“Don’t watch the clock; do what it does. Keep going.”

I need to admit, it is not easy to follow this advice from the American author Sam Levenson when we worry about the latest developments concerning the EU Data Protection Regulation: The last Council version of 13th March 2015 included changes to the worse compared to the February version. This would mean and is a potential threat to the entire debt collection industry in Europe with negative consequences for the whole economy. Plus, it is almost high noon: The Council is expected to agree on its final version in June 2015, before the trilogue between the Council, the Commission and the Parliament will start. End of 2015 the new Data Protection Regulation could already be directly enforceable law in all EU countries.

This means that anything we do not achieve with regard to a reasonable balance between the interests of businesses and the interests of the consumer by the end of the decision-making process in Brussels, will be irreparable.

It is thus a matter of highest urgency to become active again.

This is why FENCA joined the industry coalition on data protection (ICDP) in April. This is an informal platform, which helps different associations to present their concerns towards the relevant stakeholders.
The planned provisions of the Data Protection Regulation would result in serious disadvantages not only for the economy, such as default of payments through incorrect creditworthiness ratings, but also for the consumer, such as increased prices for goods and services to make up for the increase in default of payments.

It seems to us that most decision makers on national and European level are still not fully aware of these consequences of the Data Protection Regulation. We should not stop reminding them. Keep going! You would regret if you missed a chance of explaining your concern.

I hope you enjoy our Newsletter, best wishes,

Yours Andreas Aumüller
FENCA President
NEWS FROM FENCA

European Collection Congress 2015 in Stockholm

Register now for FENCA Congress 2015 in Stockholm!
FENCA is happy to announce that the registration has started for the Congress in Stockholm 15 – 17 October 2015. The event offers a range of high-profile speakers and experts from across the sector discussing the key aspects that concern our sector, such as payments systems of the future, EU initiatives 2015-2020 or debt collection worldwide and in particular in Sweden. Besides that, FENCA plans to visit one of Sweden’s most innovative and successful companies, “Klarna”, the leading European payment provider. Additionally, the congress offers several networking elements such as our traditional Gala Dinner and a tour discovering the beauty of Stockholm, the Northern Venice.

Please check the congress flyer, which will be continually updated on the following page:

http://www.fenca.org/congress

Furthermore, on this page we offer a range of sponsorship and exhibition opportunities. Choose the package that assures your business a prominent presence throughout the event and have a look at our flyer.

We invite you to stay with us in the luxurious 5-star Hilton Hotel with a stunning view of the water and the wonderful old town „Gamla Stan“. Please book your hotel rooms following this link:


Reservations before 20 July benefit from our special room rates.

The first FENCA Congress took place in 1994. Today the event is a well-established and highly frequented networking forum for the debt collection industry worldwide. 2014 in Croatia there were more than 135 participants from around 30 different countries. To get an impression of this wonderful atmosphere, please watch the video from last year:


Become part of this vivid community and get registered today!

Meet collection experts from FENCA and across the world in Europe’s Northern Venice! You wonder, where that might be? Of course this is another name for Stockholm. We’re happy to see you there in October!

FENCA Members Meet
In Brussels

On 3 June 2015 the FENCA members will meet in Brussels, the capital of EU legislation. Thus, getting some insight information about Brussels policy making is the main focus of the event.

Besides this, the FENCA statutes as well as the Congress in Stockholm 15 – 17 October will be discussed.

We thank our main Congress sponsor

codix
GET TO KNOW FENCA

Asociace inkasních agentur (AIA) – The Czech Association of debt collection companies

Established in 2002 by only two companies, the AIA today unites 29 members. So the AIA represents about 20% of the companies offering debt collection services in the Czech Republic. In terms of volume this makes about 80% of the regular debt collection market.

Since 2006, the AIA is a member of FENCA.

Basically, the Czech debt collection market consists of about 200 small debt collection agencies, with up to 5 employees. Research done by the AIA showed that there are about 1,600 persons directly employed in the industry. Recently, lawyers and specialized law offices started to enter the market of amicable collection. In 2014 the creditors transferred 1.6 million claims in the volume of 22 billion Czech crowns with majority of B2C claims. About 7 billion Czech crowns were returned to the economy.

