

Distance Marketing of Financial Services – evaluation of EU rules

Fields marked with * are mandatory.

Introduction

The development of a deeper and fairer single market is one of the European Commission's key priorities. As part of this objective, the European Commission is working to help consumers to access good quality financial services offered outside their home Member State.

[Directive 2002/65/EC](#) of the European Parliament and of the Council of 23 September 2002 on distance marketing of consumer financial services ("the Directive") aims to ensure the free movement of financial services in the single market by harmonising consumer protection rules governing this area.

The Directive sets out what information a consumer should receive about a financial service and its provider before concluding a distance contract. For certain financial services, it also gives the consumer a 14-day right of withdrawal. In addition, the Directive bans services and communications from suppliers that a consumer has neither solicited nor consented to.

The Commission's 2017 [Consumer Finance Action Plan](#) sets out different actions to improve consumer experience in the field of financial services. Of particular note is the Commission's intention to monitor the distance selling market. This will enable the Commission to identify potential consumer risks and business opportunities in the market and, on that basis, decide whether there is a need to amend the requirements on distance selling (including disclosure).

A first step in this work has been to launch a behavioural study on the digitalisation of the marketing and distance selling of retail financial services. Over the past years, the retail financial sector has gone increasingly digital, with new products and actors appearing, and new channels being used. [The study](#) provides valuable insights into the practices used online by providers and how they affect consumer decision-making.

Since 2002, when the Directive was adopted, several pieces of product-specific EU legislation have been adopted in the areas of [consumer credit](#), [mortgages](#), [payment accounts](#), [payment services](#), [insurance products](#) and investment products. These acts specify, for instance, the type of information a consumer should receive about a product and its provider. The legal framework also includes general consumer protection rules on [unfair commercial practices](#) and [unfair contract terms](#), as well as rules on the [e-commerce framework](#), [data protection](#) and [e-privacy](#).

Some 17 years after the adoption of the Directive, the Commission is launching a second evaluation to assess whether the Directive is still fit for purpose given all the market developments that have occurred since 2002. A first evaluation, carried out in 2009, pointed to the efforts made to regulate specific financial services at EU level and to the need to monitor evolutions in the market, especially given the development of e-commerce.

This public consultation is an opportunity for consumers, retail financial services professionals, national authorities and any other interested stakeholders to give their opinions on how well they think the Directive is functioning. The results of this consultation will help the Commission assess the Directive's coherence, effectiveness, efficiency, relevance and EU added value.

The consultation consists of two short questionnaires. The first (set out in Part I) is aimed at the general public. The second (set out in Part II) is for other stakeholders such as associations, authorities and financial services providers.

The public consultation will be available in all 24 official languages of the EU.

Shortly after the close of the consultation, the Commission will publish a summary of the contributions received. In addition, opinions gathered through the public consultation will directly feed into the Commission's evaluation of the Directive, providing additional answers to the evaluation questions. The Commission will summarise the findings of the evaluation in a staff working document, which will include a summary of all consultation activities, including a specific summary of the open public consultation.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian

- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Andrew

* Surname

PRICE

* Email (this won't be published)

aprice@woccu.org

* Organisation name

255 character(s) maximum

European Network of Credit Unions

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

*Country of origin

Please add your country of origin, or that of your organisation.

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|--|---|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Samoa |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> San Marino |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Senegal |
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| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Seychelles |
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| <input type="radio"/> Argentina | <input type="radio"/> Falkland Islands | <input type="radio"/> Malta | <input type="radio"/> Singapore |
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| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> South Africa |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Korea |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Sudan |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> Spain |
| <input type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Sri Lanka |
| <input type="radio"/> Belize | <input type="radio"/> Ghana | <input type="radio"/> Montserrat | <input type="radio"/> Sudan |
| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Suriname |
| <input type="radio"/> Bermuda | <input type="radio"/> Greece | <input type="radio"/> Mozambique | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bhutan | <input type="radio"/> Greenland | <input type="radio"/> Myanmar/Burma | <input type="radio"/> Swaziland |
| <input type="radio"/> Bolivia | <input type="radio"/> Grenada | <input type="radio"/> Namibia | <input type="radio"/> Sweden |
| <input type="radio"/> Bonaire Saint Eustatius and Saba | <input type="radio"/> Guadeloupe | <input type="radio"/> Nauru | <input type="radio"/> Switzerland |
| <input type="radio"/> Bosnia and Herzegovina | <input type="radio"/> Guam | <input type="radio"/> Nepal | <input type="radio"/> Syria |
| <input type="radio"/> Botswana | <input type="radio"/> Guatemala | <input type="radio"/> Netherlands | <input type="radio"/> Taiwan |
| <input type="radio"/> Bouvet Island | <input type="radio"/> Guernsey | <input type="radio"/> New Caledonia | <input type="radio"/> Tajikistan |
| <input type="radio"/> Brazil | <input type="radio"/> Guinea | <input type="radio"/> New Zealand | <input type="radio"/> Tanzania |

