NOTE FROM THE EDITOR

“The time to repair the roof is when the sun is shining.” (John F. Kennedy)

Dear members and friends of FENCA,
Dear colleagues,

It is summertime and the mailboxes bristle with “out-of-office-messages”. While preparing for the summer holidays, some consumers forget to pay the bill for the new sunshade, hammock or air mattress. How does this affect European companies at the moment? The survey on “European Payment Practices 2015” tells you more about this and other current trends in payment behaviour on the continent.

Furthermore, in this edition of the FENCA Newsletter we want to keep you up to date with recent developments concerning our branch. This includes of course the “European General Data Protection Regulation”. To what extent this regulation will influence the European collection industry, was one of the main concerns of the 18 participants who gathered in June for our meeting in Brussels.

Last but not least, FENCA is proud to welcome its 58th affiliate member! Our new member from Tel Aviv, Mr. Isaac Eilat, gave FENCA an interview that will give you insights into the debt collection market in Israel.

Print this newsletter, take it to the beach and, after reading it, you’ll find it’s the perfect size to make a fan! And for those who still need to go to the office, we do not want to withhold a piece of advice a FENCA member from a very hot country gave to us: “You can put a fresh egg on top of your car and within fifteen minutes you’ll be enjoying a fried egg …”

On this note: bon appetit!
NEWS FROM FENCA

Last Call for FENCA Congress 2015 in Stockholm


More than 135 collection experts and decision-makers from all over the world have already confirmed their participation. Join this unique network and register today via:

http://www.fenca.org/congress

On this page you may find the complete Congress program, including topics such as factoring, mobile payment, the single digital market and the future of payment systems. Another highlight is the exclusive visit to “Klarna”, the leading European payment provider. Last but not least, we invite you on a “Royal Canal Tour” and to “Vasa”, the only still-existing ship from the 17th century.

On the Congress webpage, FENCA offers a range of sponsorship and exhibition opportunities. Today, you still have the chance to become the sponsor of our “Network Dinner”, which will take place on 14th October in the charming “Fem Sma Hus”.

Stay with us in the luxurious 5-star Hilton Hotel with a stunning view over the water and the wonderful old town “Gamla Stan”.

The last rooms of the FENCA contingent can be booked until 16th September following this link:


The Swedish warship Vasa took her maiden voyage in 1628 – which was also her last because she sank after sailing only 1300 m. She was salvaged in 1961 and serves now as a museum in Stockholm.
FENCA members meet in the capital of the EU

Presidents and delegates from 12 national FENCA member associations came together in Brussels to discuss topics that are of vital importance for the collection business in Europe. Dr. Andreas Bücker, Senior Advisor on European Affairs, updated the 18 participants on FENCA related EU-topics.

One of the main concerns was the forthcoming Council’s position on the “European General Data Protection Regulation”. Furthermore, Mr. Bücker updated everyone on the latest developments regarding the Small Claims Procedure and the EU-insolvency law. Besides that, Mr. Bücker announced that FENCA successfully had successfully joined the “Industry Coalition on Data Protection” (ICDP). This is an informal platform which will help to strengthen FENCA’s voice in Brussels. Furthermore, the Board informed the members about a preliminary ruling (Art. 267 TFEU) on the European Court of Justice (ECJ) concerning the interpretation of the consumer credit directive (see also FENCA newsletter 03-05).

Besides that, the FENCA Board invited the members to give their opinions on the proposed FENCA statutes amendments.

As a special guest, the head of the Permanent Representation of the German Federal State Saxony, Mr. Wolf-Eberhard Kuhl, talked about the day-to-day business in Brussels. Kuhl gave some practical tips on how associations can best transmit their messages to political representatives.

The next time the FENCA delegates meet will be in Stockholm during the FENCA Congress from 15th – 17th October 2015. Following this event the Annual General Meeting will take place on 17th October.
GET TO KNOW FENCA

Polski Związek Windykacji

FENCA consists of 21 national member associations. One of them is the Polish debt collection association “Polski Związek Windykacji” (PZW). FENCA office talked to its President, Mr. Piotr Badowski who is also the treasurer of the FENCA Board.

You are President of the Board of the Polish debt collection association. Could you tell us something about the organization?

The Polish debt collection association, “Polski Związek Windykacji” (PZW) was formed in February 2003 and aims to defend and represent the interests of the debt collection industry. Today the organization associates 51 debt collection companies. The organization is developing intensively. Since last year, PZW has increased by 21 member companies. We are proud that the membership companies employ more than 4050 persons.

