαιτούν από τα εν λόγω ιδρύματα ηλεκτρονικού χρήματος να υποβάλουν όλες τις συναφείς πληροφορίες στις αρμόδιες αρχές προκειμένου οι τελευταίες να μπορέσουν να κρίνουν, το αργότερο στις 30 Οκτωβρίου 2011, εάν τα ιδρύματα συμμορφώνονται με τις απαιτήσεις της παρούσας οδηγίας και, εάν όχι, ποια μέτρα πρέπει να ληφθούν προκειμένου να εξασφαλιστεί η συμμόρφωση,ή εάν πρέπει να ανακληθεί η άδεια.	N/A	N/A	N/A	Not conform National law does not transpose the second subparagraph of Article 18(1) which leads to a conclusion of non conformity. However, it should be noted that the transposition of the Directive provision in the case of Cyprus would be rendered ineffective due to the late transposition that took place after the repeal of Directive 2000/46/EC and the transposition deadline of 30 April 2011.
Art. 18(1)	Compliant electronic money institutions shall be	Όσα ιδρύματα ηλεκτρονικού χρήματος	N/A	N/A	N/A	NOT CONFORM

	Directive 2009/110/EC			National Implementing Measures	Conformity Assessment	
3 rd subpar a.	granted authorisation, shall be entered in the register, and shall be required to comply with the requirements in Title II. Where electronic money institutions do not comply with the requirements laid down in this Directive by 30 October 2011, they shall be prohibited from issuing electronic money.	πληρούν τις απαιτήσεις της παρούσας οδηγίας λαμβάνουν άδεια λειτουργίας, εγγράφονται στο μητρώο και υποχρεούνται να συμμορφωθούν προς τις απαιτήσεις του τίτλου ΙΙ. Απαγορεύεται στα ιδρύματα ηλεκτρονικού χρήματος που δεν συμμορφώνονται με τις διατάξεις της παρούσας οδηγίας το αργότερο στις 30 Οκτωβρίου 2011 να εκδίδουν ηλεκτρονικό χρήμα.				National law does not transpose the third subparagraph of Article 18(1) which leads to a conclusion of non conformity. However, it should be noted that the transposition of the Directive provision in the case of Cyprus would be rendered ineffective due to the late implementation that took place after the repeal of Directive 2000/46/EC and the transposition deadline of 30 April 2011.
Art. 18(2)	2. Member States may provide for an electronic money institution to be automatically granted authorisation and entered in the register provided for in Article 3 if the competent authorities already have evidence that the electronic money institution concerned complies with the requirements laid down in Articles 3, 4 and 5. The competent authorities shall inform the electronic money institutions concerned before the	2. Τα κράτη μέλη μπορούν να αποφασίζουν ότι τα ιδρύματα ηλεκτρονικού χρήματος λαμβάνουν αυτομάτως άδεια και καταχωρίζονται στο μητρώο σύμφωνα με το άρθρο 3, εφόσον οι αρμόδιες αρχές διαθέτουν ήδη αποδείξεις ότι τηρούνται οι απαιτήσεις των άρθρων 3, 4 και 5. Οι αρμόδιες αρχές ενημερώνουν τα ιδρύματα ηλεκτρονικού χρήματος πριν από τη χορήγηση της άδειας.	Law 81(I)/ 2012 Art. 46(1-3)	46 (1) The Competent Authority may grant authorisation of electronic money institutions, without prior request, to persons who are granted permission to issue electronic money under the Electronic Money Institutions Law, which started operating before 30 April 2011, subject to the following conditions: (a) the authorisation for the issuance of electronic money has not been withdrawn and there is no reason for withdrawing,	46(1) Η Αρμόδια Αρχή δύναται να χορηγεί άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος, χωρίς προηγούμενη αίτηση, στα πρόσωπα τα οποία χορήγησε άδεια έκδοσης ηλεκτρονικού χρήματος σύμφωνα με τον περί Ιδρυμάτων Ηλεκτρονικού Χρήματος Νόμο και τα οποία άρχισαν να ασκούν δραστηριότητες πριν από την 30η Απριλίου 2011, εφόσον πληρούνται οι ακόλουθες προϋποθέσεις:	Article 46(1) of L.81(I)/2012 transposes the option proved under Article 18(2) of the Directive. The national provision foresees that the competent authorities may automatically grant the authorisation for electronic money institution to persons granted permission to issue electronic money and engaged in such activity before 30 April 2011. The authorisation is granted without the prior application of the person concerned provided that the competent authorities already have the evidence that the institution complies with

