

1994年9月12日第811號法案

丹麥工業暨協調部

聯合付帳卡法

本法係依1988年3月23日第162號法案、1989年12月19日第818號法案、1992年3月23日第184號法案，及1994年6月1日第426號法案所修改之1984年6月6日第284號法案，予以彙編而成之法律。

第一節

本法適用範圍

1.

- (1)本法適用於在本國提供或得使用之付帳卡或與其相當之付款系統。
- (2)除第13、15、18、21及第25條之規定外，本法亦應相對適用於無付帳卡，但使用密碼或任何其他類似身份證明，而在本國提供或得在本國使用之付款系統（但請參照第(3)項及第(4)項）。惟第6a節條僅得適用於此等付款系統。
- (3)如第(2)項之付款系統係供商業及非商業使用，且經系統提供者證明，使用者已於入會合約（affiliation agreement）承諾僅為商業或類此目的使用該付款系統，

Ministry of Industry and Coordination

Consolidated Payment Cards etc. Act

This is an Act to consolidate Act No. 284 of 6 June 1984 as amended by Act No. 162 of 23 March 1988, section 4 of Act No. 818 of 19 December 1989, Act No. 184 of 23 March 1992 and Act No. 426 of 1 June 1994.

Part 1

Scope of Act

1.

- (1)This Act shall apply to payment systems with payment cards and payment systems equivalent thereto which are offered or can be used in this country.
- (2)Except for sections 13, 15, 18, 21 and 25, the Act shall apply correspondingly to payment systems without payment cards but with codes or any other similar proof of identity if the system is offered or can be used in this country, cf., however, subsections (3) and (4). Part 6 a shall only apply to these payment systems.
- (3)If the systems mentioned in subsection (2) are offered for both business and non-business use, Parts 4, 5 and 6 a shall not apply to the relationship between the system provider and the

則第 4、5、6 a 節等章節之規定不應適用於系統提供者及個人使用者之關係。然而，若使用者違反前述承諾使用該付款系統，除經證明系統提供者對該系統遭無權使用之事並不知情，亦可得而知者外，相關章節仍應適用。

(4)專為商業目的而提供，或僅得為商業目的入會之第(2)項所示付款系統，除系統提供者約定或最終接受對體系之不同使用外，並不適用本法。

(5)工業暨協調部部長得決定何種付款系統(第(1)項及第(2)項參照)免除本法全部或一部之適用。

2.

(1)「付帳卡」係指提款卡、專屬卡(proprietary cards)、信用卡、簽帳卡等，供支付目的使用，使持卡人得經由卡片獲取商品或服務、安排轉帳事宜、提領現金、或從事類似交易。

(2)惟，專供在發卡人處提領現金之提款卡，僅適用第五節之規定。

(3)第 1 條第(2)項所示之「付款系統」，係指使使用者無須

individual user if the system provider proves that in the affiliation agreement the user has undertaken to use the payment system for business or businesslike purposes only. If, however, the user uses the payment system in contravention thereof, the Parts concerned shall apply unless it is proved that the system provider neither knew nor ought to have known that the system was being used in an unauthorized manner.

(4)This Act shall not apply to payment systems as mentioned in subsection (2) if the system is exclusively offered and affiliation is only possible for business use, unless the system provider makes an agreement for or subsequently accepts a different use of the system.

(5)The Minister of Industry and Coordination may determine that payment systems, cf. subsections (1) and (2), shall be exempt from the provisions of this Act in whole or in part.

2.

(1)'Payment cards' means cash withdrawal cards as well as proprietary, credit and debit cards used for payment purposes so that the cardholder can acquire goods or services, arrange for transfers of payment, withdraw money or make similar transactions by using the card.

(2)However, cash withdrawal cards which can only be used to withdraw money at the card issuer shall only be subject to the provisions of Part 5.

(3)'Payment systems' as mentioned in section 1(2) means

經由個人接觸，即得從事第(1)項所示交易之電子系統。

3. 除國際條約或工業暨協調部部長制定之法規另有規定外，付帳卡發卡人之營業所所在地應設於本國。
4. 廢止。
5. 廢止。

第二節

申報

6.
 - (1)所有發卡人均應向消費者保護官申報。
 - (2)如數發卡人隸屬於同一付款系統，且均具備絕大部分相同之商業條件 (business conditions)，消費者保護官得准許或命其聯合申報。
7.
 - (1)申報內容應包含：
 - (a)發卡人之名稱、營業所所在地及組織。
 - (b)對付款系統之說明，包括行政程序及有關付款之例行業務。
 - (c)依第 13 條第(1)項提供之資訊。
 - (d)任何其他商業條件及合約條款。

electronic systems providing the user with the ability to make the transactions mentioned in subsection (1) without any personal contact.

3. Issuers of payment cards shall have their place of business in this country unless otherwise provided in international agreements or rules laid down by the Minister of Industry and Coordination.
4. Repealed.
5. Repealed.

Part 2

Notification

6.
 - (1)Any card issuer shall be notified to the Consumer Ombudsman.
 - (2)If several card issuers are affiliated to the same payment system and to a great extent apply the same business conditions, the Consumer Ombudsman may permit or order joint notification.
7.
 - (1)The notification shall contain:
 - (a)The name, place of business and organization of the card issuer.
 - (b)A description of the payment system, including administrative procedures and payment routines.
 - (c)The information supplied in pursuance of section 13 (1).
 - (d)Any other business conditions and terms and conditions of agreement.

