



**CODE OF CONDUCT  
FOR MANAGEMENT AND  
PROTECTION OF CREDIT**

*May 2017*

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**UNIREC** is the National Union of Credit Protection Companies.

It is a member of CONFINDUSTRIA Innovative and Technological Services and FENCA, the European Federation of National Associations of Debt Collection Companies. It was founded as an association in 1998.

**UNIREC** is the point of reference for professionals working in the sector. Among its principal objectives is the spread of a “bilateral culture of debt collection”; in other words, a culture which brings together the ideas of companies and consumer advice organizations.

**UNIREC** also promotes the ongoing training of its members, thereby actively contributing to the dissemination of best practice in the industry. UNIREC’s Associates are committed to ensuring professionalism and ethics in carrying out their mandates, sign a strict Code of Ethics and form their workers on the proper application of the rules that regulate the sector.

The Board of Arbitrators is the UNIREC body which has the task of rigorously and impartially assessing all requests for admission to the Association, as well as verifying the maintenance of the required “professionalism” and “integrity” for members, be they recent or longstanding admission. The Board also has the task of assessing any disputes between Associates FORUM UNIREC-CONSUMATORI, including the relationship with Clients and Consumers. The updated list of member companies may be found at [www.unirec.it](http://www.unirec.it).

**UNIREC** is an independent organization not linked to any political party, established to give voice and presence to credit protection sector and the companies working within it. In its Statute, among the main purposes of the Association, it highlights:

- the promotion, both in society and within the associated companies, of the social, civic and entrepreneurial values befitting a free, developing society;
- the promotion of forms of collaboration which make it possible to pursue broad, common aims for progress with state institutions, as well as other economic, political, social and cultural organizations;
- the guarantee of professionalism and fairness from member companies.

Pursuant to the organization’s aims, **UNIREC** has adopted a set of Regulations and a Code of Conduct, from which all its working practices derive, and to whose observance all Associates are committed.

The Code of Conduct takes as its founding principles: the required integrity and experience required of an Associate, its managers and employees; training; a commitment to best practice.

# Adiconsum

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**Adiconsum** is a consumer advice organization with nearly 150,000 members, founded in 1987 on the initiative of the CISL. Active throughout Italy, it has over 250 support branches, available at a regional, provincial and local level.

**Adiconsum** negotiates and establishes the conditions for the individual and collective protection of consumers, engaging in constant monitoring of the various consumer sectors.

**Adiconsum** works in close collaboration with institutions and authorities at both on the national and European level, as well as working with major national and international associations; in doing so its actions focus on: Information; Training; Assistance; Consultation; Negotiation; Joint settlement of disputes between consumers and companies.

The organization's activities cover the following areas: insurance, road safety, energy efficiency, environmental sustainability, transport, credit and savings, postal services, telecommunications and new technologies (digital TV, broadband, internet), contracts, sales inside and outside of shop premises, tourism, trade, the food industry, taxation and duties, the automotive industry.

At a national level, **Adiconsum** is a member of CNCU (National Council of Consumers and Users), the Third Sector Forum, the Consumer's Forum, the Forum of Sustainable Finance, and next. It is an ordinary member of IMQ (The Italian Quality Mark Institute). Adiconsum is also the only consumer advice organization to have obtained recognition from the Italian Treasury for its management of the Loansharking prevention fund for families.

At an international level, **Adiconsum** is the Italian coordinator for the European Consumer Centre (ECC NET Italy); it works with the Directorates-General of the European Union and cooperates with major consumer advice organizations in Europe and beyond.

**Adiconsum** shares its experience with numerous partners, European and Italian, launching major information and research campaigns, research initiatives, and campaigns to raise awareness for consumers, in order to respond to the need to promote informed, critical and socially responsible consumption, and thereby creating the conditions for the implementation of a mature and strong culture of social consumerism.

[www.adiconsum.it](http://www.adiconsum.it)



L'Associazione per la Difesa e l'Orientamento dei Consumatori (**ADOC**) was founded in 1988, by a group of workers and executives from UIL (Unione Italiana del Lavoro - Italian Labour Union).

Since its foundation, **ADOC** is member of the National Council of Consumers and Users at the Ministry of Economic Development.

Since 2003, the Association is committed to social welfare projects for the National Civil Service. With such projects, **ADOC** involved thousands of young people in the assistance to citizens and consumers.

Since 2007, **ADOC** was recognised by the Ministry of Labour and Social Security as an Association for Social Promotion.

