

DECREE No 72

LEGISLATIVE ASSEMBLY REPUBLIC OF EL SALVADOR,

WHEREAS:

- I. That the Constitution establishes that the State will promote economic and social development by increasing production, productivity and rational use of resources.
- II. That it is the State interest to promote citizens to have access to formal financial services and the use of retail payment instruments to attain their integration to productive activities, thus contributing to improve their quality of life and welfare.
- III. That it is essential to regulate innovative mechanisms to provide financial and payment services in the country, which will facilitate the insertion of traditionally excluded population into the economic activity.
- IV. That in order to provide financial services to people who do not have such services, it is convenient to facilitate the development of financial products that are appropriate for the level of income and volume of transaction of the target population; and
- V. That it is necessary for state institutions to promote financial inclusion.

THEREFORE,

Exercising their constitutional powers and at the initiative of the Congressmen of the 2012-2015 legislative period: Melvin David Gonzalez Bonilla, Jesús Grande, Douglas Leonardo Mejía Avilés, Sigifredo Ochoa Perez y Edwin Víctor Alejandro Zamora David; as well as Congresswoman Silvia Alejandrina Castro Figueroa, and Congressmen: Juan Carlos Mendoza Portillo, Santos Adelmo Rivas Rivas, Manuel Rigoberto Soto Lazo, Francisco José Zablah Safle; with the support from Congressmen and Congresswomen: Lorena Guadalupe Peña Mendoza, Santiago Flores Alfaro, Guillermo Francisco Mata Benett. Jacqueline Noemi Rivera Avalos, Damián Alegría, Ana Marina Alvarenga Barahona Ana Lucia Baires, Roger Aberto Blandino Nerio, Yohalmo Edmundo Cabrera Chacón. Norma Cristina Cornejo Amaya, Rosa Alma Cruz Marinero, Raúl Omar Cuéllar, Nidia Díaz Carlos Alberto García, María Elizabeth Gómez Perna, Norma Fidelina Guevara de Ramirios, Estela Yaneth Hernández Rodríguez, Audelia Guadalupe Lopez de Kieutgens, Hortensia Margarita Lopez Quintana, Mártir Arnoldo Marín Villanueva, Rodolfo Antonio Martínez, Rolando Mata Funes, Calixto Mejía Hernández, Misael Mejía Mejía, José Santos Melara Yanes, Zoila Beatriz

Quijada Solís, Nelson de Jesús Quintanilla Gómez, Sonia Margarita Rodríguez Siguenza, Jaime Orlando Sandoval, Karina Ivette Sosa y Jaime Gilberto Valdés Hernandez

DECREE the following:

LAW TO FACILITATE FINANCIAL INCLUSION

TITLE I

SINGLE CHAPTER

PURPOSE

Purpose of the law

Article 1. This Law aims to encourage financial inclusion, promote competition in the financial system and reduce costs for users and clients of that system, establishing the minimum regulations for the following:

- a) Requirements for the organization, authorization, operation, equity, guarantees and grounds for revoking Companies Supplying Electronic Money.
- b) Requirements that must be complied by banks, cooperative banks and Savings and Loan Partnerships to provide E-money and the legal consequences of any violation.
- c) Electronic Money, its generation, use, and entities that may provide it.
- d) Contracting savings deposits and opening the respective account through simplified procurement procedures, to encourage banking in the country between low-income population or remote residence population to the point of service of traditional financial services of banks, cooperative banks and savings and loan partnerships.
- e) Control the amount of E-money being handled by the electronic platform.
- f) Create the basis to formulate public policies to promote financial inclusion.

TITLE II
SINGLE CHAPTER
COMPANIES PROVIDING E-MONEY AND ELECTRONIC MONEY

Companies Providing Electronic Money

Article 2. Companies Providing E-money, hereinafter Providing Companies, are corporations with fixed capital; their purpose will be limited to provide E-money; but they can also manage or operate mobile payment systems; that is, to clear and settle payments between Providers of E-money, with the authorization of the Central Reserve Bank of El Salvador, hereinafter Central Bank, and observing the requirements of this for that purpose.

They will be organized with a minimum capital of five hundred thousand dollars of the United States fully subscribed and paid in cash, which must be accredited by the deposit of the corresponding amount in the Central Bank. The capital will be adjusted by the Superintendency of the Financial System, herein after referred to as the Superintendency, every two years, taking into account the change in the Consumer Price Index, prior opinion issued by said Central Bank.

