

That this Bundestag enact a law requiring that retailers accept cash.

National legal Models: Within the Eurozone, the proposed law is based off of Italian, French and Spanish laws which provide for fines against retailers who do not accept cash.

Outside of the Eurozone, models for such a law can be found in Denmark, Poland, San Francisco, New York City, and the US states of Massachusetts and Tennessee.

Compatibility with EU law: In an answer from the European Commission (Ares(2024) 3739337–24/02/2024) the Directorate General of Economic and Financial Affairs clarified that “Member States may introduce provisions on legal tender that refer to measures taken by their respective Member State in order to ensure full implementation of Union law, as provided by Article 2(1) Treaty of the Functioning of the European Union. The Italian and French Criminal Codes (Article 693 and Article R642-3 respectively) include such provisions that set sanctions on non acceptance of cash. The objective of these national provisions is therefore to ensure implementation of Union law with regards to legal tender, which entails, in principle, the mandatory acceptance of cash.”

Reasons:

1.) It is a human right to buy food without a bank account. The ability to access everyday necessities cannot be limited to those with a working bank account. In order to effect this, cash has to circulate in society and it is the responsibility of all retailers to participate in that circulation. There are those who survive only on the charity of others provided through small change. This is not possible with digital payment.

2.) It is a matter of national security. Digital payments networks are brittle. The July 2024 CrowdStrike incident disabled payment networks globally. Local payment network failures occur due to internet outages or problems with payment systems. “Cash is the only payment instrument that can be used independently of electricity and telecommunications, its circulation is essential to emergency preparedness.” (Swedish Riksbank)

3.) It is essential to human dignity. There is a dignity to living everyday life without creating a digital record of that life and its activities. The ability to go to a club, drink a beer in a bar or give a grandchild 10€ without creating a digital record of the event is preserved by the circulation and universal acceptance of cash.

4.) Acceptance of cash reduces retailers’ obligations under DSGVO. When retailers do not accept cash, then they are fully responsible for the accounting of the data processing of transactions under DSGVO, since there is no way of making payment without data processing. When retailers accept cash, they give consumers an easy opt-out from data processing and retailers can worry less about their responsibilities under DSGVO. (Arguably DSGVO’s requirement for data minimization as well as the right to information self-determination imply an obligation to accept cash for day to day transactions.)

5.) It is essential to the preservation of the Euro as a global currency. Germany’s national currency is a global currency. Its value, strength and appeal as a store of value comes in part from the knowledge that Euro notes will be accepted without concern in Paris, Rome or Berlin.

6.) It is essential to promoting competition in the payments space. Digital payment requires multiple middlemen for payment. Global payments systems are centralized with a small number of actors playing irreplaceable, essential roles. These dominant actors are in a position

to dictate the costs of digital payment to the detriment of consumers. The circulation of cash promotes competition in this space thereby allowing for lower digital payment processing fees.

7.) It is essential to the promotion of the arts. Art scenes can be informal and fleeting. They are often not registered due to their ephemeral nature, making them ineligible for bank accounts and digital payment. Whether it is a music busker on the street, a pop-up poetry slam or a seller of handmade postcards, the flourishing and maintenance of the arts in Germany is dependent on the circulation of cash.

8.) It is essential when your own bank account is suspended. German law makes it easy for a creditor to lock-up personal bank accounts, even on accident or disproportionate to the original debt. The bureaucratic process for unlocking a bank account is complex and time-consuming. The designation of an account as a P-Konto (Pfändungsschutzkonto) to prevent or alleviate this is equally complex. The ease in which bank accounts can be locked-up under German law is a warning that people cannot always expect their bank account to function normally and need cash as a secondary means of payment.

9.) It is essential when you are ineligible or cannot afford a bank account. While German law in principle provides for the right to a bank account through the so-called Basiskonto, these accounts are more expensive and have less features than normal bank account offerings. There are and will always be people who will be functionally ineligible for bank accounts and will have no access to digital payments.