**ADOC** is active on the whole national territory with desks providing assistance to consumers with a network of volunteers, experts, conciliators and lawyers, working on the basis of framework agreements and applying the minimum fees provided by the related professional orders, and Social Service volunteers.

**ADOC** has always been involved in all the consumer-related sectors and is strongly active towards an ethical, critical and responsible consumption, promoting economically, socially and environmentally sustainable goods and services.

Over the last decade, besides consumer-related matters, the Association was also involved in high-relevance social issues: immigration, stalking, violence on women, fight against any type of discrimination, lack of self-sufficiency, fight against "caporalato" (gangmaster system), poverty, fight against gambling.

# Cittadinanzattiva

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**Cittadinanzattiva** is a not-for-profit organization and movement driven by civilian participation operating both in Italy and Europe for the promotion and protection of citizen and consumer rights. Founded in 1978, it has been recognized by the National Council of Consumers and Users (part the Ministry of Economic Development) since 2000.

**Cittadinanzattiva** is active in Italy through its 21 regional secretariats, over 250 local assemblies and with more than 100,000 members.

**Cittadinanzattiva** is active in Europe through the Active Citizenship Network, which brings together about 100 associations spread across 27 countries.

**Cittadinanzattiva's** Mission is focused on the defense of citizens, preventing unnecessary injustice and suffering; the awakening of consciences and a social commitment aimed at improving citizens' quality of life, as well as the promotion of participation and of civilian activism as a motor for social change.

The main fields of action in which **Cittadinanzattiva** pursues its objectives are: health, justice, education and training for active citizenship, consumer policy and corporate citizenship.

With a particular focus on consumer affairs, **Cittadinanzattiva** is committed to the idea of outlining a new approach to the role of consumers and users: a role which tends to go beyond the logic of "delegation" of responsibility on the part of citizens and favors, instead, their full involvement in accessibility, sustainability, quality and care of services.

**Cittadinanzattiva** is also committed to promoting forms of governance in which both public and private institutions act with responsibility in the protection of general interest, but actually work to promote a participatory definition of policies in areas with a strong impact on the quality of life of citizens, such as local public services. This approach is based on the recognition of an active role of all stakeholders, primarily the citizen, intending to pursue that role in line with the principle of horizontal subsidiarity, as recognized by art. 118 u.c. of the Italian Constitution. The Association fully adheres to this principle.

# Federconsumatori

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**Federconsumatori**, founded in 1988 with support from the CGIL, is a non-for-profit organization having as its main objectives to inform and protect consumers and users. It was founded by experts on consumerism working in universities, the media and Parliament, and engaged for years in the defense of consumer rights.

**Federconsumatori** is an organization for Social Change.

**Federconsumatori** is active throughout the country with a network of branches to provide assistance and advice to all citizens. Any consumer has the right to access the association's information counters and branches. Staff at the counters primarily provide an information service to consumers, informing them of their rights, current legislation and the actions to be taken to solve their problems.

The information advice and assistance services are carried out by qualified experts. Any consumer who wishes to may join Federconsumatori and take advantage of its one-stop service by paying a fixed yearly fee. For specific kinds of technical legal services, the fees and expenses attributable to the professionals as indicated by the Consumers Association, who apply the minimum fees set out by their respective professional bodies.

**Federconsumatori**, which has operated with great competence and professionalism in the field of consumer rights for the last twenty years, has also promoted numerous initiatives, meetings, debates, conferences, research and information campaigns at different levels: local, national and European.

The association cooperates with EU and national institutions: the European Commission for Consumer Policies, the European Parliament, the Economic and Social Committee, Ministries, CNEL, the Guarantee Commission Law. 146/90, the regions, provinces, municipalities and Chambers of Commerce.

# Movimento Consumatori

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**Movimento Consumatori** is an autonomous and independent non-for-profit organization founded in 1985 to protect the rights of consumers.

**Movimento Consumatori** is inscribed in the register of social promotion associations (APS), adheres to the ARCI Federation and is a member of the National Council of Consumers and Users (CNCU), created by the Ministry of Economic Development, and works with various third sector parties in order to build a shared network to promote the rights of citizenship.

The organizational structure has more than 60 sections in all of Italy.

**Movimento Consumatori** has also provided citizens with an innovative online consultation facility: the Consumer Counter aims to extend the assistance to citizens who cannot travel to a premise of the association and simplifies the time management of disputes, thanks to a team of experts in all the relevant fields.