The Superintendency will authorize the organization and starting of operations in accordance with the requirements and procedures prescribed in the Technical Standards issued for that purpose by the Central Bank, through its Standards Committee. Providing Companies are regarded as members of the financial system, they will be supervised by the Superintendency and will contribute to finance the budget of the Superintendency and the Appeals Committee, up to a zero point seventy-five percent of their annual income.

Providing Companies may adopt and register any trade name, provided that it does not already belong to another entity causing confusion. The term "Company Providing E-money" will be exclusive and its use will be compulsory for the

institutions authorized to act as such under this law. Any entity that has not been authorized by the Superintendency may not use that name or any derivative thereof.

In the event that the Providing Companies have a Foreign Providing Companies as their majority stockholders, they may additionally use its name, trade names used in their country of origin, which may be expressed in their respective language, provided they do not contravene any applicable provisions in force set forth in El Salvador.

Any individual or legal person who is not legally authorized will not be able to use of signs, banners, receipts, letterheads, certificates or any other means indicating that their business is providing E-money. Nor may he or it make advertisement using the term "Company Providing Electronic Money".

The companies above are required to have personnel, equipment, and technology platform to manage E-money, administrative control systems, security applications, business plans, manuals, procedures, policies, internal controls and business continuity plans to guarantee proper operation in order to provide the services regulated by this law, all in accordance to the legal system in force, the technical standards set forth by the Central Bank for this purpose, through its Standards Committee, and the provisions of the Financial Investigation Unit of the Attorney General Office of the Republic, concerning prevention of money and assets laundering and terrorist financing; therefore, the Providing Companies will be considered as entities bound by Article 2 of the Law Against Money and Assents Laundering.

Banks, Cooperative Banks, and Savings and Loan Partnerships are authorized to provide E-money, for which they must comply with the applicable provisions of this law. The Superintendency will verify compliance with the provisions of this

law and technical regulations which may be issued, prior to providing such service.

The Financial institutions, listed in the previous paragraph, must keep accounting records of their operations as Providers of E-money on specific accounts that are detailed in the technical standards issued for such purposes.

Federations supervised by the Superintendency may only manage or operate mobile payment systems, prior authorization from the Central Bank.

Whenever reference is made in this law to Providers or Providers of E-Money, it should be understood that such suppliers are Providing Companies, Banks, Cooperative Banks, and Savings and Loan Partnerships.

Requirements and disqualifications for directors, managers or shareholders of a Providing Company.

Article 3. Those that fall in the following circumstances are disqualified to act as director, manager or be the shareholder of more than twenty-five percent of the Providing Company:

- a) Individuals under twenty-five years of age, except in the case of a shareholder.
- b) Those that in their condition as debtors who are classified in the following risk categories: Difficult to recover or irrecoverable; also those debtors to the Salvadoran financial system on account of credits for which a reserve for loan losses for fifty percent or more of the balance is required.
- c) Those who have been convicted in final judgments or other decisions of a similar effect within the country or abroad, for having intentionally committed or participated in the commission of any crime.

- d) Those who are in a state of bankruptcy, temporary receivership or insolvency proceedings.
- e) Those judicially qualified as responsible for a negligent or fraudulent bankruptcy.
- f) Persons who have been judicially proven to have participated in activities related to drug traffic and related crimes, laundering of money and asset and terrorism financing activities, both at national jurisdictions or abroad.
- g) Those who have been sanctioned administratively or judicially, for their involvement in serious infringement to the laws and regulations of a financial nature in national jurisdiction or abroad, especially collecting funds from the general public without authorization.

In the case that a shareholder is a legal entity, the above circumstances shall be considered with respect to shareholders who are holders of twenty-five percent or more of the shares in the company.

Managers, directors and executive directors of a Company Providing E-money must demonstrate knowledge in financial and administrative matters, which would enable them to fulfill their functions according to the nature of the operations of the entities.

Shareholders, managers, directors and executive directors, must file, within thirty days after their subscription of shares and taking office of their corresponding posts, a sworn statement before the Superintendent, stating whether or not they are in any of the circumstances referred to in this article; when any grounds of disability exist or occur, it will be the responsibility of the principal or the relevant shareholder to inform the Superintendency; however, it is the obligation of that institution, by operation of law or at the request of a party, to declare said disqualification.