(2)任何通知事項之變更，應於簽訂變更該事項之合約或變更時起八日內再行申報。

(3)消費者保護官應就第(1)項及第(2)項之申報制定法規。

(4)未依第(1)項之規定申報者，該付款系統不得開始運作。

(5)依第(1)項所為之申報，並不表示申報內容已獲認可。

8. 廢止。

9. 廢止。

第三節

本法之執行

10.

(1)消費者保護官之職權，係監督確保本法及依本法所制定法規之執行。

(2)消費者保護官得要求提供為行使其職權所需之所有資訊，包括使其得決定某事項是否包含於本法適用範圍之資訊。

(3)消費者保護官得於必要限度內，利用專家所提供之專業服務。

(4)工業暨協調部部長應就本法之執行制定法規。

(2)Any change in matters notified shall be notified within eight days after an agreement for such change has been entered into or the change has been made.

(3)The Consumer Ombudsman shall lay down rules concerning notification in accordance with subsections (1) and (2).

(4)A payment system shall not be put into operation until notification in accordance with subsection (1) has been made.

(5)Notification in accordance with subsection (1) shall not imply approval of the contents of the notification.

8. Repealed.

9. Repealed.

Part 3

Administration of the Act

10.

(1)The Consumer Ombudsman shall have a supervising function to ensure that this Act or provisions laid down in pursuance hereof is not contravened.

(2)The Consumer Ombudsman may demand all such information as is found to be necessary for his function, including information enabling him to decide whether a matter comes within the provisions of this Act.

(3)The Consumer Ombudsman may make use of the services of experts to the extent this is deemed necessary.

(4)The Minister of Industry and Coordination shall lay down rules on administration of the Act.

11.廢止。

12.廢止。

第四節

一般條款

12. a

(1)付帳卡系統之設計及運作，應向使用者確保透明化、無償性、以及防止濫用之保護。

(2)如付款系統並未依第(1)項規定為適當之設計者，原因諸如：

(a)尚未建立必要之控制、安全、及更正程序；

(b)發卡人（第 13 條第(1)項參照）或與持卡人有關之受款人之商業條件，僅單方面考量發卡人或受款人之利益，或其條件並不合理；

(c)發卡人或受款人之商業條件，僅單方面考量其中一當事人之利益；或

(d)有違反本法者，則消費者保護官應試圖以協商改善狀況。

(3)如第(2)項所示之狀況無法經由協商改善，則消費者保護官得發布促成改善之命令。

11.Repealed.

12.Repealed.

Part 4

General provisions

12.a

(1)Payment card systems shall be designed and operate so as to ensure users transparency, voluntariness and protection against misuse.

(2)If a payment system has not been adequately designed in the respects set out in subsection (1), for example because

(a)the necessary control, security and correction procedures have not been established;

(b)the business conditions of a card issuer, cf. In this connection section 13 (1), or the business conditions of a payee in relation to the cardholder one-sidedly consider the interests of the card issuer or payee or are otherwise unreasonable; or

(c)the business conditions of a card issuer or payee one-sidedly consider the interests of either of the parties; or

(d)the provisions of this Act are otherwise not complied with, the Consumer Ombudsman shall try to change the situation by negotiation.

(3)If a change as mentioned in subsection (2) cannot be made by negotiation, the Consumer Ombudsman may issue an order to this effect.

13.

(1)於接觸個人或公司以及回答有關付帳卡之詢問時，發卡人應寄送包含下列資訊之書面資料：

(a)申請發卡事宜。

(b)有關卡片持有及使用之條件，包括持卡人每隔多長時間將收到帳單之資訊。

(c)有關取得及使用卡片之費用，包括任何以百分比表示，計為年費之信用費（credit costs）。

(d)為評估信用價值所採取之程序。

(e)個人資料及購買資料之使用、保存、及揭露。

(f)就卡片遭遺失或任何相關授權（PIN碼或類似事項）遭終止、濫用、或正由任何未經授權之人持有，予以示警之程序。

(2)於簽訂有關取得付帳卡之合約前，發卡人應以書面提供持卡人第(1)項所示之資訊。

(3)消費者保護官得制定法規規範第(1)項及第(2)項所示資訊之內容及呈現方式，包括有關信用費之報告及計算。

13.

(1)When contacting individual persons and companies and when replying to enquiries concerning payment cards, the card issuer shall deliver written material containing information about:

(a)The applications of the card.

(b)Conditions attached to the possession and use of the card, including information about how often the cardholder will receive statements of account.

(c)Costs in connection with the acquisition and use of the card, including any credit costs calculated as the annual costs expressed as a percentage.

(d)The procedure adopted for any assessment of creditworthiness.

(e)Use, keeping and disclosure of personal information and information about purchases etc.

(f)The procedure of warning in case the card or any related authorization (PIN code or similar) is lost, misused or in the possession of any unauthorized person.

(2)Before making any agreement concerning acquisition of a payment card, the card issuer shall supply the cardholder with the information set out in subsection (1) in writing.

(3)The Consumer Ombudsman may lay down rules concerning the content and presentation of the information mentioned in subsection (1) and (2), including rules concerning the statement and calculation of credit costs.

14.