Go, collectors, get that goal! The people at AIA go in for sports with pleasure. Their favourite is football, as you can easily see in this picture.
Most of the debt collection agencies are specialized in national collection while cross-border debt collection is just a secondary business.

“Work hard, play hard”
The main goals of AIA are to cultivate the debt collection market, cooperate with the relevant actors on a national and international level and stand in for the rights and interests of the members and the debt collection industry in general. The most important aspects in the past years were the preparation of the legislation for out of court collection and the creation of the “Bill of Amicable Collection”. This brings major chances, but also important challenges for the Czech debt collection market. Right now the AIA is trying to convince the Czech Parliament about the importance of such a bill, explains Vladimir Gazarek, President of AIA since 2006. Mr. Gazarek, whose credo is “work hard, play hard”, studied economics in Bratislava, Slovakia.

Relevant data about debt collection
Another important activity is the yearly market survey. In 2015 the 5th edition of this survey will be published. That way on the AIA is the only provider of relevant data about the Czech debt collection market and industry. Furthermore the AIA established its yearly conference as the most important event for the Czech branch.

Contact:
AIA - Asociace Inkasních Agentur
Vyskočilova 1326/5a
140 00 Praha 4
+420 602 393 576
http://www.aiacz.cz

Delegate: Vladimir Gazarek
E-Mail: prezent@aiacz.cz

Bill of Amicable Collection brings major chances for Czech debt collection companies

Vladimir Gazarek, President of AIA

Link up with FENCA!
Stay up to date and get news, insights and the hottest information about FENCA, the European debt collection industry or the yearly FENCA Congress. All you have to do is follow the brand new FENCA company profile at LinkedIn:
NEWS FROM FENCA MEMBERS

“The only problem is that we don’t know each other enough”

Interview with Etienne van der Vaeren, President of the Belgian debt collection association ABR-BVI.

The ABR-BVI was established in 1994 and consists of 10 members. Those represent around 85% of the debt collectors activity in Belgium. Mr. van der Vaeren, president of the ABR-BVI since 1999, talks about the main challenges of his association, the reputation of debt collectors in Belgium and speaks about the European influences on the sector.

Mr. van der Vaeren, what are the main challenges for ABR-BVI in the year 2015?
1. Get the legislator to understand that additional support for our profession would be good for the economy (investment & growth need good payers, and paying well is encouraged by debt collectors both in prevention and after a claim); good for settling more claims out of courts (where courts are expensive for the government).
2. Get more members (even if they are smallish) as our mission is also to get any debt collector to act professionally.
3. Get more creditors to call on us through image improvement.

What do you think, other members from FENCA could learn from ABR-BVI?
Other FENCA members seem quite professional. The only problem is that we don’t know each other enough; probably because of cultural (incl. legal) and language differences.

What do you think ABR-BVI could learn from other FENCA members?
Other countries have solutions in place that would be useful for us in Belgium to use as examples to convince our politicians to change the law. This covers many aspects including privacy, courts actions etc. The problem is to identify these differences and analyse how to use them.

In how far do you think the debt collection industry is already regulated by EU law?
In B2B, it is well regulated. Simple and efficient.
In B2C, consumer protection attitudes vary widely from one to another country. Levelling out differences (starting with statutory limitations) would improve the economy.

What are your expectations regarding FENCA?
Continue as it does and make a comparison between countries about debt collection law and practice.

What is the reputation of debt collectors in Belgium?
Getting better in the last 10 years. However, it remains ‘negative’ as Belgians have a natural tendency to excuse the debtor at the expense of the creditor. This is a bit like in a movie, when the main character is a criminal, one tends to sympathize with him, rather than with the victims.

You have already been working in this sector for more than 20 years. What is your main motivation?
I believe this must be deeply rooted. I tend to like getting things right.

How do you like to spend your free time?
In the winter: skiing; in the summer: motorbike touring and also some golf. My favourite is laughing, any season.

Thank you very much for that interview, Mr. van der Vaeren!

Collection Congress in Austria

Members of the Austrian debt collection association “IVÖ” gathered for their annual general meeting in April.