Providing Companies are jointly liable for any damages they may cause to third parties by the acts or omissions of the directors, managers and employees thereof, in the exercise of their functions.

Obligations and Responsibilities of Directors

Article 4. The directors, executive directors or general managers of Providing Companies must at all times ensure that the money of the people is managed under the criteria of honesty, prudence and efficiency, as good merchants handling their own business. They will be responsible for the administration of these companies to comply at all times with the provisions of the laws, regulations, instructions and internal rules and they shall refrain from practices or distorted enforcement of laws that intentionally misrepresent the objectives of the prudential regulation. They will also be responsible for ensuring that the information provided to the Superintendent and the public is accurate, transparent and reflect the true financial position of the Providing company.

Failure to comply with this provision shall be punished by the Superintendency with a fine that will range from fifty to five hundred of urban monthly minimum wage in commerce and services sectors, except when a penalty is set in this and other laws, without prejudice to any criminal liability incurred. This sanction will be imposed, applying the procedure set forth by the Law of Supervision and Regulation of the Financial System.

Electronic Money

Article 5. The term Electronic Money will be understood as any monetary value registered by an owner or client, which constitutes an enforceable obligation to be paid by its Provider, which is accepted by the other actors who have agreed to receive or provide this service, as a means of payment in an amount equal to the cash delivered and stored in an electronic device. Its holder may use it for domestic transfers, payments and cash conversion at face value.

The E-money represented by an amount equal to the funds received by Providers, through its service points or shops, will be accepted as payment by persons other than themselves, according to the standard-form contracts to be executed with the client, which should contain whatever is defined in the technical standards. Likewise, they must execute contracts with the owners of businesses, their service points and others involved in the process of providing E-money, for each case, which shall specify the payment obligations acquired by such Provider.

The maximum amount per transaction may not exceed the value of the urban monthly minimum wage in commerce and services sectors, and the maximum amount accrued in transactions during a single month, and also the maximum balance credited in the electronic register, for each individual and each Provider shall not at any time exceed four urban monthly minimum wages in commerce and services sectors. The Central Bank, through its Standards Committee, taking into account market development and variation of the Consumer Price Index, must update said limits every two years, so as to maintain their actual value.

This regulation does not apply to any records in payment instruments for the purchase goods or services, only in the issuing business or those issued by virtue of a commercial agreement with the issuer, either for use in a limited network of affiliated businesses or for the procurement of a limited list of goods or services.

Features of Electronic Money

Article 6. The E-money regulated by this law has the following characteristics:

- a) It is a monetary value represented in an electronic registry, which increases or decreases for its holder in the same proportion in which he or she makes use of it, either exchanging it into cash or transferring it or make payments.

- b) The monetary value recorded electronically does not constitute a deposit in any of its forms, and it is not covered by the Deposit Guarantee Institute.
- c) The value contained in the electronic record is convertible into cash.
- d) It is accepted as means of payment, if the Provider and the other relevant actors have previously executed the corresponding contracts.
- e) The balances of E-money on behalf of a holder may be checked in the database of electronic records kept by the Provider, which must include E-money activity made by the holder. Providers of E-money must issue, physically or electronically, at no extra cost, and at upon request from the holder, a statement of the movements of electronic records and balance on behalf of the owner, for which the Provider will set the procedures to facilitate it. Said statement will be considered a documentary evidence of that balance and it will have executive force to demand the enforcement of the holder's rights to payment and compliance with the Provider's obligations towards said holder.

All operations of E-money made by the client on the network to which he or she belong, must be in real time. Furthermore, the information that the client requires of his operations should be available at all times. The Provider has the obligation to set in advance any fees and surcharges of its operations, based on the parameters set within the Consumer Protection Law and Regulations, which must be recorded in the standard-form contract executed between the client and the Provider and disclose such information to the public in a national newspaper on a quarterly basis and every time said charges are modified. Likewise, they must also display them on the billboards installed in their customer service offices. The model of standard-form contract shall be deposited in accordance with the procedure prescribed in Article 22 of the Consumer Protection Law.