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| <input type="radio"/> British Indian Ocean Territory | <input type="radio"/> Guinea-Bissau | <input type="radio"/> Nicaragua | <input type="radio"/> Thailand |
| <input type="radio"/> British Virgin Islands | <input type="radio"/> Guyana | <input type="radio"/> Niger | <input type="radio"/> The Gambia |
| <input type="radio"/> Brunei | <input type="radio"/> Haiti | <input type="radio"/> Nigeria | <input type="radio"/> Timor-Leste |
| <input type="radio"/> Bulgaria | <input type="radio"/> Heard Island and McDonald Islands | <input type="radio"/> Niue | <input type="radio"/> Togo |
| <input type="radio"/> Burkina Faso | <input type="radio"/> Honduras | <input type="radio"/> Norfolk Island | <input type="radio"/> Tokelau |
| <input type="radio"/> Burundi | <input type="radio"/> Hong Kong | <input type="radio"/> North Korea | <input type="radio"/> Tonga |
| <input type="radio"/> Cambodia | <input type="radio"/> Hungary | <input type="radio"/> Northern Mariana Islands | <input type="radio"/> Trinidad and Tobago |
| <input type="radio"/> Cameroon | <input type="radio"/> Iceland | <input type="radio"/> Norway | <input type="radio"/> Tunisia |
| <input type="radio"/> Canada | <input type="radio"/> India | <input type="radio"/> Oman | <input type="radio"/> Turkey |
| <input type="radio"/> Cape Verde | <input type="radio"/> Indonesia | <input type="radio"/> Pakistan | <input type="radio"/> Turkmenistan |
| <input type="radio"/> Cayman Islands | <input type="radio"/> Iran | <input type="radio"/> Palau | <input type="radio"/> Turks and Caicos Islands |
| <input type="radio"/> Central African Republic | <input type="radio"/> Iraq | <input type="radio"/> Palestine | <input type="radio"/> Tuvalu |
| <input type="radio"/> Chad | <input type="radio"/> Ireland | <input type="radio"/> Panama | <input type="radio"/> Uganda |
| <input type="radio"/> Chile | <input type="radio"/> Isle of Man | <input type="radio"/> Papua New Guinea | <input type="radio"/> Ukraine |
| <input type="radio"/> China | <input type="radio"/> Israel | <input type="radio"/> Paraguay | <input type="radio"/> United Arab Emirates |
| <input type="radio"/> Christmas Island | <input type="radio"/> Italy | <input type="radio"/> Peru | <input type="radio"/> United Kingdom |
| <input type="radio"/> Clipperton | <input type="radio"/> Jamaica | <input type="radio"/> Philippines | <input checked="" type="radio"/> United States |
| <input type="radio"/> Cocos (Keeling) Islands | <input type="radio"/> Japan | <input type="radio"/> Pitcairn Islands | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Poland | <input type="radio"/> Uruguay |
| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Portugal | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Puerto Rico | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Qatar | <input type="radio"/> Vanuatu |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Réunion | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Romania | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Russia | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Rwanda | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Helena Ascension and Tristan da Cunha | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Lucia | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Martin | |

*Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

* I agree with the [personal data protection provisions](#)

Part I: Questionnaire for the general public

If you are not replying as a member of the general public, please go to Part II.

In this part of the questionnaire, we would like you to share your experience of researching and buying retail financial services such as consumer loans, insurance and bank accounts using means of distance communication such as the internet, telephone or postal services. This part of the questionnaire does not cover face-to-face interactions with a financial services provider.

Question 1. In the past 5 years, have you searched for or received information on any of the following financial services through any of these means of distance communication?

