



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL
MARKETS UNION

Horizontal policies
Retail financial services

MINUTES

ON-LINE FIN-NET PLENARY MEETING 11 MAY 2023

9.30-12.30 CET

09:30 – 9:35 Welcome by the chairman, approval of agenda

The FIN-NET chair welcomed the new FIN-NET affiliate from Switzerland – FINSOM.

9:35 – 10:00 Review of the ADR Directive and ODR Regulation

The Commission services informed about the state of play regarding the review of ADR and the repeal of the ODR, starting with the evaluation, which was to assess the implementation for resolving both national and cross-border disputes based on five criteria under the Better Regulation Guidelines of the Commission. The uptake of cross-border cases is still very low. The evaluation concluded that the EU consumer legislation as regards alternative dispute resolution needs to be strengthened to be fit for digital markets.

The intended changes to the ADR Directive would widen the scope of the current Directive to cover disputes at pre-contractual stage, disputes involving intermediaries or third country traders. The objective is to boost trader participation, simplify cross-border ADR and introduce collective ADR. The Commission services indicated that they would try to present the proposal to revise ADR Directive still this year, although no date of publication has been fixed yet. Further information about the revision is included in the Call for Evidence available [here](#).

10:00 – 10:45 Laws governing consumer complaints handling

The Irish FSPO gave a presentation to the FIN-NET members on the results of the survey of FIN-NET members regarding the obstacles resulting from laws governing the investigation of consumer complaints. The key finding of the survey is that almost half of the respondents (43%) reported that, if the governing law of the contract is not the national law of Member State in which an ADR entity is established, it affects the ability of the ADR entity to proceed on consumer complaints. 30% of respondents agreed that if

a consumer were entitled to select a local governing law, it would have solved their issue. The presentation was followed by the discussion of the FIN-NET members, who provided further details on the national practices. The Chair recommended to continue discussions on this topic, which is also very important to consumers.

One FIN-NET member suggested launching a survey to explore the practices undertaken by ADR entities on monitoring the resolution of cross-border complaints that were transmitted to other ADR entities.

10:45 – 11:00 *Break*

11:00 – 11:30 **Single point of entry for consumers to submit their complaints**

The Bank of Italy presented the results of a survey to identify current national practices in providing consumers with a single contact point of entry among different banking, investment and insurance ADRs. The survey's objective was to investigate how Member States are tackling this issue and what tools have been developed. It has been concluded that almost all ADR entities have tools in place to help clients identify the competent ADR. The presence of tools or their complexity may be affected by the number of ADRs in a country, the complexity of dispute matters, and the number of complaints deemed inadmissible by the ADR. A few Member States have developed online portals to help and guide consumers in launching their complaints. The representative from the Bank of Italy underlined the importance of raising awareness of consumers about ADRs.

11:30 – 12:00 **Dealing with complaints on fraud in payment services: Spanish experience**

In the light of increasing incidence of fraud in the area of payment services, the Bank of Spain gave a presentation on their approach in dealing with complaints on fraud in payment services. The FIN-NET members were interested in Spanish practices and some of them reported that the frequency of complaints linked to fraud had been increasing in their jurisdictions while the digital techniques used by fraudsters had been getting more sophisticated, which are becoming extremely difficult for consumers to identify them as fraudulent and thus resulting in increased detriment to consumers. FIN-NET members also raised a few questions, which was followed by a discussion among participants.

12:00 – 12:30 **Fraud in crypto assets**

The Commission services provided an update on the state of play regarding the adoption and publication of MiCA and its possible repercussions on the work of ADR entities. Specifically, the speaker explained the scope of the MICA Regulation and provided an overview of the specific categories of crypto assets and crypto-asset services it will regulate. The speaker elaborated on the different obligations the regulated entities under MiCA will need to fulfil, as well as provided information on the obligation by all the parties concerned to set up and maintain a complaints handling procedure as well as the obligation to monitor and report on this procedure.