This year’s general meeting of the IVÖ took place in Waidhofen on April 17th 2015 and was a real success. 50 participants met one day before and exchanged ideas and information on current topics of the debt collection industry. Kirsten Pedd, Board member of the German Association, Kay Uwe Berg, Managing Director of the German Association BDIU, who informed about the new regulation of the debt collection sector in Germany and former President of the IVÖ Manfred Ratz were the honorable guests. IVÖ welcomed two new members and thus with a total of 36 members companies combines as many debt collection agencies like never before. 29 delegates at the AGM has also been a new record.
President Walter Koch informed about the activities of the Board, e.g. the talks and meetings with ministries and politicians concerning a possible new collection cost regulation, the status of the data protection reform process, activities of the European association FENCA and the results of the member surveys.

The board got unanimous approval for their work as well as the financial report 2014 and the financial plan 2015.

The members got informed about the preliminary ruling of the European Court of Justice on the request of Austria. Courts in Austria have the opinion that collection agencies, who offer installment payments to debtors act as fiscal agent according to the EU Directive 2008/48/EG.

Rudolf North who substituted Rainer Kubicki informed as Chairman of the collection sector in the Austrian Chamber of Commerce “WKO” about his activities together with the “IVÖ”. 2015 will be again another challenging year for the Austrian debt collection association.
Data Protection major topic at the German annual debt collection conference

European Regulation brings worry lines to the participants’ faces.

From 23rd until 24th April 2015 our German member BDIU invited to its annual conference in Düsseldorf. The president of the Belgian Association (ABR BVI), Etienne van der Vaeren, welcomed more than 500 participants as the honorary chairman of this event.

The BDIU offered around 30 professional workshops to its members and guests, such as the constitutionality of a “flat 25 euro charge”, “mobile payment” or “debt collection in Belgium: Do’s and Don’ts”.

In 4 workshops the participants had the opportunity to exchange their views about the future of data protection in Europe. In a panel discussion, the Director General of BDIU, Kay Uwe Berg, addressed the worries of the whole industry towards Axel Voss, member of the European Parliament, Vice-Chair of the parliamentary Committee on Legal Affairs (JURI) and shadow rapporteur on the European General Data Protection Regulation. Andreas Bücker, Senior Advisor on European Affairs of FENCA talked about the latest developments regarding this topic and informed about the next actions FENCA is going to launch.

Among the international guests were Ebrahim Jawad, Managing Director of FENCa affiliate NCS-Collection from Bahrain. Besides this the whole FENCA Board was present. FENCa President Andreas Aumüller spoke about the work of FENCa, the voice of the debt collection in Europe and invited the participants to become a member.
AMCC: All new in May
New website, new members and new image.

Modern, user friendly and bilingual (Romanian, English): this is the new website of AMCC (Asociatia de Management al Creantelor Comerciale). Besides this new English version, (http://www.amcc.ro/en/), AMCC included FAQ for debtors as well as for companies and optimized the website for smartphones and tablets.

AMCC works hard to improve the image of the debt collection industry in Romania: They revised the Code of Conduct and made it more strict for the members. The aim is to self-regulate the branch as there is no debt collection law in Romania.

AMCC was founded in 2007 and consists of 15 members which are approx. 80% of the debt collection market and 90% of debt servicing market. 2015, Kredyt Inkaso, the market leader in debt management in Poland became an observatory member.

New Affiliate Members
FENCA welcomes the following three new affiliate members. Altogether, FENCA now has more than 50 affiliate members:

EOS Holding GmbH
Contact: Lara Flemmig
Email: l.flemmig@eos-solutions.com
Phone: +49 (0)40 2850-1222
Website: http://www.eos-solutions.com

GERI. Gestione Rischi s.r.l.
Contact: Cristian Campus
Email: cristian.campus@geri.it
Phone: +39 02 818781
Website: http://www.gerihdp.com

Controlaccount plc
Contact: Paul Husband
Email: clientservices@controlaccount.com
Phone: +441527 882901
Website: http://www.controlaccount.com
On 13th March the Justice and Home Affairs Council reached a partial general approach on Chapter II of the Data Protection Regulation, which includes the important Articles 6(1)(f) and 6(4). Unfortunately the positive amendments proposed in the draft text of Chapter II earlier this year in February have been watered down considerably in the version agreed on by the Council.