In all contracts that the Provider may execute with clients, it must specify that the client is the holder of E-money, and the procedure the client must follow before

the Provider in the event of loss or theft of his means of access to E-money or electronic device, or the loss of his record of electronic money in which he must state the balance, to restore the balance of E-money in his behalf.

E-money Registry

Article 7. Providers of E-money will generate E-money registries for individuals, provided the individuals meet the following:

- a) To present the original of Identity Document, and in the case of foreigners, passport or temporary or permanent resident document.
- b) Fill out a customer profile form, which should contain: name of the holder, identification number, address of residence, economic activity, source of monthly income, name and home address of beneficiaries.
- c) Have no other E-money register active with the same Provider.

For purposes of managing the application for registration, the entities regulated by this law shall not be bound to require their clients' Tax Identification Number, as required under Article 148 of the Tax Code. Each Provider can only open one E-money registry per customer.

Providers can generate records of E-money to individuals or legal persons involved in the process of providing E-money, facilitating transfers, payments and conversion of E-money in the country to legal tender in cash, according to the case. All of them must comply with the regulation on the prevention of money and assets laundering, and financing of terrorism. These records will be used only to facilitate transactions to end customers.

Providers must comply with the limits of balance and transactions set by the Central Bank, for registration of E-money, through its Standards Committee. These limits of balance and transaction apply only to end customers.

Providers will define; in their operating business model, the limits of balance and transactions with the businesses, points of service, collectors and others involved in the process of providing E-money to facilitate local transfers, payments and conversions into cash, as appropriate; for which, it should consider the volume of transactions, geographical or commercial area, the income bracket of the area, etc. Said model, and its corresponding amendments must be submitted to the Superintendency within fifteen business days after approval by its governing body.

Providers of E-money must have internal policies concerning risk management, codes of conduct and other kind of requirements that are bound to comply because of their being members of the financial system; and in particular those referred to in items c) and d) of Article 35 of the Law on Supervision and Regulation of the Financial System. The Superintendency has the right to require explanations and further information when it deems it appropriate.

Providers of E-money may use Financial Agents for opening E-money registries. The Central Bank will set forth regulations to define the mechanisms and procedures for opening E-money registries. And also, technological security measures and data encryption requirements for conducting transactions from mobile devices and electronic devices in general.

Beneficiaries

Article 8. The holder of an E-money registry may designate beneficiaries of the monetary value registered in the same, in order that, in the event of his death, they will be recipients of the recorded value, supplying information to contact them for such purpose.

The holder will indicate the extent to which the balance of E-money register shall be distributed among beneficiaries and, failing to do so, it will mean that distribution will be made in equal parts.

The rights that, according to this law, correspond to the beneficiary or beneficiaries of an E-money registry shall be subject to the provisions of Article 1334 of the Civil Code.

Data Protection

Article 9. Information of customer and their transactions, carried out in accordance with this law, is confidential and shall be disclosed only to the holder, the Central Bank, the Superintendency, the Directorate General of Internal Revenue whenever they require it for the exercise of their duties, whether in a process of examination or supervision; and the respective authorities in order to investigate crimes.

Support and control of E-money

Article 10. The amount of E-money intended to be provided must be supported with a non-interest-bearing deposit at the Central Bank, covering one hundred percent, previously constituted by the Provider as collateral only to respond for breach of payment obligations acquired with holders of instruments registering E-money. This deposit will be unattachable for any breach of other obligations inherent to the Provider of E-money.

In the event of a reduction of payment obligations of the Provider with the holders of E-money registries, this may request that the guarantee amount be adjusted to the equivalent of the new amount of their obligations therewith, pursuant to the Technical Standards issued for that purpose by the Central Bank, through its Standards Committee.

In case the Provider of E-money service has his authorization to provide such service revoked, the Central Bank shall notify the holders who still keep a balance in their E-money registry, in order to make the warranty claim.

Such Notice must be published at least twice in a newspaper of national circulation, including the name of the Provider that failed to comply with its obligations and the term within which claims may be submitted before the Central Bank.

In order to determine the amount that corresponds to each holder, the Central Bank will use the Provider's registry certified by its Internal Auditor.

In case of death of any of the holders, those sums of money must be delivered to the beneficiaries listed in the corresponding contracts or forms. If no beneficiaries were designated or if they were dead, the amounts of money will be delivered to the holders' heirs.