# Movimento Difesa del Cittadino

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**Movimento Difesa del Cittadino** is a Consumer advice organization which devotes itself to the defense of citizens' rights. Founded in Rome in 1987, it is not linked to any political party and trade union bias and aims to promote the protection of consumers, providing them with information and the legal tools to defend themselves, as well as expert assistance and protection.

**Movimento Difesa del Cittadino** is a member, along with other sixteen Consumer Associations, of the National Council of Consumers and Users (CNCU) created at the Ministry of the Economic Development and Consumers' Forum. It is an Organization for Social Change recognized by the Ministry of Labour and Social Policy, and is part of the register of associations undertaking activities against discrimination available at the National Bureau against Racial Discrimination (UNAR).

It is also recognized by the Directorate-General for Health and Consumer Protection (DG SANCO) of the European Commission; it is part of the Council of Associations of Consumers and Producers on food safety at the Ministry of Health.

**Movimento Difesa del Cittadino** works alongside Legambiente and the main consumer associations; it is active in various institutions, committees, commissions, arbitration bodies, observers and forums.

**Movimento Difesa del Cittadino** carries out information campaigns and offers, through over 100 information counters and offices in 19 regions, advice and assistance to protect consumers. It promotes mediation as an extrajudicial instrument to avoid court disputes between users and businesses. Movimento Difesa del Cittadino employs experts who look after the association's activities and deal with specific issues related to consumer protection.

# UNC

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Unione Nazionale Consumatori (**UNC**) is the first Consumer Association in Italy. It was founded in 1955 by Vincenzo Dona (1930-2006), publicly recognised as the founder of Italian Consumer Protection.

**UNC** is independent from political parties and trade unions and has as its main objective the protection and representation of consumers, by means of new law proposals, assistance, information, education and guidance to citizens through its desks.

**UNC** is member of the CNCU, the National Council of Consumers and Users (Consiglio Nazionale dei Consumatori e degli utenti) at the Ministry of Economic Development. It is an Association for Social Promotion approved by the Ministry of Labour and Social Security. Moreover, the Association is officially notified as a Consumer Association active in Italy at the European Commission.

**UNC** is member of Consumers' International and Consumers' Forum and of the Center for Juridical Studies on Consumer Rights (Centro di Studi Giuridici sui Diritti dei Consumatori).

*Assistance to Consumers:* we solve thousands of cases every each thanks to our experts. If you need assistance, get in touch with our desk to receive customized assistance.

*Seats:* the **UNC** headquarters are in Rome, via Duilio 13, where about 30 units are active. On the national territory, **UNC** features over 150 seats in as much cities and in all the Italian regions, mainly constituted on volunteering.

*Results:* thanks to our more-than-60years commitment, the first laws for the Consumer Protection were approved (from laws on net weight to food safety laws, textile classification laws and regulations on electrical products) up to class-action (art. 140-bis of Consumer Code). In 2013, **UNC** obtained the historic judgement (Court of Naples) accepting the first Consumer Association led class-action in Italy.

The main statutory purpose of **U.Di.Con.**, founded in 2003, is to protect the rights of citizens as consumers and users of public and private services, in accordance with law 281/98.

For years, **U.Di.Con.** has been working to guarantee the resolution of disputes between consumers, business companies and providers of public and private services, by representing the citizens in public organizations and private companies, service providers and suppliers of goods.

The Association provides citizens with support in a number of different fields, including assistance and advice in nutrition, banking and insurance services, e-commerce, health, tourism, households and offers counseling services for environmental and housing issues.