What are the main goals of PZW?

The main goal of PZW is to represent the economic interests of its members. In particular, in relation to state organizations, bodies and representatives. The organization also cares on creating and wide spreading the ethical rules in economic activities, participation in the process of creating and modifying legal solutions, as well as data protection regulation in the field of debt collection. What is most important, PZW cares about the cooperation with international associations and organizations in the field of debt collecting as well as trainings for companies.
Please tell us something more about the activities of PZW.

The management Board of the Polish debt collection association promotes a positive image of the debt collection industry by actively encouraging cooperation of members with the media like newspapers, television (TVP Info) and the Internet. In 2015, the management Board decided to change the logo of PZW and therefore to create a new website and online magazine.

In how far is PZW an active partner in the legislative process?

PZW has prepared a lot of opinions for the Ministry of Economy. The managing Board of PZW took part in the consensus conference at the Ministry of Economy concerning amendments to the law on provision of economic information and exchange of economic data. Members of the Board also took part in parliamentary consultations.

What are the main events of PZW?

PZW organizes two events per year: The “General Meeting of Members” and “November Credit & Collection Days Conference”. Both events are attended by members of PZW, representatives of debt collection companies, credit reference agencies, debt exchange, banks, lending companies and the media.

The conferences are a unique opportunity for networking and to talk about the debt collection industry, as well as the economic perspectives for Poland. The “November Credit & Collection Days” will be held on 5-6th November 2015, in Hotel Narvil Conference & SPA, in Serock, near Warsaw. The second edition of the annual conference will be dedicated to most important issues of the credit and collection market.
For how long has PZW been a FENCA member and which advantages does it offer to your association?

PZW has been a member of FENCA since March 2008. The membership is very important for us for many reasons. First of all, it is an opportunity to exchange experiences with trade organization partners operating in Europe. It enables a detailed knowledge of foreign regulations in terms of recovery and debt trading as well as of the specifics of the national markets. It also allows to take lobbying activities in order to adapt in Poland the best, proven and functioning legislation in this area. Furthermore, FENCA supports us in changing Polish regulations that are unclear or provide opportunities for misinterpretation. We noticed that the membership gives a positive effect on the prestige of the Polish debt collection association in the eyes of companies, government organizations, the media and other actors in the market. What is really important, it creates the opportunity to participate in congresses and conferences organized at European and global scale and it enables us to establish business relations with members of other national associations as well as to the affiliated companies of FENCA.

What is your personal main challenge regarding your association and the debt collection sector in your country?

I was elected President of the Board in 2010 and 2015. In 2012, I was elected as a Member of the Board of FENCA, in 2013, I became its Treasurer. My personal main challenge regarding my association is to improve the image of the debt collection market.

If you would like to know more about Polish Debt Collection Association, please contact:

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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 MEMBERS

First Affiliate Member from Israel

On 1st August 2015 FENCA welcomed its new affiliate member from Israel: “Isaac Eilat Law Offices” is Israel’s leading international collection law firm. Its owner, Isaac Eilat, gave FENCA this interview.

Mr. Eilat, “Isaac Eilat Law Offices” is a FENCA affiliate member since 1st August 2015. How do you know FENCA and why did you decide to become a member? What are your main expectations?

As a Law Firm in the collection business for the past 30 years (since 1985), FENCA is of course very well known to me. Many of the FENCA members are my friends and colleagues. We have decided to become FENCA members as we have extensive ongoing relations with European debt collectors and Law Offices, and would be interested in updating our knowledge of the European collection on a regular basis.

Since when does your company exist, how big is it and what is your focus? Do you have many cross-border cases?

As said, our company was established in 1985 and since then has dealt exclusively with local and international commercial litigation and debt collection. We employ 20 people, and represent hundreds of clients. Our clients for the most part are government and local government entities, medical institutions, academic institutions, insurance companies, banks, and industrial and service companies from all the commercial sectors. Through our subsidiaries “Collectopark” and “Collectoschool” we also forward tens of thousands of small-amount claims to all countries in Europe. We serve as the TCM shareholders for Israel. We forward and receive claims to and from Europe on a daily basis and are the foremost international collection company in Israel. We are also members of ACA, IACC and ALQ.

Is there a debt collection association in Israel?

