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**Emne:**

[REDACTED]

RE: Questions from the Danish Parliament regarding the regulation of privately owned ATMs in Spain

**Opfølgningsflag:**

Opfølgning

[REDACTED]

[REDACTED]

Answering to your question, please be informed that, under the Spanish Law, the withdrawal of cash from the so-called “independent ATMs” are expressly excluded from the application of the payment services legislation by Article 3.ñ) of the Law on Payment Services (“Royal Decree-Law 19/2018, of November 23), which transposes, literally, into the Spanish legal system, Article 3.o) of the PSD2. Apart from this there is no additional specific regulation in Spain on these ATMs.

From an AML/CFT perspective, the providers of these services of withdrawal of cash from independent ATMs are not subject either to the applicable national framework, as they do not need to apply for authorisation or registration as payment service providers (and therefore, they are not considered as “obliged entities”). However, these companies will have to comply with the obligation to declare in advance any movement of cash, through the Spanish national territory, for an amount equal to or greater than 100,000 euros or its equivalent in foreign currency (unless they use the services of a company duly authorized and registered by the Ministry of Interior to carry out professional transport activities of funds or means of payment and which are considered as “obliged entities” by the AML Spanish Law).

On the other hand, these independent ATMs may be subject to other pieces of legislation applicable to the management of cash, such as regulations on the handling, authenticity and fitness checking, recirculation and treatment of banknotes.

If you have any doubt or need further clarification, please don't hesitate in contacting us.

Best Regards

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