

E-mail
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Dear Madam/Sir,

This questionnaire is **part of a research project funded by the European Union - Horizon 2020** concerning *Regulation of Abusive Non-Judicial Debt Collection in the European Union* (ECHO - Grant number 798912). By non-judicial debt collection we refer here to all debt collection practices that **do not involve any state judicial bodies** (courts, bailiffs / executors, the police, etc), a phenomenon also known as 'inkasso'.

In this regard, we are contacting all consumer agencies and supervisory bodies of all the Member States in order to gather the information needed for the purpose of our research. **We seek your support in this endeavor, by kindly asking you to fill in the attached Questionnaire until the 1st of May 2020.**

The **information sought is not sensitive**, as we are interested in *patterns and typologies* (statistical quantitative data), not in individual cases, which may give rise to privacy concerns.

We ascertain that **the solicited information is public information**, which can and must be disclosed under the relevant public data access legislation in your country, in a correct and timely fashion.

Please note that **you will be able to complete the questionnaire in multiple sessions**, but the sequence of questions cannot be changed. Once the questionnaire is completed, you cannot change your answers.

We look forward to your reply and we thank you in advance for your time and help!

Does your country have a sector specific legislation concerning the regulation of fair debt collection practices?

- Yes
 No

This question seeks to establish whether your country has adopted any sector specific legislation / regulation dedicate or in connection to fair debt collection (inkasso) practices.

Does your country resort to EU law - such as the Unfair Commercial Practices Directive - in regulating fair debt collection practices?

- Yes
 No
 I don't know

The 2016 Guidelines to the application of the Unfair Commercial Practices Directive (UCPD) states that the directive also covers after-sale services, such as debt collection (inkasso). We are seeking to establish whether in your country the UCPD (through its national transposition) has been used to address the issue of unfair debt collection (inkasso) practices.

The question seeks to assess who is subjected to your national legislation/regulation of fair debt collection (inkasso) practices.

The question develops on your previous answer and seeks to establish all subjects covered by the definition of "debt collector" under your national legislation/regulation of fair debt collection (inkasso) practices.

Do debt collection undertakings require a license to operate in your country?

- Yes
 No

The question seeks to establish whether the national legislation establishes any administrative criteria for the functioning of debt collection (inkasso) undertakings or not. The question excludes original creditors, who should be able to pursue the recovery of their own debts.

Please indicate which national authority(ies) issues the license and supervises th activity of licensed debt collection undertakings:

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Are debt collection undertakings in your country required to abide to a Code of Conduct in order to receive a license to operate?

- Yes, they need to observe a Code of Conduct at company level
 Yes, they need to observe a Code of Conduct at industry level
 Yes, they need to observe a Code of Conduct established by the regulatory agency
 No
 I don't know

The question seeks to establish whether the acquiring of the license to operate is conditioned on the acquiescence to standards of good practices and whether good practices do actually exist within the industry at national or European level

Did your institution receive any complaints regarding abusive debt collection practices in the past 5 years?

- Yes
 No

The question seeks to establish the existence of cross-border non-judicial debt collection (inkasso) and the size of the phenomenon.

You can select multiple answers.

*The question seeks to assess the size of the alleged of abusive debt collection (inkasso) practices claim brought in each Member State.
Please answer by both ticking the adequate box and by typing the exact number of received complaints.*

The question seeks to assess the percentage of claims that were found justified. The number should be established by subtracting from the total number of complaints indicated in the previous question the number of claims that were dismissed for lack of merit.

Does your national law concerning fair debt collection practices require debt collection undertakings to validate the debt (ie to allow the consumer debtor to challenge the existence or the amount of the debt)?

Yes

No

Does your national law concerning fair debt collection practices allow the debt collection undertakings in your country to add charges or other collection related fees to the debt?

Yes

No

The question excludes interest and other fees established by the law or the original contract.

Which are the competent supervisory bodies to handle consumer-debtor complaints against abusive debt collection practices in your country?

What types of remedies are available for consumers against abusive debt collection practices in your country?

Administrative remedies

Alternative Dispute Resolution Mechanisms (ADR)

Judicial remedies (under civil law)

Judicial remedies (under criminal law)

None

Other _____

You can select multiple answers.

Which types of administrative remedies are available in your country? (multiple choice possible)

Suspension or withdrawal of license to operate

Administrative fines

- Injunctions or orders to stop/dessist
- Other _____

You can select multiple answers.

Please indicate the duration of an administrative investigation that concluded with a sanction regarding abusive debt collection practices in your country:

- Less than a week
- Between 1 week and 3 months
- Between 3 and 6 months
- Between 6 months and 1 year
- Between 1 year and 3 years
- More than 3 years

What types of Alternative Dispute Resolution (ADR) mechanisms addressing the issue of abusive debt collection practices are available in your country?

- Consumer Ombudsman
- Financial Ombudsman
- Consumer Arbitration
- Other _____

You can select multiple answers.

Please indicate the duration of an ADR procedure concluded with a decision in your country:

- Less than a week
- Between 1 week and 3 months
- Between 3 and 6 months
- Between 6 months and 1 year
- Between 1 and 3 years
- More than 3 years

If an ADR board renders a decision in regard to abusive debt collection practices, is the decision binding and enforceable against a debt collection undertaking?

- Yes
- No

The question seeks to establish whether the consumer-debtor can enforce the decision of the ADR body or he/she still needs to address the court in that regard.

Are ADR boards' decisions in regard to abusive debt collection practices being made public?

- Yes (online)

- Yes (in print)
- No
- I don't know

This question seeks to ascertain whether the ADR decisions can be accessed and read by the public.

We assume that your organization has knowledge of the internet platform where these decisions are published, thus, we would appreciate if you could provide us with the name of the website or the link to it, even if the documents are available only in your national language.

What kind of judicial remedies (based on civil law) are available in your country?
(multiple choice possible)

- Statutory fines payable to consumer-debtors
- Restitution of losses suffered by consumer-debtors
- Other tortious liability
- Moral damages in favor of consumer-debtors
- Incentives for private action (ie reversed burden of proof, exemption or reduced judicial fees)
- Judicial injunctions, orders to stop or desist against abusive debt-collection undertakings
- Class actions
- Other _____

You can select multiple answers.

Please indicate the duration of civil action concluded with a final and enforceable decision in your country:

- Less than a week
- Between 1 week and 3 months
- Between 3 and 6 months
- Between 6 months and 1 year
- Between 1 and 3 years
- More than 3 years

What types of abusive behavior against consumer-debtors is criminalized in your country? (multiple choice possible)

- Violent or aggressive actions
- Verbal abuse
- Harassment or threats
- The use of fraudulent or misleading forms or representations
- Other _____

You can select multiple answers.

Please indicate the duration of criminal action concluded with a final and enforceable decision in your country:

- Less than a week
- Between 1 week and 3 months
- Between 3 and 6 months
- Between 6 months and 1 year
- Between 1 year and 3 years
- More than 3 years

Please indicate any areas or suggestions you may have to improve the regulation of abusive debt collection practices in your country.

The answer to this question is not mandatory. However, we would appreciate any thoughts or recommendations you may have.

THANK YOU FOR YOUR PARTICIPATION IN THE SURVEY!