- (1)付帳卡之發行僅得經申請為之。
- (2)如付帳卡之申請遭拒絕者，發卡人經請求應告知拒絕之理由。

15.

- (1)於任何使用付帳卡之交易，持卡人均有權要求開立收據。
- (2)工業暨協調部部長得免除第(1)項之適用。

16.持卡人及受款人得不經通知，終止與發卡人付款系統之入會合約。

17.廢止。

18.

- (1)就得經由付帳卡發生及清償之付款責任，受款人有義務於正常營業時間內，接受現金付款。
- (2)工業暨協調部部長得免除第(1)項之適用。

19.付帳卡不得作為身份證明使用，但用於以付帳卡付款之交易及作為提款卡使用時，不在此限（但請參照第 19 a 條），。

19 a.

- (1)付帳卡不得具備下述之合併功能：

14.

- (1)Payment cards may only be delivered on request.
- (2)If a request for payment cards is refused, the card issuer shall on request give reasons for such refusal.

15.

- (1)In any payment card transaction the cardholder shall be entitled to a receipt.
- (2)The Minister of Industry and Coordination may grant exemption from the provision of subsection (1).

16.The cardholder and the payee shall be entitled to terminate the agreement with the card issuer concerning affiliation to the payment system without notice.

17.Repealed.

18.

- (1)The payee shall be obliged to accept cash payment within normal business hours in settlement of payment obligations which could be incurred and settled by means of payment cards.
- (2)The Minister of Industry and Coordination may grant exemption from the provision of subsection (1).

19.Use of payment cards as proof of identity may not be demanded except where they are used in connection with payment transactions with payment cards and as cash withdrawal cards, cf., however, section 19a.

19a.

- (1)Payment cards must not be combined

- (a) 非屬付帳卡功能之功能；
 - (b) 非與付帳卡功能相關之服務；
 - (c) 折扣或與此相當之任何計劃。
- (2) 如第(1)項所提及之功能、服務、或計劃，亦提供予未持卡之人，則第一項不予適用。
- (3) 第(1)項所提及功能、服務、或計劃之行銷，無論係分別或與付帳卡合併為之，均應遵守平等原則。

20.

- (1) 發卡人就有關付款系統之運作所支付之費用，不得要求受款人負擔。
- (2) 持卡人使用付帳卡之費用應予固定，不受受款人之狀況影響。

第五節

限制責任及損失之法規

21.

- (1) 如他人未經授權，以持卡人之個人密碼使用付帳卡，持卡人就其因而造成之損失，應於丹麥幣 1,200 元之範圍內自行負責。但第(2)項及第(3)項另有規定時，本項不予適用。
- (2) 他人未經授權，以持卡人之個人密碼使用付帳卡時，如發卡人證明密碼係由持卡人告知無權使用者者，持卡人應就一切損失自行負責，並無責任上限。

- (a) with functions other than payment card functions;
 - (b) with services not relating to the payment card function; or
 - (c) with discount schemes or any equivalent schemes.
- (2) Subsection (1) shall not apply if the mentioned functions, services or discount schemes are also offered without payment cards.
- (3) The marketing of the functions, services or discount schemes mentioned in subsection (1), separately or in combination with payment cards, shall be on equal terms.

20.

- (1) The card issuer's expenses in connection with the operation of the payment system shall not be charged to the payee.
- (2) The fee covering the cardholder's use of payment cards shall be fixed independently of the circumstances of the payee.

Part 5

Rules limiting liability and losses

21

- (1) The cardholder shall be liable for up to DKK 1,200 of any loss arising from any other person's unauthorized use of the payment card if the related personal secret code has been used. However, this shall not apply where subsections (2) or (3) provide otherwise.
- (2) The cardholder shall be liable, subject to no limitation on the amount, for any loss arising from any other person's unauthorized use of the payment card and the related personal

(3)於他人未經授權使用付帳卡時，除第(2)項另有責任範圍更大之規定外，如經發卡人證明下列事項，持卡人應就丹麥幣 8,000 元之範圍內自行負責：

(a)該付帳卡係由持卡人託付給無權用卡之人者；

(b)持卡人或任何受其託付付帳卡之他人，因其重大不負責之行為，造成付帳卡遭到無權使用者；

(c)持卡人或任何受其託付付帳卡之他人於得知失卡後，並未儘速通知發卡人者。

(4)持卡人僅就該交易已正確記載於帳目中者，始依第(1)至第(3)項負責（第 22 條參照）。

(5)經發卡人受通知卡片已遺失或已由無權使用者持有，其後發生之任何無權用卡情事，應由發卡人負責，但如受款人應依第(7)項負責者，不在此限。發卡人應儘速向持卡人以書面確認收到前述失卡通知，並附記收到通知之時間。

secret code if the card issuer proves that the cardholder has disclosed the code to the person making such unauthorized use of the card.

(3)Unless subsection (2) provides for more extensive liability, the cardholder shall be liable for up to DKK 8,000 of any loss arising from any other person's unauthorized use of the payment card if the card issuer proves

(a)that the cardholder has entrusted the card to the person making such unauthorized use of the card;

(b)that the cardholder or any person to whom he has entrusted the card made the unauthorized use possible through his grossly irresponsible conduct; or

(c)that the cardholder or any person to whom he has entrusted the card has failed to inform the card issuer as soon as possible after having learned that the card is lost.

