



CODE OF CONDUCT FOR MANAGEMENT AND PROTECTION OF CREDIT

*Subscribed
by FORUM UNIREC-CONSUMATORI
and approved by UNIREC AGM
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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, including the relationship with Clients and Consumers. The updated list of member companies may be found at 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.

UNIREC, pursuant to the organization's aims, 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.

www.unirec.it

Adiconsum



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.

Adiconsum, at a national level, 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.

Adiconsum, at an international level, 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



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.

Cittadinanzattiva with a particular focus on consumer affairs, 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



Federconsumatori formed in 1988 with support from the CGIL, is a non-for-profit organization that has 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, the Ministries, CNEL, the Guarantee Commission Law. 146/90, the regions, provinces, municipalities and Chambers of Commerce.

Movimento Consumatori



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



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 free of 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. CDM employs experts who look after the association's activities and deal with specific issues related to consumer protection.

www.difesadelcittadino.it

Code of Conduct for management and protection of credit

PREMISE

This Code of Conduct, drawn up in accordance with the provisions of art. 27 bis a of the Consumer Code¹, 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. 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.

¹ 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 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. The Professional(s) charged with the debt collection on behalf of the Creditors/Clients, must, in accordance with art. 115 TULPS 1931, communicate with the Consumer/Debtor or its delegates maintaining the role of a mere intermediary.
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 payment, the Professional agrees to suspend activities should the Consumer/Debtor prove the existence of a pending "*credit dispute*" as defined in Article 2 and in the manner specified therein. The 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

1. For the purposes of the present Code of Conduct:
 - "*credit dispute*" is understood as any opposition made in writing by the Consumer/Debtor against the Creditor/Client directly. This claim must be strictly connected to the credit relationship and not connected to any acts performed by the Professional;
 - "*complaint*" is understood as a claim made in writing by the Consumer/Debtor concerning the credit management procedures adopted by the Professional;
 - "*mediation procedure*" is understood as any ADR (Alternative Dispute Resolution) procedure recognized by the Creditor/Client or otherwise regulated by law. Whichever form the Consumer/Debtor should chose for his response, providing it is made in writing, it is the duty of the Professional to align this same with one of the above categories and manage it in accordance with points 2 and 3 below.
2. Should the Consumer/Debtor be able to provide documentary evidence of the existence of a pending "*dispute*" or a "*mediation procedure*", the Professional must suspend all activities, return all collected documents to the Creditor/Client and wait for indications on the merits or otherwise of the aforementioned actions, as well as instructions regarding the possible continuation of the procedures entrusted to him.

3. The receipt of a “*complaint*” in writing, as outlined in the preceding paragraph 1, requires the Professional 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.
4. The Professional cannot substitute the Consumer/Debtor by providing the amounts due, and cannot demand payment of amounts other than those specified by the Client company or those formally agreed upon with it.
5. The Professional cannot urge the Consumer/Debtor to make more burdensome commitments than those for which the latter can provide documentary evidence of being able to sustain.

ART.3
**Register
of disputes
and complaints**

1. The Professional must keep carefully and update, whether in hard copy or electronically, a Register of “*credit disputes*” and “*complaints*” in which must be recorded:
 - a) the documents produced by the Consumer/Debtor to dispute the allegations of the Creditor/Client or the activities put in place by the Professional and the employees thereof during the credit management process;
 - b) the possible feedback provided to the Consumer/Debtor in response to his “*disputes*” and “*complaints*” .

CHAPTER II

The processing of data in credit management

ART. 4

The lawfulness of data processing

1. The Professional should seek direct contact with the Consumer/Debtor and determine, on each occasion, so far as possible, his identity.
2. Should the Consumer/Debtor not be available at the address provided by the Customer/Client, the Professional is entitled to consult third party sources. Nonetheless, the acquisition of additional data than that passed on by the Creditor/Client, however, the Professional must avoid unjustifiably communicating, information about the condition of default of the consumer/debtor to any individuals outside of the obligations subject to the mandate.
3. In accordance with the provisions of Legislative Decree No. 196/03 and the Guaranteeing Authority for Personal Data Processing by Order dated 30 November 2005, it is forbidden to *“unjustifiably”* communicate information about a status of default faced by the Consumer/Debtor to third parties, with the aim of exercising *“undue pressure”*² upon him.
4. The Professional, therefore, cannot exchange any information with third parties outside of the contractual relationship, except with legitimate reason and always with the exclusion of minors.
5. A request made with ‘legitimate reason’ is deemed to be:
 - a) the communication of confidential information to third parties who have already shown themselves aware of the circumstances involving the object of the mandate, and show the will to define the position on behalf of the absent Consumer/Debtor (a rather common circumstance in relation to those debts - bills, accrued mortgage, consumer loans - the which, having a strong family connotation, are very often shouldered, managed and known to close relatives of the party who formally took on the obligation);
 - b) disclosure of confidential information to third parties who declare to be expressly delegated by the Consumer/Debtor to manage his contractual affairs.
6. Any contact with persons formally outside of the obligations in the mandate, however, can only take place:
 - a) subsidiarily, given the unavailability of the Consumer/Debtor;
 - b) preserving the dignity and integrity of the Consumer/Debtor.