Further communication and lobbying efforts by a number of stakeholders, including FENCA, however, have led to the decision of the Latvian presidency of the Council to reopen Chapter II again for further discussion during the meeting of the DAPIX (Working Party on Information Exchange and Data Protection) Group of the Council on 18th and 19th May 2015. In the textual version distributed by the Council ahead of the meeting on 12th May provision (f) of Art. 6(1) – defining legitimate interest of the controller and third parties – is no longer included in Art. 6(4) as one of the legitimate grounds on the legal basis of which further processing of data is possible if the original purpose is changed.

Instead the following provision, already introduced by Germany in March, has been kept in Art. 6(4): ‘Further processing by the same controller for incompatible purposes on grounds of legitimate interests of that controller or a third party shall be lawful if these interests override the interests of the data subject.’

Council will not try to resolve reservations prior to a JURI meeting in June

What is interesting to note is that there are still a plethora of reservations on these and a whole variety of other horizontal issues which will impact not only on Chapter II but on the entire regulation. However, the Latvian presidency has announced that it will not revisit any of the currently “closed” chapters of the Regulation any further and will also not have the time to do a coherence check of the entire piece of legislation. Thus the council will also not try to resolve the reservations of the member states on the various various parts of the text ahead of meeting of the Justice and Home Affairs Council on 15 and 16 June.
At this date the Council will sit until a general approach is agreed, so that the discussions will move into the trilogue negotiations between the Council, the European Parliament and the Commission. All parties are eager to start the trilogue right away in order to finish it and thus the legislative process by the end of the year.

Through its various contacts and allies FENCA will communicate its positions on the relevant issues during the negotiations to draw the redlines concerning the relevant articles of the GDPR which should not be crossed in order to still allow credit management and debt collection in the future.
JURI Committee adopts Report on Small Claims Procedure

On 16 April 2015 the European Parliament Committee on Legal Affairs (JURI) adopted the draft report on the Small Claims Procedure and European order for payment procedure proposed by rapporteur MEP Lidia Joanna Geringer de Oedenberg (S&D) from Poland.

The intention of the modifications of the Small Claims Procedure that has been in use since 2009 is to improve and broaden the use of a simplified procedure for low-value cross-border claims to recover money from abroad, so as to cut costs and paperwork for both consumers and businesses. The proposed changes would make the procedure available for more cases, cap court fees and encourage the use of electronic communications, such as emails and videoconferences.

While the Commission proposed to raise the threshold below which the procedure can be used from EUR 2,000 to EUR 10,000, the JURI proposal holds that the EUR 10,000 ceiling should only be for cases against legal persons (such as a company), to safeguard the procedural rights of citizens. If the claim is against an individual person, the procedure would only be available for recovering debts of less than EUR 5,000.

The JURI version furthermore proposes to cap the court’s fees at 5% of the value of the claim compared to the 10% proposed by the Commission. In addition, each member state should introduce a minimum income threshold under which there would be no requirement to pay any court fees.

Claims based on employment law, such as claims relating to salaries earned in different member states, should be included within the scope of the simplified procedure, according to the JURI proposal.

Next steps
Ms Geringer de Oedenberg received a mandate to start negotiations with the Council of the EU to seek agreement at first reading.
Payment services: Council and Parliament agree new rules

On 5 May 2015 the Latvian presidency of the Council and the European Parliament reached a tentative agreement on a draft directive aimed at further developing an EU-wide market for electronic payments. The agreement was reached during a trilogue meeting in Brussels.

The revised Payment Services Directive (known as PSD2) brings a number of new important elements and improvements to the EU payment market. The agreed proposal aims to improve consumer protection against fraud, possible abuses and payment incidents, such as disputed transactions. The new measures will also ensure that all payment providers active in the EU are subject to supervision and appropriate rules. The directive is supposed to create a new incentive to increase competition and foster innovations in the payments market.

