

Decision on periodic penalty payments
1. The decision on the imposition of periodic penalty payments shall be based only on facts on which the natural person or legal person concerned has had an <u>opportunity to exercise its right to be heard</u> .
2. A decision on the imposition of a periodic penalty payment pursuant to Article 57 of Directive (EU) 2024/1640 shall at least indicate the legal basis , the reasons for the decision and the amount that will be used for the calculation of the final accrued amount of the periodic penalty payment .
3. When deciding on the amount that will be used for the <u>calculation of the final accrued amount</u> of the <u>periodic penalty payment</u>, the supervisor shall take into account all of the following factors:
(a) the type and the object of the applicable administrative measure that has not been complied with ;
(b) reasons for the non-compliance with the applicable administrative measure ;
(c) the losses to third parties caused by the non-compliance with the applicable administrative measure , provided they were determined when the applicable administrative measure was imposed;
(d) the benefit derived from the non-compliance with the applicable administrative measure , provided they were determined when the applicable administrative measure was imposed;
(e) the financial strength of the natural person or legal person concerned , provided this was determined when the applicable administrative measure was imposed.