After three years from the date on which holders were notified of the distribution process of the deposits, in order for them to proceed to recover their corresponding sums of money, and they, their beneficiaries or heirs failed to do so, their right to submit a claim shall expire and the unclaimed money will prescribe on behalf of the State, for which the Central Bank, without further proceedings, shall immediately transfer it to the Directorate General of Treasury, Ministry of Treasury, within the first three months after the expiry of said term, it must inform the Superintendency within the following three business days.

The Central Bank will be responsible for controlling the amount of E-money flowing through the electronic platform used by Providers. The various transactions will be effective or settled in real time, for which the Central Bank, through its Governing Body, issued rules to regulate them.

Prescription

Article 11. The funds kept in E-money registries that have been idle for a period of five years, shall be deemed expired and will prescribe on behalf of the State, all without prejudice to the requirements of the Special Law on Expiry of

Ownership and Administration of Goods from Illicit Origin or Destination. Providers who received these funds, must pay in cash in legal tender the value of E-money registries which have expired during the immediately preceding year, to the Directorate General of Treasury, Ministry of Treasury, within the first three months of each calendar year.

In order to prevent expiry, in the first three months of inactivity each Provider shall communicate, via text message with holders of E-money registries, who have been inactive for a period of one year. Providers may additionally use other means to prevent expiry, which should be informed to the Superintendency, for verification purposes.

Obligations of Providers

Article 12. Providers must comply with all applicable provisions of the current law, with adherence to sound practices that promote the safety of such operations and services, which seek proper care of customers, and especially with:

- a) The provisions of this law.
- b) The technical standards issued by the Central Bank, through its Standards Committee.
- c) Regulations related to the prevention of money and assets laundering and terrorism financing.
- d) The provisions of the Tax Code, especially with regard to payments in affiliated businesses.
- e) The provisions of the Consumer Protection Law and its Regulations.
- f) Keeping the register of E-money holders up to date, which will be the basis to answer for their violations and to enforce the guarantee if applicable.
- g) Comply in a timely manner with its payment obligations to customers.
- h) Confirm after the creation of the E-money Registry, the authenticity of documents that support the ownership of such registry.

- i) Block the service, block E-money Registry and report to the Attorney General's Office, in the event of use of E-money registries, which are opened using forged documents.
- j) Keep control that customers comply at all times with the transaction limits set forth in the Technical Standards define by the Central Bank.
- k) Providers of E-money shall deliver, without restriction, any information about their E-money customers and the transactions they make, that may be required by the Financial Investigation Unit of the Attorney General of the Republic; for this purpose, they shall be required to file and keep documentation of operations for a period of fifteen years, from the date of completion of each transaction.

Issuing Technical Standards

Article 13. The Central Bank, through its Standards Committee, and within a period not to exceeding one hundred and eighty days from the effective date of this law, will issue the technical standards required to facilitate its application.

Mobile Payment System Administrator

Article 14. Providing Companies may request the Central Bank to authorize them to be Mobile Payment System Administrators, provided they comply with the provisions of the Central Bank, in accordance with its Organic Law regarding payment systems.

Administrators of mobile payments will be authorized to operate systems or technological platforms that enable payments or money transfers, mainly E-money between products from different financial institutions and regardless of the customer's mobile operator.

TITLE III
SINGLE CHAPTER
PROHIBITIONS, SANCTIONS, GROUNDS FOR REVOCATION,
DISSOLUTION AND LIQUIDATION

Prohibitions for Providers of E-money

Article 15. It is prohibited for Providers to:

- a) Carry out money brokering activities with the assets they receive from their customers, which will be used solely and exclusively for the purpose they have been authorized.
- b) Make charges higher than or additional to the charges published.
- c) Condition or link the rendering of services to the purchase of a product or service other than the Provider's activity.
- d) Fail to comply with consumer protection policies.
- e) Share or sell all or part of the information of holders of E-money registries, as well as their operations.
- f) Pay wages without authorization from the E-Money Registry Holder.
- g) Hire as Financial Agent any individual or legal person who fails to meet the requirements established in the standard prescribed for this purpose by the Central Bank through its Standards Committee.
- h) Keep active the service of providing E-money, when the record of E-money has been opened with counterfeit documents.
- i) The prohibitions specified in items b), c) and d) they shall be penalized according to the provisions of the Consumer Protection Law and its Regulations.