	On the internet using a desktop, laptop or tablet	On the internet using a smartphone	By post	Via phone call	Through an other means of distance communications (e.g. fax, virtual assistant, other)
Consumer credits (including credit cards)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mortgages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insurance products (e.g. car or home insurance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Payment accounts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investment products (e.g. shares or bonds)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Payment services (such as money transfer services)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal pension products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Did you also look for information on a service not listed above, or use a means of distance communication not listed above? If so, please specify which one(s):

500 character(s) maximum

Question 2. What type of information were you consulting?

- Advertising on apps, websites, social networks or video-sharing platforms
- Information sent to you by emails or text messages
- Information you requested by email or text messages
- Information on comparison apps or websites about similar products
- Information about the product on the provider's website/apps
- Advertising and other information sent by post
- I don't remember

If other, please specify:

500 character(s) maximum

Question 3: If you bought the financial service you were looking for, did you complete the transaction using the same means of distance communication?

- Yes
- No

Question 4. Based on your experience, how would you rate the following statements about the distance marketing and selling of financial services?

	Fully agree	Somewhat agree	Somewhat disagree	Fully disagree	Don't know
It allows me to access more offers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It allows me to access cheaper offers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It allows me to compare offers more easily	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It allows me to access services that are better adapted to my needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It allows me to take more time to review the offers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

It means I can access the service 24 hours a day	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It saves me time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other? Please specify:

500 character(s) maximum

Question 5. Which means of communication do you prefer using to purchase financial services?

- Desktop/laptop
- Smartphone
- Tablets
- Phone
- Face-to-face
- Postal service
- Other

Please specify why:

500 character(s) maximum

Question 6. Which type of services do you believe it is appropriate to offer via distance communication?

	Yes	No	Don't know
Consumer credits (including credit cards)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mortgages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insurance products (e.g. car or home insurance)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment accounts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Investment products (e.g. shares or bonds)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment services (e.g. money transfer services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal pension products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other? Please specify.

500 character(s) maximum

Question 7. When you are looking for a financial service using a means of distance communication, how important do you consider the following:

	Very important	Somewhat important	Not important	Don't know
Having information about the identity of the service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Having information about the main characteristics of the service, including the costs associated	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Having the right to withdraw from the contract, for instance if you have changed your mind	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being contacted by a provider of financial services only when you have given your prior agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Not having pre-ticked boxes adding additional services (such as insurance) to the service you are looking for	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other? Please specify:

500 character(s) maximum

Question 8. Thinking about the service itself, what information would you judge important to have to make your decision?

	Very important	Somewhat important	Not important	Don't know
A description of the service provided	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The total price to be paid, including all possible fees and charges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The potential risks associated to the service (e.g. the risk of losing the money invested)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The potential gains/revenues stemming from the service (e.g. for investments)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The existence of additional taxes or costs that the consumer has to pay to someone other than the supplier (e.g. to tax authorities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How long the offer is valid	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The existence of the right of withdrawal and its conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The minimum duration of the contract	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The conditions for terminating the contract	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about applicable law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information about the language the contract is drawn up in and about the terms under which the service is provided	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The existence of out-of-court redress mechanisms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other? Please specify:

500 character(s) maximum

Question 9. Thinking about your answers to Question 8, where you said what information is important to have, how important would you consider the following statements on the presentation of this information:

	Very important	Somewhat important	Not important	Don't know
The information must be presented in a format that enables me to compare it with other products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The information must be presented prominently and immediately (e.g. in a single block on the webpage presenting the product)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
This information must be presented in a way that is adapted to the channel (e.g. size of the screen)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I must be able to choose the format in which I can access the information (e.g. pdf, other)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other? Please specify:

500 character(s) maximum

Question 10. Thinking again about your answers to Question 8 and what information about the service you said was important to have, how far do you agree with the following statements about when the information should be provided?

	I agree	I disagree	I don't know
The information should be provided by default, for instance on the product's page on a provider's website, whether or not I plan to purchase the product	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The information should be provided well before I sign the contract (e.g. 24 hours before)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The information should be provided shortly before I sign the contract (e.g. 1 hour before)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The information should only be provided together with the contract, when I am about to sign it	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Personalisation of advertising and offers

Question 11. Thinking about tailored advertisements and offers of financial services based on your online and offline activity (e.g. websites browsed, shopping behaviour), is it something:

	I agree	I disagree	I don't know
That is difficult to identify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
That enables you to get to find out about services you are interested in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
That enables you to obtain better deals and save money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
That is not transparent enough	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
That could limit your choice of services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify the advantages or drawbacks you see in such practices:

500 character(s) maximum

Finally, we would like your views on and experience of financial services provided by providers based in an EU country different from the one where you live.