(4)The cardholder shall only be liable under subsections (1)-(3) if the transaction has been correctly registered and entered in the books, cf. section 22.

(5)The card issuer shall be liable for any unauthorized use that takes place after the card issuer has been notified that the card is either lost or in the possession of an unauthorized person. However, this shall not apply if the payee is liable under subsection (7). Receipt of such notification that the card is lost shall be acknowledged by the card issuer to the cardholder as soon as possible. Such acknowledgement shall be in writing and state the time of receipt of notification.

- (6)除第(1)至第(3)項及第(7)項另有相反規定外，任何因未經授權使用付帳卡而導致之損失，應由發卡人負責。
- (7)如受款人明知或可得而知使用付帳卡之人係無權使用者，雖有第(1)至第(3)項之規定，受款人仍應負責。
- (8)在與價錢變化相當之合理範圍內，工業暨協調部部長得調整第(1)項及第(3)項之數額。

22.

- (1)就任何因登記及帳目錯誤、技術性故障、或任何其他類似狀況所造成持卡人或受款人之損失，即使係偶然所致之失誤，發卡人亦應負責。如持卡人故意或重大過失亦促成該失誤之發生，則其應得之賠償得予減少或免除。但就任何因受款人之狀況所造成該受款人之損失，發卡人概不負責。
- (2)如於第(1)項第一句之情形下持卡人有未付款或遲延付款之情事者，除利息之請求外，不得主張任何違約賠償。惟，如已自持卡人帳戶提款者，視為持卡人已清償其應付帳款。

- (6)Unless otherwise provided by subsections (1)-(3) and (7), the card issuer shall be liable for any loss arising from any unauthorized use of payment cards.
- (7)Notwithstanding subsections (1)-(3), the payee shall be liable for any loss if the payee knew or ought to have known that the user was not authorized to use the card.
- (8)To the extent it is justified by the price development, the Minister of Industry and Coordination may change the amounts set out in subsections (1) and (3).

22.

- (1)The card issuer shall be liable for any loss suffered by the cardholder and the payee arising from errors in registration and posting, technical break-down or any other similar circumstances even if the error is fortuitous. If the cardholder has contributed to the error with intent or through gross negligence, any compensation payable to the cardholder may be reduced or cease to be payable. The card issuer shall not, however, be liable for any loss suffered by the payee arising from the circumstances of the payee.
- (2)In case of non-payment or overdue payment under circumstances as mentioned in the first clause of subsection (1), no remedies for breach of contract shall be available in relation to the cardholder, except for a claim to interest. If, however, a withdrawal has been made from the cardholder's account, payment to the cardholder's discharge shall be deemed to have been effected.

(3)因受款人之狀況所造成持卡人之任何損失，如發卡人依第(1)項之規定應負責賠償持卡人者，發卡人得請求由受款人支付該賠償額。

(4)就付款之交易並非發生於第(1)項第一句之情形乙事，應由發卡人負舉證之責。

第六節

資訊之登記、使用及揭露

23.除本法另有規定外，為於有關第1條所示付款系統之使用而為之登記，應適用私人登記法 (Private Registers Act)。

24.

(1)有關持卡人依付帳卡功能（第2條參照）使用卡片之相關資訊，於從事付款交易及避免濫用之必要限度內，始得予以登記。

(2)有關持卡人依付帳卡功能（第2條參照）使用卡片之相關資訊，僅得限於從事付款交易、更正、及強制執行之必要範圍內或法律規定之限度內，始得使用及揭露。

(3)有關受款人營業額、付款交易之次數、金額及類此之資

(3)If, pursuant to subsection (1), the card issuer shall be liable to indemnify the cardholder for any loss suffered by the cardholder arising from the circumstance of the payee, the card issuer may claim that the compensation shall be paid by the payee.

(4)The card issuer shall have the burden of proof that payment transactions did not arise from the circumstances mentioned in the first clause of subsection (1).

Part 6

Registration, use and disclosure of information

23.Unless otherwise provided by this Act, the Private Registers Act shall apply to registers kept for use in connection with payment systems under section 1.

24.

(1)Registration shall only be allowed in respect of such information about the cardholder's use of the card for payment card functions, cf. section 2, as is necessary to make payment transactions and to prevent misuse.

(2)Information about the cardholder's use of the card for payment card functions, cf. section 2, may be used and disclosed only when it is necessary to make and undertake payment transactions, corrections and legal enforcement or when it is provided by law. Any information about misuse may be disclosed only to the extent it is necessary to prevent misuse.

(3)Any information about the payee's turnover, number of

訊，僅在進行及完成付款交易、更正、以及強制執行之必要範圍內，始得予以登記、使用及揭露。除法律另有規定外，其他資訊均不得揭露。

(4)有關在發卡人處為現金提領交易之資訊或任何無法追查至自然人或法人之資訊，第(1)項及第(2)項之規定不予適用。

(5)工業暨協調部得為研究目的免除第(1)項至第(3)項之適用。

25.付帳卡不得包含持卡人公民登記號碼（CPR 號碼）之資訊。

26.經諮詢丹麥資訊保護署，工業暨協調部部長應制定法規，使任何有關本國居民事務之資訊，僅得在本國登記或為資料處理。

第六節 a

無付帳卡但具有密碼之電子付款系統

26a.