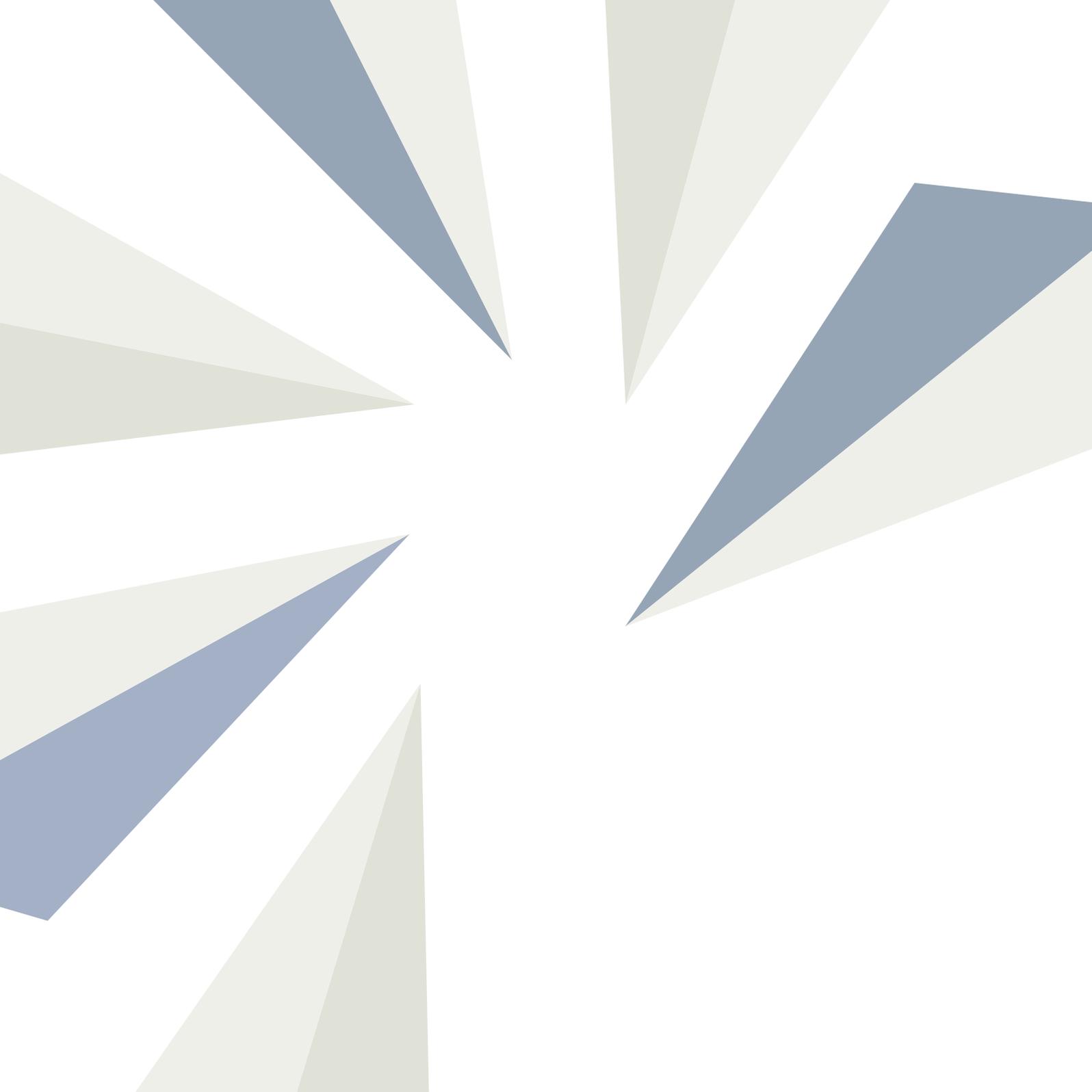
The association has grown considerably with time and has developed a network of branches present in about 58 Italian provinces. In order to help consumers with requirements and requests, **U.Di.Con.** draws on the expertise of a staff of professionals always ready to listen, advise and guide consumers, offering them self-protection tools to make them responsible and aware of their rights.

**U.Di.Con.**'s distinguishing feature is the focus on the practical problems that consumers face in everyday life. The complexity of consumerist issues and the hard work required for the resolution of disputes in the current economic climate determine the need for collaboration and continuous dialogue with counterparts ready to conduct favorable negotiations for the citizens, in accordance with the provisions set by national and EU policies. The association has more than 400 offices in Italy and promotes initiatives, awareness-raising campaigns and conferences; in order to ensure proper information the official website is constantly updated.

**U.Di.Con.** also publishes the monthly magazine "Udiconews - occhio al consumo" (Udiconews - an eye on consumption) containing interviews and insights on consumers' issues.

**U.Di.Con.**, with resolution of the Presidency of Council of Ministers January 20, 2010, No. 25 pursuant to the Ministerial Circular dated June 17, 2009, was granted accreditation for registration to the 1st class of the register of the national civil service organizations, and is a member of the National Council of Consumers and Users (CNCU) established in the Ministry of Economic Development.

Since 2016, the Association is registered in the National Register of social promotion associations (APS) in line with art. 2, paragraph 3, of the Ministerial Decree November 14, 2001, No. 471, in accordance with Law No.383/2000.



# Code of Conduct for credit management procedures and the protection of credit

## PREMISE

This Code of Conduct, drawn up in accordance with the provisions of art. 27-bis of the Consumer Code, commits credit protection companies (hereafter the “Professional(s)”) as well as the subscriber associations, to respecting the conditions stipulated in the present Code of Conduct.