The Technical Standards issued by the Central Bank through the Standards Committee must also contain the definition of the various entities involved in the process, such as owners of businesses and entities that will distribute E-money.

Penalties

Article 16. Any breaches or violations to this law by the subjects regulated by it will be penalized by the Superintendency pursuant to the Law on Supervision and Regulation of the Financial System; however, any breach or violation to the Consumer Protection Law and its Regulations related to the law herein shall be penalized by the Consumer Protection Agency.

Restriction on the generation of E-money registries

Article 17. In case it is recurrently difficult for a Provider of E-money to meet the requirements that are enforceable in this law, especially in relation to risk management, which may significantly affect customer service, continuity and confidence in service, due warranty on E-money in circulation, and confidentiality of information, the Superintendency, based on technical reports and without prejudice to specific penalties that might arise, may require the Provider in question, to refrain from generating new E-money registries.

The action taken by the Superintendency pursuant to this article shall be in force on the date of notification to the corresponding entity, it is to be maintained as long as the situation which led to its adoption remain and said measure shall be communicated to the Central Bank.

Grounds for revocation

Article 18. The Superintendency shall revoke the authorization to operate that may have been granted to a Providing Company in the following cases:

- a) Upon request by the Providing Company, as long as there are no obligations derived from electronic money registries on behalf of their holders.
- b) In the event of dissolution of companies as set forth in the Code of Commerce or as provided in other laws.

- c) When losses are equal to or exceed one quarter of the minimum share capital, if the shareholders did not provide supplementary contributions to keep the minimum required within the term of thirty days.
- d) When the Superintendency, based on technical reports, determines that the Providing Company has carried out money brokering activities; and
- e) Repeatedly non observance of the provisions of this law.

After notification of the revocation to operate, the right to provide E-money services will terminate for said Providing Company, and it will change its name by removing the phrase "Company Providing E-money" and amend its articles of incorporation or dissolve.

When the Providing Company has been revoked its authorization to provide Electronic Money, the Central Bank will also revoke authorization to be mobile payment system administrator.

Dissolution and liquidation of Providing Companies

Article 19. The dissolution and liquidation of the Companies that according to this law are organized as Providing Companies and Administrators and Operators of mobile payment systems will be carried out pursuant to the provisions of the Code of Commerce and the Law of Supervision and Regulation of the Financial System, because they are member companies of the Financial System.

TITLE IV
SINGLE CHAPTER
DEPOSITS IN SAVINGS ACCOUNTS
WITH SIMPLIFIED REQUIREMENTS

Deposits in savings accounts with simplified requirements

Article 20. Banks, Cooperative Banks and Savings and Loan Partnerships, may receive deposits by opening savings accounts with simplified requirements, therefore, they will be governed by the laws related to deposits in savings accounts, considering the following requirements:

- a) Only individuals may be holders of that account, and there can not be more than one holder per account.
- b) For exclusive use by electronic means.
- c) Deposits in savings accounts, with simplified requirements, will be subject to the limitations of balance and transactions that will be determined by the Central Bank through its Standards Committee. The maximum amount of accrued transactions in a month must not exceed four urban monthly minimum wages in commerce and services sectors, and the maximum limit per transaction may not exceed the equivalent to one of urban monthly minimum wage in commerce and services sectors. Moreover, it will adjust the reference limits every two years taking into account market development and variation of the Consumer Price Index.
- d) They must present the original Identity Document, and in the case of foreigners, passport or temporary or permanent resident document.
- e) Fill out a customer profile form, which must state name of the holder, identification number, home address, economic activity, source of monthly income, name and home address of beneficiaries.

Under this law, and only for the purposes of hiring this kind of deposits, the entities referred to in this Article shall not be required to have their clients produce their Tax Identification Number as required by Article 148 of the Tax Code.

- f) The holder may only have a savings account with these features in each financial institution.
- g) The balances of deposits in these accounts that have been inactive for five years, will be transferred to the state. Banks, Cooperative Banks, and Savings and Loan Partnerships must use the means they deem appropriate to prevent prescription, which must be disclosed to the Superintendency for its consideration.

The entities empowered by this provision, must develop rules to regulate all issues related to the features, terms and conditions inherent to this type of deposit, which must be approved by the Board of Directors of the Central Bank regarding the transfer or tradability and term.