「系統提供者」係指：

(1)任何與使用者就使用電子付款系統訂約之人。

(2)任何與受款人就加入系統訂約，而使使用者得利用此系統在受款人處取得商品或服務、安排付款交易、提領現金或從事類似交易之人。

payment transactions, amounts and similar matters at the payee may be registered, used and disclosed only when it is necessary to make and undertake payment transactions, corrections and legal enforcement. Otherwise information shall not be disclosed except as provided by other legislation.

(4)Subsections (1) and (2) shall not apply to any cash withdrawal transactions made at the card issuer or to any information which cannot be traced back to natural or legal persons.

(5)For research purposes the Minister of Industry and Coordination may grant exemption from subsections (1)-(3).

25.Payment cards shall not contain information about the cardholder's civil registration number (>>CPR-number<<).

26.After having obtained the opinion of the Danish Data Protection Agency the Minister of Industry and Coordination shall lay down rules to the effect that any information concerning the affairs of persons resident in this country may only be registered or subjected to data processing in this country.

Part 6a

Electronic payment systems without payment cards but with codes

26a.

'System provider' means:

(1)Anyone making an agreement with the user concerning use of the electronic payment system.

(2)Anyone making an agreement with the payee concerning affiliation to the system so that the user can use the system to

26b.

- (1)與個別消費者接觸或答覆有關電子付款系統之詢問時，系統提供者應寄送包含下列資訊之書面資料：
- (a)系統之申請事宜。
 - (b)有關保存使用密碼及使用者號碼之條件，包括密碼所有人每隔多長期間將收到帳單以及系統是否提供撤銷訂單之可能。
 - (c)有關加入及使用系統之費用，包括任何以百分比表示，計為年費之信用費。
 - (d)為評估信用價值所採取之程序。
 - (e)個人資料及購買資料之使用、保存以及揭露。
 - (f)有關使用者通訊設備之技術規格。
 - (g)於通訊設備出現不尋常或錯誤之訊息，就密碼或任何其他識別證明是否遺失、已遭誤用、或由未經授權之人持有，予以示警之程序。

acquire goods or services, arrange for transfers of payment, withdraw money or make similar transactions at the payee.

26b.

- (1)When contacting individual consumers and when replaying to enquiries concerning electronic payment systems the system provider shall deliver written material containing information about:
- (a)The applications of the system.
 - (b)Conditions attached to the keeping and use of the code and user number, including information about how often the owner of the code will receive statements of account and whether the system provides the capability of revoking an order.
 - (c)Costs in connection with the affiliation to and use of the system, including any credit costs computed as the annual costs expressed as a percentage.
 - (d)The procedure adopted for any assessment of creditworthiness.
 - (e)Use, keeping and disclosure of personal information and information about purchases, etc.
 - (f)Technical requirements with respect to the user's communication equipment.
 - (g)The procedure of warning in the case of irregularities or faults in the communication equipment if the code or any other proof of identity is lost, misused or in the possession of an unauthorized person.

(2)於就加入系統訂約之前，系統提供者應以書面提供使用者第(1)項所示之資料。

(3)消費者保護官得制定法規規範第(1)項及第(2)項所示資料之內容及呈現方式，包括信用費之報告及計算。

26c.

(1)於任何付款交易，除非付款系統提供其他設施使使用者易於查詢已下之訂單及其是否已經處理履行，並取得相關文件，否則使用者均應有權要求開立收據。

(2)消費者保護官亦得決定無須給予收據之其他情形。

26d.

(1)有關銀行及儲蓄銀行業務所提供之服務、功能、或折扣，第 19a 條不予適用。

26e

(1)如電子付款系統遭未經授權之他人使用其密碼而無權使用，使用者就此所致之損失應於丹麥幣 1,200 元之限度內自行負責，但請參照第(2)項及第(3)項之規定。

(2)如電子付款系統遭未經授權之他人無權使用，且經系統提供者證明，密碼係由使用者有意告知該他人，而使用

(2)Before making any agreement concerning affiliation to the system, the system provider shall supply the user with the information set out in subsection (1) in writing.

(3)The Consumer Ombudsman may lay down rules concerning the content and presentation of the information mentioned in subsections (1) and (2), including rules concerning the statement and calculation of credit costs.

26c.

(1)In any payment transaction the user shall be entitled to receive a receipt unless the payment system provides other facilities making it easy for the user to learn and procure documentation of what orders have been placed and whether they have been executed.

(2)The Consumer Ombudsman may determine that in other cases too a receipt need not be given.

26d.

(1)Section 19 a shall not apply to services, functions or discounts offered in connection with the business carried on by banks and savings banks.

26e.

(1)The user of the electronic payment system shall be liable for up to DKK 1,200 of any loss arising from any other person's unauthorized use of the payment system if the user's personal secret code has been used, cf., however, subsections (2) or (3).