No. There is no such association in Israel. The Israel Law Bar has a “Law Enforcement Committee” of which I was in the past deputy chairman, and am currently an active member. The objective of the above committee is to assist lawmakers and government in the regulation of all issues concerning collection. It also coordinates meetings, educational sessions. It represents the Israel Bar in the various Parliamentary committees in sessions dealing with collection. In this capacity, our office serves many times as representatives of the Israel Bar.
The debt collection market in Israel, how does it look like? What is the most interesting information our members should know?

The regulated debt collection business in Israel is made through attorneys. There are collection companies however, while these companies are known, act in an organized manner, they are not officially regulated. As a consequence, their main activity is the representation of municipalities to collect local government debts. This is not done through the official legal system, but according to a Mandatory Ordinance (from before 1947 when Israel was under British mandate) that enables the government and local government to collect taxes by an administrative procedure. FENCA members should know that generally the Israeli law gives attorneys many tools to collect debts (incarceration of debtors was only abolished 2 years ago) including: garnishments of assets such as property, bank accounts, insurance funds, vehicles, social security payments, CC companies, etc. It also enables seizure of property of all the above assets, revoking driving licenses, and in some cases stopping the debtor from leaving the country. Evictions based on unpaid mortgages are also made regularly.

How many debt collection companies are there in Israel?

In Israel, there is an abundance of holders of attorney’s licenses, approx. 60,000, but not all active. Many deal with local debt collection but not with international collection. These collection companies are irrelevant for international collection, approx. 4-5 in operation.

What are the current trends in payment behavior in Israel and how has payment behavior changed in the last ten years or so?

Payment behavior has changed greatly over the last decade. As is well known, Israel is globally one of the major High Tech countries. While up to several years ago the major payment tool for private people was the personal cheque (creating a big market for attorneys as to “bounced” cheques), payment by credit cards is rapidly taking its place …

What is the main focus of legislature in Israel regarding debt collection? Is there some kind of regulation or is the legislation getting more liberal concerning the work of debt collection companies?

The main laws governing the field of collection are the laws relating to civil procedure in the courts, and a special law relating to the execution of judgments and bad cheques. The responsible body for legislation is the Ministry of Justice. This ministry is generally regarded by attorneys as more favorable to debtors, thus initiating the above mentioned abolition of incarceration. However, other equally effective tools were introduced by law as described above compensating and balancing this abolition. The current trends aim to facilitate the cancellation of debts that are declared uncollectible in order to
ease the congestion in the executionary department of the courts. For the same reason, there are plans to grant bankruptcy orders more easily.

**Mr. Eilat, what is your professional background?**

I have gained my License in 1985 and immediately established my law firm that has become very well known and respected. A license is received after an academic degree of law, an apprenticeship of 2 years, today one year, and very stringent examinations both oral and written. Prior to receiving my license, I was employed as CEO of commercial companies in the food and electronic industries.

**Do you have something like a credo?**

Yes, our office does have a credo and it is that all collection procedures should be done respectfully and even amicably trying to find solutions for the debtor to pay his debts. Our offices are filled with thank you letters from debtors. We have found that acting humanely in no way diminishes the collection percentages as the legal procedures are always there. On the contrary, this attitude is also very much liked by most of our big clients who wish, in today's competitive atmosphere, to collect the debt while, if possible, retain the debtor as a client. This is typical of the mobile telephone companies who actually remunerate us for every client we have succeeded in keeping for them after the collection.

**ACA “Convention & Expo”**

From 19 – 21 July, ACA’s most important event of the year took place in Boston: The “ACA International’s 2015 Convention and Expo”. Around 800 attendees had access to more than 45 educational sessions on the latest regulations, trends and opportunities in the industry.

The affiliate FENCA member, Erwin Falkner from Vynto, as well as FENCA delegate Kay Uwe Berg from the German association BDIU went to Boston and took part in the international part of the convention.

Comparing the US-debt collection market with those in Europe, Kay Berg asserts with regard to legal regulations on data protection, that while on this side of the Atlantic, everything “that is fun is forbidden”, on the other side of the Atlantic, “anything not forbidden is allowed”. The northern American ACA (Association of Credit and Collection Association) was founded in 1939 and is the biggest debt collection association worldwide.

Isaac Eilat thinks that all collection procedures should be done with respect to the debtor. Success proves him right.
European Customers pay their bills

EOS publishes survey on European Payment Practices 2015

In 2015, European customers more and more pay their bills on time. This is one of the results of an EOS survey about European Payment Practices. According to this survey, in 2014, a quarter of invoices in Western Europe were not paid on time or not paid at all. 2015, this figure is only one fifth.