The adoption of this Code of Conduct aims to promote dialogue between professionals and consumers that have not fulfilled their obligations, such that all of those involved in the processes of credit protection can operate on the basis of clear and shared rules. Specifically, in defining the rules contained therein the current edition of the Code of Conduct distinguishes itself from the former one by the involvement of the Clients, the credit owners, representatives of banks, consumer finance companies and utilities. The comparison has been possible through a series of meetings with the purpose of sharing and discussing the text itself.

Under the provisions of art. 27-bis of the Consumer Code the regulations therein recognized also set as their objective the “protection of minors” and “preservation of human dignity”.

Principally credit management procedures include:

- telephone contact between officers of the Professional company and Consumers/Debtors;
- postal or electronic communication; Meetings between the “Home service” representatives and Consumers/Debtors, the which normally take place at the Consumer’s residence;
- judicial procedure, followed by the Professional through its legal advisors, on the basis of a formal appointment received from Creditors/Clients.

While on one hand the judicial environment is overseen by the Civil Code, the Consumer Code and other normal industry legislation, as well as being regulated by the relevant Code of Procedure, on the other the purpose of this Code of Conduct is to ensure that, within the activities of extrajudicial credit management, a just balance between the rights of the Parties concerned is preserved.

<sup>1</sup> Legislative Decree n. 206 of 6 September 2005 as amended by article 1 of Legislative Decree n. 146 of 2 August 2007. Implementation of the Directive 2005/29/EC of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Directives 84/450/EEC, 97/7/EC, 98/27/EC and 2002/65/EC and Regulation (EC) No 2006/2004.” (Unfair Commercial Practices Directive)

## CHAPTER I

# General principles

### ART. 1

#### **Duty of impartiality**

- 1.1** The Professional entrusted with the debt collection on behalf of the Clients/Creditors must, in accordance with art. 115 TULPS 1931, communicate with the Consumer/Debtor or their delegates maintaining the role of a mere intermediary.
- 1.2** Given that at the act of entrustment of the debt positions it is the Creditor/Client who ensures the legal certainty and duty of debt payment, the Professional agrees to suspend activities should the Consumer/Debtor prove the existence of a pending “*credit dispute*” as per the conditions outlined in article. 2 Those companies compliant with this Code are nonetheless committed to making Creditors/Clients aware of the principles contained therein.

### ART. 2

#### **Management of disputes and complaints**

- 2.1** It is the Professional’s responsibility, upon receipt of written communication from the Consumer/Debtor, to classify this same either as a “*complaint*”, a “*credit dispute*” or “*mediation procedure*”, as per points 2.2 and 2.3 respectively.
- 2.2** Should the Consumer/Debtor be able to provide documentary evidence of the existence of a pending “*dispute*” or “*mediation procedure*”, the Professional must suspend all activities and return the evidence collected to the Client/Creditor, as per the agreement at the time of his assignment, and wait for further indications on the merits or otherwise of the evidence, as well as instructions regarding the possible continuation of the recovery procedure, which will proceed in compliance with the provisions of this Code.
- 2.3** The receipt of a “*complaint*” in writing, requires the Professional and/or the Client/Creditor to provide an adequate and timely response to the Consumer/Debtor regarding the correctness of his actions and his compliance with the present Code of Conduct.

### ART. 3

#### **Register of Complaints and Disputes**

- 3.1** The Professional must maintain and carefully update, whether in hard copy or electronically, a Register of “*Complaints*” and “*Credit Disputes*” in which are stored:
  - a) the communications and documentation produced by the Consumer/Debtor in order to:
    - bring forward a dispute regarding the Client/Creditor’s claims, making due record of whether this same has already been formalized;
    - file a complaint about the activities conducted by the Professional’s Representatives during the credit management procedure;
  - b) any feedback provided to the Consumer/Debtor in response to the complaints and disputes received.

## CHAPTER II

# Data processing in credit management

### ART. 4

#### Lawfulness of data processing

#### 4.1 *General principles.*

The Professional must seek direct contact with the Consumer/Debtor and verify their identity, within the limits dictated by the chosen means of communication, before addressing the reasons for the outstanding debt.

#### 4.2 *Relations with Third Parties.*

4.2.1 Should the Professional's Representatives, in the course of the mandate, prove unable to establish direct contact with the Consumer/Debtor and come into contact with Third Parties, they are required to operate in accordance with the principles defined in the Provision of the Data Processing Authority of 30 November 2005.

4.2.2 In such circumstances, the Representatives may not "unjustifiably" communicate information relating to the status of default faced by the Consumer/Debtor to Third Parties<sup>2</sup>.

