

Section 11 Low-Value Payment Instruments

Inserted by Order No. 2009-866 of 15 July 2009 Art. 1 V Official Journal of 16 July 2009

Article L. 133-28. - I. - A decree defines the maximum amounts for payment, expenses or the storage of funds, beneath which the payment instruments that were designed to secure compliance with these thresholds are considered to be reserved for low-value payments.

II. - For the instruments referred to in I, the payment service provider may agree with the payer that:

1° The payer may not revoke the payment order after transmitting it or giving his consent to execute the payment transaction to the payee

2° Execution periods other than those referred to in Article L. 133-13 may apply

3° The payment service provider shall not be required to notify the payment service user of the refusal of a payment order, if the user had knowledge of it when giving his payment order

4° II and II of Article L. 133-15, Article L. 133-17, III of Article L. 133-19 and Article L. 133-20 shall not necessarily apply to the instruments referred to in I, for which the payment service provider does not have the ability to freeze the payment account or block the payment instrument

5° Article L. 133-18, I, II and IV of Article L. 133-19 and Article 133-23 shall not necessarily apply to the instruments referred to in the present Article if the instrument is used anonymously or if the payment service provider is not in a position for other reasons which are intrinsic to the payment instrument to prove that a payment transaction was authorised

Inserted by Order No. 2009-866 of 15 July 2009 Art. 1 V Official Journal of 16 July 2009

(Chapter IV Letters of Exchange and Promissory Notes)

Relocated by Order No. 2009-866 of 15 July 2009 Art. 1 IV Official Journal of 16 July 2009 as of 1 November 2009 see Chapter II Article L. 134-1 become the new Article L. 132-1 and L.134-2 becomes L. 132-2)

PART IV THE BANQUE DE FRANCE

Chapter I: Missions

Section 1 Primary missions

Article L. 141-1. - The Banque de France is an integral part of the European System of Central Banks instituted by Article 8 of the Founding Treaty of the European Community and fulfils the missions and complies with the objectives assigned to it by the Treaty.

Within this framework, and without prejudice to the primary objective of price stability, the Banque de France provides support for the Government's general economic policy.

In carrying out the missions it performs on account of its participation in the European System of Central Banks, the Banque de France, in the person of its Governor or its Deputy

Governors may neither solicit nor accept instructions from the Government or from any person.

Amended by Act No. 2007-212 of 20 February 2007 Art. 1 II Official Journal of 21 February 2007

Amended by Act No. 2008-776 of 4 August 2008 Art. 174 Official Journal of 5 August 2008

Article L. 141-2. - Under the conditions determined in the Statute of the European System of Central Banks, and Article 30 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, relating to the transfer of exchange reserve assets to the European Central Bank, and Article 31 of the said Protocol relating to the management of the exchange reserve assets held by the national central banks, the Banque de France holds and manages the State's gold and currency reserves and enters them on the assets side of its balance sheet pursuant to the terms and conditions of an agreement it enters into with the State. ① ② ③ ④

Consistent with the provisions of Article 111 of the Founding Treaty of the European Community, and with particular reference to the international organisations within which the Member States may negotiate and to the international agreements they may enter into, and likewise, consistent with Article 6, paragraph 2, of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank relating to the international monetary institutions in which the European Central Bank and, subject to its agreement, the national central banks, are authorised to participate, the Banque de France may, with the consent of the Minister for the Economy, participate in international monetary agreements.

Amended by Act No. 2008-776 of 4 August 2008 Art. 174 Official Journal of 5 August 2008

Article L. 141-3. - The Banque de France is prohibited from authorising overdrafts or granting any other type of credit to the Trésor Public or to any other public body or undertaking. The direct acquisition of their debt instruments by the Banque de France is also prohibited.

The agreements entered into between the State and the Banque de France determine, when necessary, the terms of repayment of the advances granted to the Trésor Public by the Banque de France prior to 1 January 1994.

The provisions of the first paragraph do not apply to public credit institutions which enjoy the same treatment as private credit institutions in regard to the provision of liquid assets by the Banque de France.

Article L. 141-4. - I - The Banque de France ensures that the payment systems used in connection with its participation in the European System of Central Banks function correctly and securely, consistent with the proper operation of payment systems as envisaged in Article 105, paragraph 2, of the Founding Treaty of the European Community.

The invocability against third parties and implementation of the rights of the national central banks which are members of the European System of Central Banks and of the European Central Bank in regard to financial instruments, bills, receivables or sums of money pledged, assigned or otherwise provided as a guarantee in their favour are not affected by initiation of the procedures referred to in Book VI of the Commercial Code or any equivalent judicial or amicable procedure based on a foreign legal system, or any civil enforcement proceedings initiated on the basis of French law or a foreign legal system, or the exercise of a right to object.