Savings accounts with simplified requirements may be open to new customers through Financial Agents; and in the case of former clients, they may also be opened by digital means, or by any means available to the financial institution. The Central Bank, through its Governing Body, will prescribe the regulations to define the mechanisms and procedures for opening savings accounts with simplified requirements.

Financial institutions must establish in advance the fees and surcharges, if any, which will be stated in the membership contract previously deposited in accordance with the process set forth in Article 22 of the Consumer Protection Act.

TITLE V
SINGLE CHAPTER
FINAL AND TRANSITIONAL PROVISIONS AND EFFECTIVE TERM

Consumer protection policies

Article 21. With the purpose to protect consumers of these services, and to facilitate an early solution to potential disputes without intervention from any other institution, the entities regulated by this Law, will develop policies that must contain the general principles to assure Customer that his or her rights will be protected, and the procedures to solve disputes. These should be expeditious, mandatory and not burdensome for the referred customer.

The policies and procedures above shall be submitted before the Consumer Protection Agency within a period not exceeding thirty days after starting of operations. The Consumer Protection Agency is authorized to receive in deposit said policies, as well as to make observation to the same with a term not exceeding sixty business days. Said policies will be mandatory by the entity being regulated in this law.

Failure to comply with this obligation to submit the consumer protection policy and the breach of any provision set forth in the policy, constitutes a very serious infringement, in accordance with Article forty-four of the Consumer Protection Law.

After exhausting the procedure being regulated in the policy without reaching a settlement, they will abide by the provisions in the Consumer Protection Law, especially concerning Alternate Means of Solution of Disputes set forth in said Law.

In any case, Banks, Cooperative Banks, and Savings and Loan Partnerships, will be responsible to their customers in the provision of services and the conduction of their operations, whether acting directly or through Financial Agents.

Access under equal terms

Article 22. Telecommunications services used for the provision of financial services must be provided under equal technical, economic, administrative and legal conditions to all entities that provide these financial services. Carrying out any conduct that contravene the provisions in this item will constitute a restrictive trade practice by suppliers of telecommunications services, and penalized by the Superintendency of Competition in El Salvador.

Interoperability

Article 23. Providers must meet the condition of interoperability set by the Central Bank through its Governing Body, and comply with the standards issued to that effect. The Central Bank will review during the first two years the law is in effect, if there are conditions to implement interoperability and define the term granted to Providers for implementation.

Adjustment Plan

Article 24. The Central Bank and the Superintendency may include in the scope of this law, entities carrying out activities similar to E-money under this law.

Those entities that, on the effective date of this law, were providing some services regulated for Providers of E-money, or the like, will have a sixty-day term after issuance of the corresponding regulation, to submit before the Superintendency an adjustment plan, and it must be implemented in the following six months. The Superintendency will incorporate the above mentioned entities under its supervision of enforcement of this law.

Once said adjustment is accomplished, immediately after the end of the deadline for plan implementation, the respective entity shall request the Superintendency to grant authorization to operate as a Provider; otherwise, it may no longer carry out said services.

Update of transaction limits in the first two years

Article 25. During the first two years after said law came into force, the Central Bank will review the limits defined in Articles 5 and 20 paragraph c) of the same, in accordance to the development of said industry.

Effective Term

Article 26. This Decree shall enter into enforce eight days after its publication in the Official Gazette.

GIVEN AT THE BLUE ROOM OF THE LEGISLATIVE PALACE: San Salvador, on the thirteenth day of August, the year two thousand fifteen.

Lorena Guadalupe Peña Mendoza
Chairwoman

Guillermo Antonio Gallegos Navarrete
First deputy chairman

Ana Vilma Albanez de Escobar
Second deputy chairman

José Serafin Orantes Rodríguez
Third deputy chairman

Norman Noel Quijano González
Fourth deputy chairman

Santiago Flores Alfaro
Fifth deputy chairman

Guillermo Francisco Mata Bennett
First secretary

David Ernesto Reyes Molina
Second Secretary

Mario Alberto Tenorio Guerrero
Third secretary

Reynaldo Antonio López Cardoza
Fourth Secretary

Jackeline Noemí Rivera Ávalos
Fifth Secretary

Jorge Alberto Escobar Bernal
Sixth Secretary

Abilio Orestes Rodríguez Menjívar
Seventh Secretary

José Francisco Merino López
Eight Secretary