(2)The user shall be liable, subject to no limitation on the amount, for any loss arising from any other person's

者亦知悉或可得而知密碼遭濫用之直接危險，則使用者就此所致之任何損失均應自行負責，且賠償額度並無上限。

- (3)如電子付款系統遭未經授權之他人無權使用，且經系統提供者證明下列事實，則使用者就此所致之損失應於丹麥幣 8,000 元之限度內自行負責：
 - (a)使用者或任何使用者向其揭露個人密碼之人，乃因其重大不負責之行為導致未經授權之使用；或
 - (b)使用者或任何使用者向其揭露個人密碼之人，於得知密碼已遭未經授權之他人取得後，並未盡快通知系統提供者；或
 - (c)使用者向未經授權之人揭露其個人密碼，但不在第(2)項之範圍內者。
- (4)使用者僅於交易業經正確登錄，並記載於帳冊中者，始依第(1)項至第(3)項負責。
- (5)經通知系統提供者密碼已為未經授權之人所知悉，應由系統提供者就其後任何無權使用加以負責。系統提供者應儘速以書面確認已收受上述通知，並附記收到通知之時間。

- unauthorized use of the payment system if the system provider proves that the user has intentionally disclosed the code to the person making such unauthorized use of the system and this took place under circumstances where the user realised or ought to have realised that there was a direct risk of misuse.
- (3)The user shall be liable for up to DKK 8,000 of any loss arising from any other person's unauthorized use of the payment system if the system provider proves
 - (a)that the user or any person to whom the user has disclosed his personal secret code has made the unauthorized use possible through his grossly irresponsible conduct; or
 - (b)that the user or any person to whom the user has disclosed his personal secret code has failed to inform the system provider as soon as possible after having learned that the code has become known to the unauthorized person; or
 - (c)that the user has disclosed his personal secret code to the person making such unauthorized use without this coming within subsection (2).
 - (4)The user shall only be liable under subsections (1)-(3) if the transaction has been correctly registered and entered in the books.
 - (5)The system provider shall be liable for any unauthorized use that takes place after the system provider has been notified that the code has become known to an unauthorized person. Receipt of such notification that the code has become known to an unauthorized person shall be acknowledged by the

(6)除第(1)項至第(3)項另有規定外，就無權使用系統所產生之任何損失，應由系統提供者負責賠償。

(7)雖有第(1)項至第(3)項之規定，如加入系統之受款人知悉或可得而知系統之使用未經授權者，則該受款人應負責賠償使用者之損失。

(8)在與價錢變化相當之合理範圍內，工業暨協調部得調整第(1)項至第(3)項中之數額。

26f.

消費者保護官就無付帳卡但具有密碼之電子付款系統，於制定其安全及技術層面與金融業相關之決策前，應諮詢丹麥財務監督局之意見。

第七節

法院程序

27.

(1)消費者保護官依本法所為之決定，不得再由任何行政機關審查。

(2)廢止。

system provider to the user as soon as possible. Such acknowledgement shall be in writing and state the time of receipt of notification.

(6)Unless otherwise provided by subsections (1)-(3), the system provider shall be liable for any loss arising from any unauthorized use of the system.

(7)Notwithstanding subsections (1)-(3), the payee affiliated to the system shall be liable for any loss in relation to the user if the payee knew or ought to have known that the person concerned was not authorized to use the system.

(8)To the extent it is justified by the price development, the Minister of Industry and Coordination may change the amounts set out in subsections (1) and (3).

26f.

Before the Consumer Ombudsman makes any decision concerning matters relating to security and technical aspects of electronic payment systems without payment cards, but with codes, within the banking sector, the opinion of the Danish Financial Supervisory Authority shall be obtained.

Part 7

Court proceedings

27.

(1)Decisions made by the Consumer Ombudsman under this Act cannot be brought before any other administrative authority.

(2)Repealed.

28.

(1)有關消費者保護官依第 12a 條第(3)項所發布之命令，如接受命令之人表示異議，消費者保護官應即向法院起訴，不得為不當之拖延。

(2)法院得決定第(1)項之程序具有停止執行命令之效力。

29.

(1)如本法之適用對民事程序之結果影響重大，且消費者保護官為程序之一方當事人者，除雙方當事人另有約定外，該民事程序應向哥本哈根海事商業法院提起。

(2)法院對本法之付款系統如有較專精之知識，被認為將對違反本法刑事案件之決定有重大影響者，該刑事案件應由哥本哈根海事商業法院審理，否則司法行政法第 105 條第(3)項及第 63 節之規定即應適用。

(3)於依第(1)項及第(2)項前段向哥本哈根海事商業法院提起之程序中，第 9a 條第(7)項第二段及第 94 條第(1)項第三段之規定亦應隨之適用。

第八節

28.

(1)Any orders issued in pursuance of section 12a(3) shall without undue delay be brought before the courts of law by the Consumer Ombudsman if the party against whom the order is issued makes any objections.

(2)The court may determine that the proceedings as mentioned in subsection (1) shall have suspensive effect.

29.

(1)Civil proceedings to whose outcome the application of this Act is of great significance and to which the Consumer Ombudsman is a party shall be brought before the Maritime and Commercial Court in Copenhagen unless otherwise agreed by the parties.

(2)Criminal proceedings for contravention of this Act shall be tried by the Maritime and Commercial court in Copenhagen if a more detailed knowledge of payment systems covered by this Act is deemed to be essential to the determination of the case. Otherwise the rules laid down in section 105(3) and Part 63 of the Administration of Justice Act shall apply.

(3)In proceedings brought before the Maritime and Commercial Court in Copenhagen in pursuance of subsection (1) and the first clause of subsection (2) the rules of the second clause of section 9a(7) and the third clause of section 94(1) shall apply correspondingly.

Part 8

處罰及程序等

30.