At the same time, European companies are setting their business customers shorter payment terms.

The EOS survey highlights a trend towards outsourcing the receivable management. Nevertheless, Eastern European companies often still work without any standardized processes. The market research institute TNS Infratest interviewed 2,800 decision-makers from 13 European countries.

The survey shows: Working with debt collection specialists reduces risks and allows companies to focus on their core business.

For further details to the survey, please go to


According to this survey, payments are being received most punctually in Germany and least punctually in Russia, Slovakia, Bulgaria and Greece.
Despite improvements in the payment practices of European customers, the existing payment defaults are still a threat to survival of many companies: Almost every eighth company in Western Europe and nearly every seventh company in Eastern Europe gets into serious financial difficulties due to unpaid bills.

Spanish companies are granting an average of 19 days less to pay invoices than in 2014. However, with a payment term of 45 days, they are still bottom of the league in the comparison of Western European countries. In Eastern Europe, the payment term for business customers is 40 days, which is well above the Western European average of 35 days.
Romania: New Debt Collection Survey and a Revised Code of Conduct

FENCA’s Romanian member association AMCC adopted a stricter Code of Conduct and published a survey about the debt collection market 2014. Furthermore, Romania passed a personal insolvency law.

Code of Conduct

AMCC revised the Code of Conduct with strict policies regarding information and data protection of the debtors, prohibited and unacceptable practices and also for contacting the debtors.

The main goal is to set high standards of quality for the debt collection activity in Romania. Through the new Code of Conduct, AMCC aims to regulate the profession and to set professional ethical principles to be followed by debt collection agencies in relation to retail and corporate debtors.

Survey Debt Collection Market 2014 and Expectations for 2015

AMCC commissioned the survey “The debt collection market in 2014 and expectations for 2015” and presented the study in a press conference that took place in Bucharest on May 27th 2015.

In 2014, debt recovery registered an increase of 24% as compared to 2013. The expectations for 2015 are rather constant in terms of debt collection due to market and political stability. The Romanian debt collection sector has registered a 12% yearly decrease in terms of debt referred in the period 2011-2014.

Debt recovery registered a 7% yearly increase in the period 2011-2014. In 2014, debt recovery has registered a 24% increase as compared to 2013.

Personal Insolvency Law

The Personal insolvency Law no. 151/2015 was passed in Romania on June 26th 2015 and will enter into force on December 26th 2015. The new legislation establishes a collective procedure aimed at recovering the financial situation of the debtors, settling their liabilities and releasing their debts.

The actual practical application of the law is at the moment not clear, since the norms have not been published yet.
Austria: Decline in Insolvencies

Our Austrian member association “IVÖ” informed us, that in Austria, there was a total of 2,537 company insolvency proceedings opened in the first half of 2015. Bankruptcy petitions rejected due to lack of assets declined by 13.5 %. Compared to the same period of the previous year, estimated insolvency liabilities declined by 25 %, which clearly shows a tendency to smaller cases.

There is a decline of bankruptcies in all of the federal states of Austria. Vorarlberg and Tyrol report the heaviest drop, Vienna and Lower Austria the least drop.

Most insolvent companies are found in the construction industry and connected branches. Hotel and restaurant industry and Services referring to companies are also at the top of the statistics.

NEW AFFILIATE MEMBERS

FENCA welcomes the following 4 new affiliate members.

Danske Inkasso ApS
Contact: Claus Spedtsberg
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Intecredo Inkasso GmbH
Contact: Richard Scheffler
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Isaac Eilat Law Offices
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NEWS FROM BRUSSELS

Trilogue Negotiations on the General Data Protection Regulation have begun

On 24th June representatives of the European Commission, the European Parliament and the European Council met for the first time to hold initial discussions about the timetable and structure of the trilogue negotiations on the European General Data Protection Regulation (GDPR).

Just over a week earlier, on 15th June, the European Justice and Home Affairs Council of the EU 28 states met in Luxemburg to finally adopt a general approach on their proposal for the GDPR, after the Commission’s proposal of 25th January 2012 and the European Parliament’s proposal of 12th March 2014.