The agreement still has to be confirmed by the Council once the full text of the directive is finalised at technical level. The directive will then be submitted to the European Parliament for a vote in first reading, and to the Council for final adoption.

The draft directive incorporates and repeals an existing payment services directive (directive 2007/64/EC), which provided the legal basis for the creation of an EU-wide single market for payments.

Once the directive has been adopted, member states will have two years to transpose it into their national laws and regulations.

For more information:
http://ec.europa.eu/finance/payments/framework/index_en.htm

European Commission publishes plans about a Digital Single Market for Europe

On 6 May 2015, the European Commission unveiled its detailed plans to create a Digital Single Market.

The aim of the Digital Single Market is to tear down regulatory walls and finally move from 28 national markets to a single one. A fully functional Digital Single Market could contribute €415 billion per year to the economy and create hundreds of thousands of new jobs.

In EU legislation, the word TRILOGUE is often used. Obviously, this is a conversation, where, different to a dialogue, not two, but three parties are involved.

In the law making process of the EU, those talks are between the Commission, the EP and the Council of the EU. One distinguishes between the formal and informal trilogue: The formal trilogue is required by the European Treaties, § 294 TFEU. Basically this provision stipulates the installation of a Conciliation Committee. Its main function is to find a compromise between the EP and the Council. The Commission has the role of a moderator. The Conciliation Committee is the last chance to prevent a failure of the legislative initiative.

In contrast, the informal trilogue is not required by the treaties (TEU/TFEU). It is the informal trilogue which is mainly meant when the expression is used. It is basically an effort to find a compromise as early as possible. In practice, this method is more and more applied. Around 80% of all draft laws can already be adopted after the first reading in the EP: the so called first reading agreements.
The Digital Single Market Strategy includes a set of targeted actions to be delivered by the end of next year. It is built on three pillars:

(1) better access for consumers and businesses to digital goods and services across Europe;
(2) creating the right conditions and a level playing field for digital networks and innovative services to flourish;
(3) maximising the growth potential of the digital economy.

The Digital Single Market will be on the agenda of the European Council meeting on 25-26 June.

To read the communication from the Commission, please go to:

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**European Court ruling concerns debt collection companies**

The courts in Austria requested the European Court of Justice (ECJ) to give preliminary rulings (Art. 267 TFEU) concerning the interpretation of the consumer credit directive (file number C-127/15).

The Austrian high court likes to know whether the ECJ shares their opinion that collection companies, who offer installment payments in return for payment, act as fiscal agent according the EU Directive 2008/48/EG. As a consequence of this Austrian interpretation, the collection companies need to respect the requirements of the directive, such as informing the consumer in a proper form. Rulings of the ECJ are binding for all member states.

According to Art. 23 II of the Statute of the Court of Justice, the parties, the EU member states as well as the EU institutions are invited to give a statement on this subject within two month.
COLLECTION AGENDA

8 June 2015
Europe Annual Conference of Ecommerce in Barcelona
https://www.ecommerce-europe.eu/annualconference

10-12 June 2015
Annual General Meeting of ACCIS in Varignana, near Bologna

17-19 July 2015
Mid-Year Conference of IACC in Sheraton Boston Hotel
https://www.commercialcollector.com/iacc/events

19-21 July 2015
Annual Convention & Expo of ACA in Sheraton Boston Hotel
http://10times.com/aca-internationals-76th-annual-convention-expo

9-10 September 2015
UK Credit and Collections Conference (UKCCC) from CSA at Hilton London Wembley

From 9 until 10 September 2015 the CSA invites to their newly named conference, UK Credit and Collections Conference (UKCCC) at Hilton London Wembley. The UKCCC welcomes credit and collection professionals from all over the world including America, South Africa and beyond. In addition to the new name, the 2015 event has moved to the Hilton London
Wembley, a stunning new venue sitting in the shadow of the world-famous sporting stadium. With excellent transport links, the Hilton London Wembley is easily accessible via car, rail or air; the venue is only 14 miles from Heathrow airport and is connected to the main Network rail and London underground lines.