(1)除其他法律另有較重之刑罰外，任何有下列情事者應處以罰金：

(a)違反第3條、第6條第(1)項、第7條第(1)、(2)、(4)款、第13條第(1)及第(2)項、第14條第(1)項、第18條、第19a條、新24條、第25條、以及第26b條第(1)及第(2)項者；

(b)未遵守依第6條第(2)項及第12a條第(3)項所發布之命令者；

(c)未依第10條第(2)項之要求提供資訊者；

(d)於依第6條所為之申報中提供不正確或有誤導之虞之資訊者，另參照第7條；

(e)就其他本法所涵蓋之事宜，提供消費者保護官不正確或有誤導之虞之資訊者。

(2)違反依第7條第(3)項、第13條第(3)項、及第26條所制定之法規者，得處以罰金。

(3)如責任有限公司、合作社、合作組織、或其他類似組織違犯本法者，該公司、社團、或合作組織等得處以罰金。

31.

專家及其助理為消費者保護官從事活動，因而知悉之任何

Penalties and proceedings etc.

30.

(1)Unless the offence carries a more severe penalty under any other legislation, anyone who

(a)contravenes section 3, section 6(1), section 7(1), (2) and (4), section 13(1) and (2), section 14(1), section 18, section 19a, section 24, section 25 and section 26b(1) and (2);

(b)fails to comply with any orders issued in pursuance of section 6(2) and 12a(3);

(c)fails to supply any information required under section 10(2);

(d)supplies incorrect or misleading information in a notification under section 6, cf. section 7;

(e)supplies the Consumer Ombudsman with incorrect or misleading information in matters otherwise covered by this Act shall be liable to a fine.

(2)In regulations issued in pursuance of section 7(3), section 13(3) and section 26 fines may be imposed for contravention of the provisions of such regulations.

(3)Where the offence is committed by public limited liability company, a private limited liability company, a cooperative society or the like, liability to pay a fine may be imposed on the company etc. as such.

31.

Anything that experts and their assistants may learn through their

事，應被視為機密。

32.

(1)如任何經營或從事付帳卡業務之人，其違犯本法之行為就其業務有導致濫用之直接危險者，得以刑事判決剝奪其繼續經營或從事相關業務或以特定方式經營或從事相關業務之權利。刑法第 79 條第(3)項及第(4)項之規定亦應隨之適用。

(2)任何剝奪第(1)項所示權利之主張，應經消費者保護官之要求，由檢察機關提出。

(3)任何依第(1)項受剝奪權利，卻仍經營從事相關業務者，或任何允許依第(1)項受剝奪權利之人，加入其所從事之相關業務者，除刑法第 131 條有較重之刑罰外，應處以罰金。如係責任有限公司、合作社、合作組織、或其他類似組織經營從事相關業務者，該公司、社團、或合作組織等得處以罰金。

33.

(1)第 14、15、16、19、及第 20 條第(2)項，以及第 21、

activities for the Consumer Ombudsman shall be deemed to be a secret.

32.

(1)Anyone carrying on business within payment cards/or contributing thereto may by a sentence for a criminal offence be deprived of the right to continue to carry on the business concerned or to carry it on under certain forms or to contribute thereto if the offence gives grounds to expect a direct risk of misuse in connection with the carrying on of the business. Section 79(3) and (4) of the Criminal Code shall apply correspondingly.

(2)Any claim for deprivation of the right as set out in subsection (1) shall be made by the prosecuting authority at the request of the Consumer Ombudsman.

(3)Anyone who carries on business in respect of which he has been deprived of the right as set out in subsection (1) or who in his business allows anyone deprived of the right hereto to participate in the business as mentioned in subsection (1) shall be liable to a fine unless the offence carries a more severe penalty under section 131 of the Criminal Code. If the business is carried on by a public limited liability company, a private limited liability company, a cooperative society or the like, liability to pay a fine may be imposed on the company etc. as such.

33.

(1)The provisions of sections 14, 15, 16, 19 and 20(2) as well as

22、26c、及第 26e 條之規定，不得因不利於持卡人或無付帳卡電子付款系統使用者之事先約定，而排除其適用。

(2)第 16 條及第 20 條第(1)項，以及第 21、22、及第 26e 條之規定，不得因不利於受款人之事先約定，而排除其適用。

34.

如第 1 條之付款系統被視為屬於國際性之付款系統者，工業暨協調部部長得決定第 20 條及第 6 節全部或一部不予適用。

第 9 節

費用、生效、過渡及修改條款

35.

(1)受通知之發卡人應依其付款系統之營業額，按比例分擔實施本法之費用。

(2)工業暨協調部部長應制定法規，規範費用決定及消費者保護官收取費用之事宜。

(3)費用之收取得予強制執行。

36.

(1)本法應自 1985 年 1 月 1 日起施行。

(2)於 1985 年 4 月 1 日前即開始運作之付款系統，發卡人應於上述日期或之前：

sections 21, 22, 26c and 26e cannot be departed from by prior agreement to the detriment of the cardholder or the user of an electronic payment system without payment cards.

(2)Section 16 and section 20(1) as well as sections 21, 22 and 26e cannot be departed from by prior agreement to the detriment of the payee.

34.

The Minister of Industry and Coordination may determine that section 20 and Part 6 shall not apply in whole or in part to such payment systems under section 1 as must be regarded as international.