Question 12. Obtaining a financial service from a provider based in another EU country is something that you...

- have already done/tried to do
- would do to find better deals
- would not do because you are satisfied with the services and conditions offered in your country/area
- would not do because you are unsure about your rights or where to turn to get redress in case of a problem

- would not do because of language barriers
- would not do because you prefer face-to-face contact

Other? Please specify:

500 character(s) maximum

Question 12.1 If you have already obtained, or tried to obtain, a financial service from a provider based in another EU country, how would you describe your experience?

- I tried to find services available in another EU country but could not access the website.
- I tried to find services available in another EU country but was redirected to a website that was specific to the country where I live.
- I could access the offers but could not understand the information provided about the services.
- I could access the offers but could not compare the information provided about the services.
- I could access the offers but could not complete the transaction (for instance the transaction was refused when you provided your place of residence or nationality).
- I managed to obtain the financial service and was satisfied with the outcome.
- I managed to obtain the financial service but it was difficult.

Please elaborate on or highlight any specific problems encountered:

500 character(s) maximum

Part II: Questionnaire for other stakeholders

Questions on relevance

The relevance criterion in the Commission evaluation looks at the relationship between the needs and problems in society and the objectives of the Directive. It also involves considering how far the Directive's objectives correspond to wider EU policy goals and priorities.

As a reminder, the Directive's aims are to:

- 1- harmonise consumer protection across the EU and guarantee a high level of consumer protection, which will generate consumer trust in the distance selling of financial services;
- 2- help consolidate the single market of financial services to ensure the free movement of retail financial services.

Question 1. Have the following developments changed the provision of distance retail financial services since 2002?

	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	Do not know
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The use of internet in the distance marketing and selling of financial services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of new devices such as smartphones	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The profiling of consumers based on personal data	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New market players such as fintech providers; this includes the use of technology to improve and automate the delivery and use of financial services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The adoption of product-specific legislation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The level of competition in your country	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The level of cross-border competition	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please mention any other developments you consider important:

Question 2. How relevant/up to date do you consider the following parts and provisions of the Directive in the current context?

	Totally relevant	Somewhat relevant	Somewhat irrelevant	Totally irrelevant	Do not know
The scope of the Directive, i.e. covering banking, credit, insurance, personal pensions, investments and payment services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The technology-neutral approach of the Directive	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to be provided about the provider	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to be provided about the financial service and its conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How information should be provided over the phone	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The existence of a right of withdrawal for certain services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cancellation of payments made through fraudulent use of a payment card	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Ban on unsolicited services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited communications	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your responses:

There are numerous barriers to the provision of financial services that are created by the Directive.

Question 3. Are there any issues which the Directive currently does not address but you consider should be addressed?

- Yes
- No
- Don't know

If you answered "yes", please specify:

Harmonization between the directive and national-level frameworks

Questions on effectiveness

The effectiveness criterion in the evaluation considers how successful EU action has been in achieving or progressing towards its objectives.

Question 4. How effective are the following aspects/features of the Directive at ensuring consumer protection and contributing to the completion of the single market?

	Very effective	Somewhat effective	Somewhat ineffective	Very ineffective	Do not know
The horizontal scope of the Directive, i.e. covering banking, credit, insurances, personal pensions, investments and payment services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The technology-neutral approach of the Directive	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The level of harmonisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Information to be provided about the provider	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to be provided about the financial service and its conditions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How information should be provided over the phone	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The existence of a right of withdrawal for certain services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Cancellation of payments made through fraudulent use of a payment card	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited communications	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify:

Questions on efficiency

When deciding whether to introduce a sector-specific regulation, the EU faces the challenge of balancing the potential benefits of the regulation against its potential costs. In the case of the Distance Marketing of Financial Services Directive, these costs include direct costs incurred by the financial service providers on compliance and administration, the national authorities' enforcement costs and the costs incurred by other businesses involved in distributing these services.

Question 5. How would you rate the costs resulting from the Directive?

	Very costly	Somewhat costly	Not costly	Do not know
Information to be provided about the provider	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to be provided about the financial service and the conditions attached	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
How information should be provided over the phone	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The existence of a right of withdrawal for certain services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cancellation of payments made through fraudulent use of a payment card	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited communications	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your responses.