The two-day event is surrounded by sporting fixtures including an England vs Switzerland Euro 2016 qualifier, the very popular four ball golf tournament at the prestigious Luton Hoo Golf and Spa resort, and finally, guests who purchase a network dinner ticket on 9 September will receive a tour of Wembley Stadium included in the package. The conference day on 10 September will feature a number of very high profile host and keynote speakers and the event covers all industry development across the credit and collections arena including international collections and trading outside of the United Kingdom.

For further information please visit the website http://www.csa-uk.com/corporate/events or alternatively contact Adriana Galli-Davison on +44 (0) 191 217 3073 or email adriana.galli-davison@csa-uk.com.

15 – 16 October April 2015
Annual Convention of Eurofinas in Lisbon
MEMBER COUNTRIES

Austria
Inkassovertband Österreich
Eschenbachgasse 11
1010 Wien
www.inkassovertband.at

Belgium
asbl ABR/BVI vzw – Association Belge des sociétés de Recouvrement de Créances – Belgische Vereniging van Incasso-ondernemingen
Chaussée de Marche 511
B-5101 Erpent
www.abrbvi.be

Bulgaria
Association of the Collection Agencies in Bulgaria
4, Rachko Petkov Kazandzhiyata street
1766 Sofia
www.acabg.bg/en

Croatia
Croatian Debt Collection Agency Association
Illica 109
10 000 Zagreb
www.udruga-huan.hr

Czech Republic
AIA - Asociace Inkasních Agentur
Vyskočilova 1326/5a
140 00 Praha 4
www.aiacz.cz
France
ANCR – Syndicat National des Cabinets de Recouvrement de Creances et de Renseignements Commerciaux
5 Rue Yvon, VILLARCEAU
75116 PARIS

www.ancr.fr

Germany
Bundesverband Deutscher Inkasso-Unternehmen e.V.
Friedrichstr. 50–55
10117 Berlin

www.inkasso.de

Greece
ESEDA Hellenic Association of Debt Management Companies
77 Vouliagmenis Ave
166 73 Athens, Voula

www.eseda.gr

Italy
UNIREC – Unione Nazionale Imprese a Tutela del Credito
Viale Pasteur 10
00144 Roma

www.unirec.it

Netherlands
NVI – Nederlandse Vereniging van gecertificeerde Incasso-Ondernemingen
P.O. Box 279
1400 AG Bussum

www.nvio.nl
Norway
NIF – Norske Inkassobyråers Forening
P.O. Box 311, Thor Dahls gate 1a
3201 Sandefjord
www.inkasso.no

Poland
PZW-Polski Związek Windykacji
ul. Bociana 22
31-231 Kraków
www.polskizwiazekwindykacji.pl

Portugal
APERC – Associação Portuguesa das Empresas de Gestão e Recuperação de Créditos
Avenida da República 48 - 2º Dir.
1050-195 Lisboa
www.aperc.pt

Romania
AMCC (Asociația de Management al Creantelor Comerciale)
Sector 2, Bld. D. Pompei, nr. 10 A,
Cladirea C3, et 6-7
Bucharest
www.amcc.ro

Russia
NAPCA – National Association of Professional Collection Agencies
56 bld. 3, Mishina str.
127083 Moscow
www.napca.ru
Slovakia
ASINS: Asociación slovenských inkasných spoločností
Soltésovej 14
811 08 Bratislava
www.asins.sk

Spain
ANGECO – The Spanish Association of Collection Entities (Asociación Nacional de Entidades de Gestión de Cobro)
Gran Vía 6, 4ª planta
28013 Madrid
www.angeco.com

Sweden
Svensk Inkasso
Post box 10022,
181 10 Lidingö (Stockholm)
www.svenskinkasso.se

Switzerland
VSI – Verband Schweizerischer Inkassotreuehandinstitute
Uraniastrasse 12; Postfach 3228
CH-8021 Zürich
www.vsi1941.ch

Ukraine
ACBU – Association of Collection Businesses of Ukraine
01054, Kiev, 38 Turgenevska st.
www.acbu.com.ua/en
United Kingdom

CSA – Credit Services Association
2 Esh Plaza
Sir Bobby Robson Way
Great Park
Newcastle upon Tyne
NE13 9BA, UK

www.csa-uk.com