4.2.3 The Professional's Representatives may not, therefore, address themselves to any Third Party outside of the contractual relationship, except with legitimate reason and always with the exclusion of minors.

4.2.4 There is deemed to be 'legitimate reason' when:

- a) the communication of confidential information is to third parties who have already shown themselves to be aware of the circumstances which are the object of the mandate, and are willing to determine the absentee Consumer/Debtor's position on their behalf;
- b) the disclosure of confidential information is to a Third Party who declares themselves expressly designated by the Consumer/Debtor to manage his/her contractual affairs.

4.2.5 Should the Third Party, once the Representative has made themselves known in accordance with the methods described in this article, demonstrate that they already aware of the debt and ask to negotiate on behalf of the Consumer/Debtor, the same safeguards and requirements for the protection of the Consumer/Debtor must be adopted.

4.2.6 In any event, any contact with persons formally outside of the obligations outlined in the mandate may only take place:

- a) as an alternative, by virtue of the Consumer/Debtor not being immediately reachable at the contact details provided;

- b) with due consideration for the Consumer/Debtor's dignity and integrity.
- 4.2.7 At every meeting the Professional's Representatives are required to provide their full name and contact details at which they can be reached.
- 4.2.8 Moreover, when giving the reasons for their research, the Professional's Representatives must limit themselves to describing their business as the provision of commercial/administrative notices on behalf of the Client/Creditor, and that these same may be delivered to their intended recipient only:

#### **4.3** *Actions and research methods.*

- 4.3.1 Should the Consumer/Debtor prove unreachable using the contact information provided by the Client/Creditor, research may be carried out through public databases/public records, authorized third-party sources and using information obtained in the normal course of the assignment received.
- 4.3.2 In such circumstances the Professional must:
  - verify, at the first useful occasion, the Consumer/Debtor's willingness to be contacted using the same contact details;
  - in the event of a negative response, request that the Consumer/Debtor themselves indicate the contact information to be used in future.
- 4.3.3 In any event, the Professional may not collect and store more data than is strictly necessary for the execution of the mandate received.

#### ART. 5

#### **The relevance and purpose of data processing**

- 5.1** Only the data strictly necessary for the execution of the assignment may be processed.
- 5.2** Once the assignment completed, the Professional must take care to store the data collected during the credit management procedure, for the sole purpose of meeting the legal obligations imposed on him or for the purposes of reporting on the activities undertaken, in the event of a complaint/dispute.

<sup>2</sup> *Anyone who engages in the processing of personal data in the context of debt collection activities is bound by the principles of law in the process: this precept is violated by the behavior (implemented by certain economic operators) and consists in communicating without justification to third parties (such as, for example, family members, cohabitants, colleagues or neighbors), information about the condition of default in which the debtor finds himself (behavior sometimes held to exert undue pressure on the borrower in order to obtain payment of the amount due)" - Art. 2, paragraph 1 Ruling of the Privacy Authority 30 November 2005.*

## CHAPTER III

# Fairness of commercial practices

### ART. 6

#### Common Principles

- 6.1** The Professional must take due care to train his Representatives so as to ensure that contact with the Consumer/Debtor is characterized by good manners and respect, that they are not repeated in an aggressive manner and are, in every case, aimed at establishing an agreed roadmap for communication between the parties with regard to the causes of insolvency and its possible solutions.
- 6.2** During contact with the Consumer/Debtor the Professional's Representatives may not:
- a) make use of misleading information or threatening tones which may generate undue pressure;
  - b) speculate on possible consequences which are either unrealistic or inapplicable to the particular case;
  - c) represent themselves as an officer reporting directly to the Client/Creditor.
- 6.3** The Professional confirms their commitment to:
- administer regular training courses for their Representatives relating to the principal industry regulations, the Consumer Code, best practice in debt recovery, as well as the content of this Code of Conduct and the provisions outlined by the competent authorities;
  - provide their Representatives with adequate instructions, in the course of business, in order to avoid incidents of misconduct.
- 6.4** The Professional may not stand in for the Consumer/Debtor by advancing the sums owed and may not claim payment of additional amounts beyond those indicated by the Client/Creditor, or formally agreed with this same.
- 6.5** The Professional must make themselves available to the Consumer/Debtor in order to identify economically viable solutions with regard to the settlement of the debt, and there must, in every case, be a guarantee of compliance with the agreement.