Any regulation on a financial institution requires policies and procedures, training, auditing and other items. Though there is merit to the Directive, there is a cost of compliance. These costs grow when there are inconsistencies or additional processes and procedures that must be followed to comply with multiple laws that have the same intent.

Question 6. To what extent are these costs generated by the Directive rather than by product-specific legislation?

Somewhat by the Directive as there are requirements in the Directive that are Directive specific. Other requirements are driven by other regulations. The layering of regulations often exacerbates the costs.

Question 7. How would you rate the following benefits of the Directive?

	Very beneficial	Somewhat beneficial	Not beneficial	Do not know
Information to be provided about the provider	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information to be provided about the financial service and the conditions attached	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
How information should be provided over the phone	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The existence of a right of withdrawal for certain services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cancellation of payments made through fraudulent use of a payment card	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on unsolicited communications	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your responses.

Credit Unions support consumer disclosures and transparency, but the applicability to new technologies and the overlay with other directives and rules can create compliance complexities.

Question 8. To what extent are these benefits generated by the Directive rather than by product-specific legislation?

The directive does contain specific requirements that dictate procedures. The directive does contribute directly to the costs.

Question 9. Overall, do the benefits of the Directive outweigh its costs?

- Yes
 No
 No opinion/Don't know

Please specify:

The directive is important but it needs to be updated and harmonized with other regulatory burdens.

Question 10. Are there any areas in the Directive where there is room for simplification or reduction of costs? Please specify:

It should be updated to account for electronic delivery of contracts and harmonization with national level frameworks.

Questions on coherence

The evaluation of coherence involves looking at how well different actions work together. Since the adoption of the Directive, several product-specific pieces of legislation have come into force, covering consumer credit, mortgages, payment accounts, payment services, insurance products and investment products. Other pieces of legislation interacting with the Directive include general consumer protection rules on unfair commercial practices and unfair contract terms, and those pertaining to the e-commerce framework and data protection.

Question 11. To what extent is the Directive coherent with other EU legislation:

	Very coherent	Somewhat coherent	Somewhat incoherent	Very incoherent	Do not know
Consumer Credit Directive (CCD)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mortgage Credit Directive (MCD)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment Accounts Directive (PAD)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Payment Services Directive (PSD)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insurance Distribution Directive (IDD)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Market in Financial Instruments Directive (MiFID)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Undertakings for the collective investment in transferable securities Directive (UCITS)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Key information documents for packaged retail and insurance-based investment products Regulation (PRIIPS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Prospectus Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Alternative investment fund managers Directive (AIFM)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unfair Commercial Practices Directive (UCPD)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unfair Contract Terms Directive (UCTD)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
General Data Protection Regulation (GDPR)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

ePrivacy Directive (EPD)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e-commerce Directive (ECD)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Geo-blocking Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

For each of the legal acts listed above, please specify in which respect(s) you consider it is coherent or not with the Directive:

Question 12. Given that the Directive applies to different products, does it bring any additional value compared to product-specific legislation? Please give details for your answer.

Some of the directives will inherently be included in certain products such as mortgages and thus may be duplicative. Loan transactions contain disclosures contained in either CCD or MCD and seem duplicative.

Question 13. Are you are aware of any contradictions/overlaps/inconsistencies/missing links between the Directive and national legislation? If so, what are they?

Yes, national level legislation often is inconsistent with the directive in various regards.

Questions on EU added value

In any policy initiative, the Commission must consider whether there is added value in tackling certain issues at EU level or whether it would be better for them to be dealt with by the Member States.

Question 14. In your view, what is the added value delivered by the Directive and its implementation, over and above what could reasonably have been expected from national legislation in the Member States alone?

	High added value	Medium added value	Low added value	Do not know
Better consumer protection	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Better functioning of the single market	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal clarity	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Help in addressing cross-border problems	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your responses:

Legal clarity is suspect as the overlapping directive can create its own complexities.

Other questions

Question 15: Any other issues

Are there any other issues not covered by the above questions that you feel might require action at EU level? What would be your preferred solution to the identified issue?

It would be preferable to see this directive tailored in the respective products legislation such that issuing a product under for example the CCD would only have to comply with the rules for the CCD.

Please feel free to upload a concise document, such as additional evidence supporting your responses or a position paper. The maximum file size is 1MB.

The uploaded document will be published alongside your response to the questionnaire. Please note that your answers to the questionnaire form the key part of your contribution to this consultation. You should regard any supporting document you attach as an optional extra serving as additional background reading to make your position clearer.

Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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