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authorisation is granted.	and (b) the competent authority has already evidence that the conditions for authorisation of electronic money institutions under this Act are met. (2) The Competent Authority may give notice to the persons referred to in subparagraph (1) to complete the requirements for authorisation of electronic money institutions under penalty of revocation of the license granted for the issuance of electronic money. (3) The Competent Authority shall notify the persons referred to in subsection (1) prior to granting the authorization of electronic money institutions.	ηλεκτρονικού χρήματος δεν έχει ανακληθεί και δεν συντρέχει λόγος ανάκλησής της, και (β) η Αρμόδια Αρχή διαθέτει ήδη αποδείξεις ότι πληρούνται οι προϋποθέσεις χορήγησης άδειας λειτουργίας ιδρύματος πλεκτρονικού χρήματος σύμφωνα με τον παρόντα Νόμο. (2) Η Αρμόδια Αρχή δύναται να τάσσει προθεσμία στα πρόσωπα που προβλέπονται στο εδάφιο (1) προς συμπλήρωση των προϋποθέσεων χορήγησης άδειας λειτουργίας ιδρύματος ηλεκτρονικού χρήματος επί ποινή ανάκλησης της χορηγηθείσας άδειας για έκδοση ηλεκτρονικού χρήματος. (3) Η Αρμόδια Αρχή ενημερώνει τα πρόσωπα που προβλέπονται στο εδαφίου (1) πριν από τη χορήγηση της άδειας λειτουργίας ιδρύματος ηλεκτρονικού χρήμηση της άδειας λειτουργίας ιδρύματος ηλεκτρονικού χρήματος.	the provisions of the implementing law (L.81(I)/2012) and that the prior permission has not been revoked or there are grounds to revoke it. If the above requirements are fulfilled, the competent authority is obliged, by virtue of paragraph (3) of the implementing article, to notify the institutions concerned before granting them the authorisation of electronic money institutions. It should be noted however that by virtue of paragraph (2) in the case where the competent authority does not have the evidence of compliance it may give notice to the concerned persons to complete the requirements for authorisation of electronic money institutions under penalty of revocation of the license granted for the issuance of electronic money. Therefore, the national implementing provision conforms to the requirements of Article 18(2) of the Directive.

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Art. 18(3)	3. Member States shall allow electronic money institutions that have taken up, before 30 April 2011, activities in accordance with national law transposing Article 8 of Directive 2000/46/EC, to continue those activities within the Member State concerned in accordance with Directive 2000/46/EC until 30 April 2012, without being required to seek authorisation under Article 3 of this Directive or to comply with the other provisions laid down or referred to in Title II of this Directive. Electronic money institutions which, during that period, have been neither authorised nor waived within the meaning of Article 9 of this Directive, shall be prohibited from issuing electronic money.	3. Τα κράτη μέλη επιτρέπουν στα ιδρύματα ηλεκτρονικού χρήματος που έχουν αρχίσει, πριν από τις 30 Απριλίου 2011, δραστηριότητες δυνάμει των εθνικών διατάξεων μεταγραφής του άρθρου 8 της οδηγίας 2000/46/ΕΚ στην εθνική νομοθεσία, να τις συνεχίσουν στο εν λόγω κράτος μέλος σύμφωνα με την οδηγία 2006/46/ΕΚ μέχρι τις 30 Απριλίου 2012, χωρίς να υποχρεούνται να ζητήσουν άδεια δυνάμει του άρθρου 3 της παρούσας οδηγίας και χωρίς να υποχρεούνται να συμμορφωθούν προς τις άλλες διατάξεις που αναγράφονται ή αναφέρονται ότον τίτλο ΙΙ της παρούσας οδηγίας. Τα κράτη μέλη απαγορεύουν στα ιδρύματα ηλεκτρονικού χρήματος τα οποία, κατά τη συγκεκριμένη χρονική περίοδο, δεν έχουν λάβει άδεια ούτε εξαίρεση κατά την έννοια του άρθρου 9 της παρούσας οδηγίας να εκδίδουν ηλεκτρονικό χρήμα.	Law 81(I)/ 2012 Art. 46(4)	(4) Persons who have been granted exemption under subparagraph (1) of section 23 of the Electronic Money Institutions Law and which began their activities before April 30, 2011, may continue to carry on those activities if, by and April 30, 2012 - (a) be licensed electronic money institution by the Competent Authority if covered by Article 5 and meet the other requirements of this Act, or (b) be licensed electronic money institution by a competent authority of a Member State and follow the procedure laid down in Article 24.	(4) Πρόσωπα στα οποία χορηγήθηκε εξαίρεση δυνάμει εδαφίου (1) του άρθρου 23 του περί Ιδρυμάτων Ηλεκτρονικού Χρήματος Νόμου και τα οποία άρχισαν να ασκούν δραστηριότητες έκδοσης ηλεκτρονικού χρήματος πριν από την 30η Απριλίου 2011, δικαιούνται να συνεχίσουν να ασκούν τις δραστηριότητες αυτές εφόσον, έως και την 30η Απριλίου 2012- (α) λάβουν άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος από την Αρμόδια Αρχή, εάν εμπίπτουν στο άρθρο 5 και εφόσον πληρούνται οι λοιπές προϋποθέσεις του παρόντος Νόμου, ή (β) λάβουν άδεια λειτουργίας ιδρύματος ηλεκτρονικού χρήματος από αρμόδια αρχή κράτους μέλους και ακολουθηθεί η διαδικασία που ορίζεται στο άρθρο 24.	Article 46(4) of L.81(I)/2012 transposes Article 18(3) of the Directive. Although the national provision adopts a different wording it nonetheless provides that persons who have been granted exemption under subparagraph (1) of section 23 of the Electronic Money Institutions Law (implementing Article 8 of Directive 2000/46/EC) may continue those activities until 30 April 2012. From that date however they should be licensed as electronic money institution and meet the relevant criteria. It is implied that electronic money institutions which, during the above period, have not been authorised are prohibited from issuing electronic money. Therefore, Article 46(4) of L.81(I)/2012 conforms to the requirements of Article 18(3) of the Directive.