ART. 7

**Telephone  
communications**

- 7.1** When contacting the Consumer/Debtor by telephone, the Professional must respect, irrespective of the consumers contacted, the following guidelines:
- in the course of a single day, and unless agreed otherwise, one effective interview may take place with the Consumer/Debtor following *outbound* activities;
  - in the course of a *single week*, and unless agreed otherwise, up to *three effective interviews* may take place with the Consumer/Debtor following *outbound* activities.
- 7.2** In the event that the Professional makes use of *dialing* systems, these must be configured bearing in mind the guidelines referred to in points 6.1 and 7.1, as well as the specificities of said systems.
- 7.3** When making use of *dialing* systems the Professional must adhere to the provisions of the Data Processing Authority with regard to the protection of personal data.
- 7.4** The Professional's Representatives, unless otherwise agreed with the Consumer/Debtor, and in relation to specific needs explicitly expressed by the latter, may not engage in telephone communications on public holidays and at times outside of the following:
- 8.30 to 21.00 from Monday to Friday;  
8.30 to 15.00 on Saturday.
- Representatives must also pay particular attention to contact made near the beginning and end of the time periods indicated above. Should the Consumer/Debtor request to be contacted on a specific day or at a specific time, including one differing from those stated in this Code, it shall be the Professional's duty to respect their wishes and take steps accordingly.
- 7.5** Should the Professional intend to carry out the recording of telephone conversations conducted with the Consumer/Debtor, such recording may be carried out only for quality control purposes, in compliance with existing employment legislation, as per the indications provided by the Data Processing Authority with regard to the protection of personal data.
- 7.6** Information provided on the Professional's website should clearly state their adherence to the present Code of Conduct.

ART. 8

**Postal/digital communications**

- 8.1** The Professional may send communications and requests for payment in writing — by standard mail, recorded delivery or electronic mail, or through the competent legal representative — the content of which is agreed with the Client/Creditor or, in the absence of a specific agreement, decided on independently by this same.
- 8.2** The text, in each case, must abide by the following principles:
- a) letters containing requests for payment must include the reason and details of the amounts requested, with a breakdown of the individual components (capital, interest, fees);
  - b) the consequences of a protracted state of default must be described in accordance with the transparency, fairness and consistency criteria established by law or by contract;
  - c) the payment method must be indicated with utmost clarity;
  - d) letters must contain a courtesy clause similar to the following: *“Should you have already settled your debt, please disregard this letter. For the sole purpose of clarifying the status of your account, and so as to avoid further insolvency disclosures, please provide proof of payment by sending a copy of the corresponding receipt [...]”*;
  - e) it must contain terms to be met within no less than 10 days;
  - f) the letter must contain no reference which might illegitimately mention government bodies, tax collectors, or the Judiciary;
  - g) reference should be made to the adherence to the present Code of Conduct.
- 8.3** With regard to digital communications (email, SMS, instant messaging, etc.), communications may not be repeated in an aggressive manner. Specifically, unless the contact details used are provided directly by the person concerned specifically in order to receive information relating to the ongoing credit relationship, the following principles must be respected:
- a) digital communications containing details of the debt position and/or details of how the payment may be made, are to be provided to the Consumer/Debtor solely for informational purposes, and only with the latter’s consent;
  - b) for digital communications containing a contact request, a numerical threshold must be established, up to a maximum of four contact requests during a given month;
  - c) digital communications containing contact requests may not be additionally employed as a first payment reminder system.

ART. 9

**Home visits**

- 9.1** The Professional must take due care to keep track of the number of visits made by Representatives entrusted with home visits, and their outcome.
- 9.2** Should the Representative document their attempt to contact the debtor at "home" by delivering a written notice, he/she may not make explicit reference to the reasons for the visit on the outside of the letter, so as not to undermine the dignity of the Debtor/Consumer in the face of third parties.
- 9.3** Any communication delivered at home as per point 9.2 above must, in each case, indicate the Representative's full name, their contact details and the reason for the visit, in line with Data Protection guidelines.
- 9.4** The Professional's representatives, unless otherwise agreed with the Debtor, as a result of specific needs explicitly expressed by the latter, may not make home visits on public holidays and at times different from the following:  
8:30 to 21:00 from Monday to Friday;  
8.30 to 15:00 on Saturday.
- Representatives must also pay particular attention to contact made near the beginning and end of the time periods indicated above.
- Should the Consumer/Debtor request to be contacted on a specific day or at a specific time, including one differing from those stated in this Code, it shall be the Professional's duty to respect their wishes and take steps accordingly.
- 9.5** The Professional or his representatives may not visit the workplace of the Consumer/Debtor, unless by agreement with the Consumer/Debtor. A visit at the workplace is possible only when the Consumer/Debtor has requested this same or if the address is the same as that provided contractually as the contact address.