Part 9

Fees, commencement, transitional and revision provisions

35.

(1)The costs of administration of this Act shall be charged to notified card issuers in proportion to the turnover of the payment system.

(2)The Minister of Industry and Coordination shall lay down rules on the determination of the fee and on the Consumer Ombudsman's collection thereof.

(3)The fees shall be subject to a right of execution.

36.

(1)This Act shall come into operation on 1 January 1985.

(2)If the payment system has been put into operation before 1 April 1985, the card issuer shall on or before that date:

(a)依第6條、第7條、及第8條第(1)項之規定申報；並

(b)提供第13條第(1)項之資料給1985年1月1日當時之持卡人。

(3)違反第(2)項之規定者，應處以罰金，第30條第(3)項之規定並應隨之適用。

(4)第8條第(2)項第(3)項之規定，僅於付款系統在1985年1月1日尚未施行者，始有適用。

37.

修改本法之提案，應於Folketing之1997-1998年會期，向Folketing提出。

38.

本法不得適用於法羅群島(Faroe Islands)及格陵蘭島。但如經皇室許可(Royal Assent)，並依法羅群島及格陵蘭島特殊情況所需而排除部分條款者，本法亦得於上述區域生效施行。

1988年3月23日之第162號法案，公布於Lovtidende(1988年3月30日之丹麥法律公報1)。

1989年12月19日之第818號法案，包含如下之生效條款：

9.

本法應自1990年1月1日起施行²。

1992年3月23日之第184號法案，包含如下之生效條款：

2.

(a)make notification in accordance with section 6, cf. section 7 and section 8(1); and

(b)supply those who were cardholders on 1 January 1985 with the information mentioned in section 13(1).

(3)Any contravention of subsection (2) shall be punishable by a fine. Section 30(3) shall apply correspondingly.

(4)Section 8(2) and (3) shall only apply if the payment system has not been put into operation on 1 January 1985.

37.

Proposals for revision of this Act shall be placed before the Folketing in the sessional year of the Folketing 1997-98.

38.

This Act shall not extend to the Faroe Islands and Greenland, but may be brought into force by Royal Assent for these parts of the country, with such departures as might be required in view of the special circumstances prevailing in the Faroe Islands and Greenland.

Act No. 162 of 23 March 1988 was promulgated in the Lovtidende (the Danish Law Gazette) on 30 March 1988.1)

Act No. 818 of 19 December 1989 contains the following commencement provisions:

9.

This Act shall come into operation on 1 January 1990.2)

Act No. 184 of 23 March 1992 contains the following commencement provisions:

2.

本法自公布於 Lovtidende (丹麥法律公報) 後一星期開始施行。
但第 1 條第(14)款之規定應自 1993 年 1 月 1 日起施行³。

1994 年 6 月 1 日之第 426 號法案，包含如下之生效條款：

2.

- (1) 本法應自 19 年 7 月 1 日起施行。
- (2) 第 1 條第(2)項之電子付款系統，於本法施行日前即開始運作，系統提供者應於 1994 年 10 月 1 日或之前：
 - (a) 依第 6 條之規定申報，另參照第 7 條；並
 - (b) 提供第 26b 條之資料給 1994 年 7 月 1 日當時之使用者。
- (3) 違反第(2)項之規定者，應處以罰金，第 30 條第(3)項之規定並應隨之適用。

1 1988 年 3 月 23 日之第 162 號法案係有關第 37 條之規定，而該條業經 1992 年 3 月 23 日之第 184 號法案修正。

2 1989 年 12 月 19 日之第 818 號法案係有關第 11 條第(2)款之規定，而該條業經 1992 年 3 月 23 日之第 184 號法案廢止。

3 有關第 13 條第(1)款及第(3)款之規定。本法自公布於 Lovtidende (丹麥法律公報) 後一星期開始施行。但第 1 條第(14)款之規定應自 1993 年 1 月 1 日起施行³。

This Act shall come into operation one week after its promulgation in the Lovtidende (the Danish Law Gazette). However, the provisions of paragraph (14) of section 1 shall not come into operation until 1 January 1993.³

Act No. 426 of 1 June 1994 contains the following commencement provisions:

2.

- (1) This Act shall come into operation on 1 July 1994.
- (2) If an electronic payment system covered by section 1(2) has been put into operation before the coming into operation of the Act, the system provider shall on or before 1 October 1994
 - (a) make notification in pursuance of section 6, cf. section 7;
 - (b) supply those who were users on 1 July 1994 with the information mentioned in section 26b.
- (3) Any contravention of subsection (2) shall be punishable by a fine. Section 30(3) shall apply correspondingly.

1. Act No. 162 of 23 March 1988 concerns section 37. Section 37 has been amended by Act No. 184 of 23 March 1992.

2. Section 4 of Act No. 818 of 19 December 1989 concerns section 11(2). Section 11 has been repealed by Act No. 184 of 23 March 1992.

3. Concerns section 13(1)(3). The Act shall come into operation one week after its promulgation in the Lovtidende (the Danish Law Gazette). However, the provisions of paragraph (14) of section 1 shall not come into operation until on 1 January 1993.

工業暨協調部，1994年9月12日

米密·賈克伯森(Mimi Jakobsen)

/ Jytte Olgaard

Ministry of Industry and Coordination, of 12 September 1994

MIMI JAKOBSEN

/Jytte Olgaard