Discussions of Art 6 particularly complicated

The final negotiations in the Council have shown that the discussions of Art 6 (1)(f) and 6(4) which are particularly relevant for credit management and debt collection, were extremely complicated and multifaceted. In contrast to the position favoured by a number of member states, including Germany and the UK among them, the Council decided not to include Art 6(1)(f), which allows the processing of data on the basis of legitimate interest of the controller or a third party, in Art (4). This would have enabled a change of purpose of the use of personal data as required by credit management and debt collection businesses, and dissolved any potential legal uncertainty. Instead, with regard to change of purpose, the Council decided to just leave a following balancing-test clause at the end of Art 4:

‘Where the purpose of further processing is not compatible with the one for which the personal data have been collected by the same controller, the further processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract. 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.’

Given the divisive nature of the discussions in the council around the above clause there is grave concern among many stakeholders that this passage may ultimately be deleted in the trilogue.
Also with regard to other provisions important to the credit management industry such as Art 17, in which the council kept the right to be forgotten together with the right to erasure, Art 19 (Right to object), and finally Art 20, which regulates automated individual decision making – including profiling –, it has become apparent that there is still a large degree of dissent between the Council members and thus the need for further scrutiny and discussion. It was solely the political will of all parties to finalise the Council negotiations despite the existing disparities which are expected to resurface again during the trilogue negotiations.

This fact alone as well as the perception that the versions of the GDPR adopted by the Commission and the Parliament as leaning more towards protecting the interests of the data subject than those of businesses means that there will be complicated negotiations ahead between the three institutions.

The most relevant trilogue sessions as far as the credit management and debt collection industry is concerned, are scheduled to take place on 16th/17th and 29th/30th September. During those dates Commission, Parliament and Council will try to find a compromise on chapters II, III and IV of the GDPR, which include, among other provisions, the aforementioned Arts 6, 17, 19, and 20.

**COLLECTION AGENDA**

09 – 10 September 2015

**UK Credit and Collections Conference (UKCCC) from CSA 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 Uni-
ted Kingdom. For further information please contact Adriana Galli-Davison on +44 (0)191 217 3073 or email adriana.galli-davison@csa-uk.com.

http://www.csa-uk.com/corporate/events

15 – 17 October 2015

**FENCA Congress in Hilton Hotel Slussen, Stockholm, Sweden**

http://www.fenca.org/congress

15 – 16 October 2015

**Annual Convention of Eurofinas in Hotel Cascais Mirage, Lisbon**


05 – 06 November 2015

**November Credit & Collection Days from the Polish Organization PZW at Narvil Conference & SPA Hotel in Serock, nearby Warsaw**

http://www.polskizwiazekwindykacji.pl

18 – 19 November 2015

**CMS Conference in Madrid**

CMSpeople.com

FENCA members will have a 20% discount for the tickets for any registration any time until the previous day of the conference.

April 2016

**CMS Conference in Paris**

http://www.cmspeople.com/evenements/2015/france/1/

FENCA members will have a 20% discount for the tickets for any registration any time until the previous day of the conference.
MEMBER COUNTRIES

**Austria**  
Inkassoverband Österreich  
c/o Österreichischer Gewerbeverein / Eschenbachgasse 11 / 1010 Wien / Austria / www.inkassoverband.at/

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

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

**Croatia**  
Croatian Debt Collection Agency Association  
Ilica 109 / 10 000 Zagreb / Croatia / 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 Créances et de Renseignements Commerciaux  
5 Rue Yvon, VILLARCEAU / 75116 PARIS / www.ancr.fr/

**Germany**  
BDIU - Bundesverband Deutscher Inkasso-Unternehmen e.V.  
Friedrichstrasse 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, Italy / 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 / Norway / www.inkasso.no/

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

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

Romania  AMCC (Asociatia de Management al Creantelor Comercial)

Russia  NAPCA - National Association of Professional Collection Agencies
56 bld. 3 / Mishina str / 127083 Moscow / Russia / www.napca.ru

Slovakia  ASINS: Asociácia slovenských inkasných spoločností
Soltésovej 14 / 811 08 Bratislava / www.asins.sk/

Spain  ANGECO - The Spanish Accociation 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) / Sweden / www.svenskinkasso.se/

Switzerland  VSI - Verband Schweizerischer Inkassotreuhandinstitute
Advokaturbüro Küng + Hunziker-Küng / Lindenhofweg 9 / 3123 Belp / Switzerland / www.vsi1941.ch/
Ukraine  ACBU - Association of Collection Businesses of Ukraine

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/

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- Svea Ekonomi