## CHAPTER IV

# Dispute resolution

### ART. 10

#### The Authority of the FORUM UNIREC CONSUMATORI

- 10.1** The Associations and Professionals who subscribe to the present Code of Conduct, under the provisions of art. 27 ter of the Consumer Code, commit themselves to entrusting FORUM UNIREC-CONSUMATORI<sup>3</sup> with the resolution of disputes that may arise between Professionals and Consumers/Debtors, in the event of a complaint remaining unanswered for 30 days, or when the response is deemed unsatisfactory by the Consumer/Debtor.
- 10.2** The disputes referred to in point 10.1 are entrusted to the FORUM UNIREC-CONSUMATORI Joint Settlement procedure in accordance with the Rules of Mediation, which are attached to this Code of Conduct and constitutes an essential and integral part thereof.
- 10.3** The appeal procedure of Joint Settlement referred to in point 10.2 must be followed prior to any other litigation or initiative of a judicial nature, including the procedures described in art. 27 of the Consumer Code.
- 10.4** In any event, the Consumer/Debtor may not be deprived of their right to appeal to the competent court whatever the outcome of the settlement procedure.

<sup>3</sup>On 18 June 2014, UNIREC (National Union of Credit Protection Companies) officially formed the FORUM UNIREC-CONSUMATORI Foundation, which includes Adiconsum, ADOC, Cittadinanzattiva, Federconsumatori, Movimento Consumatori, Movimento Difesa del Cittadino, U.d.con., UNC.

The FORUM, which is a place of structured dialogue between credit protection companies and consumers, has among its main objectives:

- the constant study of the relationship between Consumers and Professionals, in relation to the management and recovery of credit;
- consumer education, in view of informed access to financial instruments;
- stimulating reflection on the socio-economic function of debt collection and the implementation of 'best practice';
- the creation of appropriate mediation tools to settle any disputes arising between Consumers and Professionals.

## Glossary/definitions

For the purposes of this Code, unless otherwise indicated, the following definitions shall apply:

- **Outbound activities:** telephone call made on the operator's initiative and directed to the Consumer/Debtor.
- **Public databases/public records:** the records and databases, both public and private, accessible to anyone.
- **Client/Creditor:** the individual who owns the credit resulting from the contract with the Consumer/Debtor.
- **Consumer/Debtor:** an individual who enters within the definition of a consumer in accordance with art. 3, co. 1, lett. a) of the Consumer Code, and who has taken on payment obligations which have remained unfulfilled.
- **Credit dispute:** an opposition or request for resolution put forward in writing by the Consumer/Debtor and addressed directly to the Client/Creditor, concerning elements strictly related to the credit relationship and unrelated to the behavior practiced by the Professional. A dispute is pending when the debt is being contested and a formal response is being awaited, or a where a joint mediation process is under way between the parties.
- **Dispute:** disagreement submitted to the jurisdiction of the FORUM UNIREC-CONSUMATORI.
- **Personal data:** any piece of information relating to a physical person, identified or identifiable, even indirectly, by reference to any other information, including a personal identification number.
- **Authorized third parties:** institutions endowed with the requirements of art. 134 TULPS.
- **Assignment:** the entrusting of the debt recovery procedure from the Client company to the Professional. This begins the moment the bad debt is entrusted and ends with the fulfillment of all the administrative and accounting tasks connected to the management of the mandate. In the event of the drawing up of a repayment plan, the assignment is deemed to be completed upon confirmed payment of the last tranche (installment).
- **Instant messaging:** communication systems that use online networks to enable the real-time exchange of confidential messages between sender and receiver.
- **Mediation procedure:** any alternative resolution procedure for a dispute recognized by the Client/Creditor or otherwise governed by law.
- **Professional:** the authorized individual, as per art. 115 TULPS on the exercise of debt collection activities.
- **Complaint:** objection made in writing by the Consumer/Debtor with regard to credit management procedures implemented by the Professional.
- **Contact request:** digital communication by virtue of which the Professional requests the Consumer/Debtor to contact them for commercial/administrative communications, without in any way disclosing the latter's default status.
- **Dialing systems:** automatic calling systems.
- **Third Parties:** individuals outside of the obligations subject to the debt collection assignment. As per art. 2, paragraph 1 of the Provisions of the Data Protection Authority of November 30 2005, the following may be defined as third parties, for example: family, cohabitants, work colleagues, neighbors.

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