The Banque de France ensures that the means of payment as defined in Article L. 311-3, other than fiduciary currency, are secure and that the regulations applicable thereto are pertinent. If it considers that any such means of payment offers insufficient

6. Under conditions determined by the General Council, officials of the Banque de France and any other person holding customer accounts at the Banque de France as of 6 August 1993

7. Any other institution or person expressly authorised to open an account with the Banque de France by a decision of the General Council

8. Payment institutions governed by Chapter II of Part II of Book V

Amended by Act No. 2005-516 of 20 May 2005 relating to the regulation of postal activities Art. 16 IV^{3°} Official Journal of 21 May 2005

Amended by Order No. 2009-866 of 15 July 2009 Art. 2 Official Journal of 16 July 2009

Article L. 141-9. - The Banque de France may carry out, for its own account and for third parties, any transaction relating to gold, means of payment or securities denominated in foreign currencies or defined by reference to a weight in gold.

The Banque de France may lend or borrow sums in euros or in foreign currency to and from foreign banks and foreign or international monetary institutions or bodies.

When such transactions are executed, the Banque de France shall request or provide the guarantees which it considers appropriate.

Chapter II Organisation of the Banque

Section I Status of the Banque de France

Article L. 142-1. - The Banque de France is an institution whose capital belongs to the State.

Section 2 The General Council

(Section title amended by Act No. 2007-212 of 20 February 2007 Art. 1 I Official Journal of 21 February 2007)

Article L. 142-2. - The Banque de France is administered by a General Council.

It deliberates on questions relating to the management of the Banque de France's activities other than those which come within the scope of its missions for the European System of Central Banks.

It deliberates on the regulations applicable to its staff. The said regulations are submitted to the appropriate ministers by the Governor of the Banque de France for authorisation.

The General Council also deliberates on equity capital use, prepares the provisional and amending cost budgets taking care to provide the Banque with the necessary means to fulfil the missions it performs on account of its membership in the European System of Central Banks, closes off the Banque's balance sheet and accounts and draws up the plans for allocating the profits and fixing the dividend due to the State.

The General Council appoints two auditors entrusted with auditing the accounts of the Banque de France. They are invited to attend the General Council meeting which approves the accounts for the previous year.

Replaced by Act No. 2007-212 of 20 February 2007 Art. 1 I Official Journal of 21 February 2007

Amended by Act No. 2008-776 of 4 August 2008 Art. 174 Official Journal of 5 August 2008

Article L. 142-3. - I. - The General Council of the Banque de France comprises:

1° The Governor and two Deputy Governors of the Banque de France

2° Two members appointed by the President of the National Assembly and two members appointed by the President of the Senate taking into account of their competence and of their professional financial or economic experience

3° Two members appointed by a Cabinet decree upon proposal made by the Minister for the Economy, taking into account their competences and professional financial or economic experience

4° An elected representative of the Banque's employees.

5° The Vice-President of the Autorité de Contrôle Prudentiel.

The duration of tenure of those General Council members listed in 1° to 4° shall be six years without prejudice to the provisions of the ninth paragraph. They are bound by professional secrecy.

As from 1 January 2009, half of the members appointed according to the provisions of 2° are replaced every three years. At each triennial renewal, one member is appointed by the President of the National Assembly and one member is appointed by the President of the Senate.

The members appointed according to the provisions of 2° are replaced at least eight days before their tenure expires. If one of these members is unable to complete his term of office, he is replaced immediately in the manner described in the previous paragraph and he fulfils his functions for the unexpired portion of the term of office of the person he replaces.

The functions of the members appointed in application of 2° and 3° above do not exclude a private professional activity with the consent of the General Council given at the majority of its members other than the person concerned. The Council examines the absence of conflicts of interest and the respect of the principle of independence of the Banque de France. Absence of conflicts of interest implies that members may not perform any function or have any interest in the service providers referred to in Parts I to V of Book V. These members cannot accept a parliamentary mandate.

II. - The validity of the deliberations is subject to at least six members being present.

The decisions are taken on a majority of the members present. In the event of there being a hung vote, the chairman has a casting vote.

The General Council may delegate powers to the Governor of the Banque de France, who may sub-delegate them under conditions determined by the Council.

A censor, or his deputy, designated by the Minister for the Economy, attends the meetings of the General Council. He may submit proposals for resolutions to the Council for deliberation.

The resolutions adopted by the General Council are final unless they are challenged by the censor or his deputy.

Amended by Supplementary Budget Act No. 2002-1576 of 30 December 2002 Art. 85 I Official Journal of 31 December 2002

Replaced by Act No. 2007-212 of 20 February 2007 Art. 1 I Official Journal of 21 February 2007

Amended by Act No. 2008-776 of 4 August 2008 Art. 173 Official Journal of 5 August 2008

Amended by Act No. 2010-1249 of 22 October 2010 Art. 12 Official Journal of 23 October 2010