ART. 5

**The relevance
and purpose of data
processing**

1. Only the data strictly necessary for the performance of the assignment may be processed.
2. Once the assignment completed, the Professional must take care to keep the data collected during the credit management procedure to the sole end of meeting the legal obligations imposed on him or for the purposes of reporting, in the event of complaint/dispute, the merits of the activities undertaken.

² "Anyone who engages in the processing of personal data in the context of debt collection activities must be 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

The fairness of commercial practices

ART. 6

Common principles

1. During contact with the Consumer/Debtor the Professional or his employees may not:
 - a) make use of false titles or threatening tones capable of generating undue pressure;
 - b) outline unreal or inapplicable consequences for the present case (eg. interruption of services which are not established by contract; the registration of mortgages to consolidate insignificant loans, etc.).

ART. 7

Telephone contacts

1. The Professional must carefully instruct his employees to ensure that telephone contact with the Consumer/Debtor is carried out with good manners and respect, that they are not repeated in arrogant and aggressive tones and that they are, in any event, aimed at establishing a pathway of communication agreed by both parties depending on the causes of insolvency and its possible solutions.
2. The Professional must set a maximum threshold as to the number and frequency of calls. The benchmark for the definition of this threshold, unless otherwise agreed with the Consumer/Debtor, is made up of the outbound calls, which should lead to an effective dialogue between the parties. Specifically, *the above thresholds* are set as follows:
 - a) unless otherwise agreed, during the same day, a single interview may be placed with the debtor as a result of outbound activities;
 - b) unless otherwise agreed, during the same week, up to three *effective discussions* may take place with the debtor as a result of outbound activities.
3. The Professional and his employees, unless otherwise agreed with the Debtor/Consumer, and in relation to the specific needs explicitly expressed by the latter, cannot engage in telephone contact 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.The officers will be especially respectful with contacts made near the beginning and end of the above time periods.

Should the Consumer/Debtor request to be contacted on a specific day or at a specific time different from those stated in this Code, it shall be the duty of the Professional to respect his wishes and take steps accordingly.

4. The Professional must take care to ensure that telephone contact between its representatives and the Consumer/Debtor will not be performed in a petulant manner. In this regard, as regards its staff, the Professional is committed to:
 - administering periodic training programs involving the major industry regulations, the Consumer Code, so-called “best practice”, and the content of this Code of Conduct and of the orders issued by the competent authorities;
 - providing adequate instructions, in the course of business, in order to avoid misconduct.

ART. 8

Postal/digital contact

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 upon the parties, clients or, in the absence of a specific agreement, decided independently by the Professional.
2. The text, in each case, must abide by the following principles:
 - a) the letters containing requests for payment must include the reason and the details of the amounts; claimed, together with a breakdown of the individual components (principal, interest, fees);
 - b) the consequences of the protracted state of default must be pointed out in accordance with the transparency, fairness and consistency criteria established by law or by the contract;
 - c) the methods of payment must be made evident with the utmost clarity;
 - d) the document shall contain a courtesy clause as follows: *“Should you have already settled your debt, please disregard this letter. For the sole purpose of allowing the clarification of your accounting position, and so as to avoid further disclosures of default, please provide proof of payment of the invoices by sending a copy of the corresponding receipt [...]”*;
 - e) it must contain terms to be met within no less than 10 days;
 - f) there must be no references that attract undue public attention from the government, tax collector, or the Judiciary.

3. With regard to electronic communications (e-mail, fax and sms, etc.), unless the addresses used are provided directly by the person concerned in order to receive information relating to the credit relationship, the following principles must be respected:
 - a) electronic communications containing the details of the debt position and/or details of how the payment may be made, are to be provided for informational purposes, as a courtesy to the Consumer/Debtor's, and sent solely in accordance with the latter. Moreover, the sending of such communications cannot be unjustifiably repetitive;
 - b) for electronic communications containing a contact request, a numerical threshold must be fixed, consisting of a *maximum of four contact requests during a given month*. Unless the address used was not also provided by the Debtor/Consumer to receive information on the development of the credit relationship, electronic communications containing contact requests may not be used as a system of first request for payment.

ART. 9

Home visits

1. The Professional must take care to instruct his staff to ensure that interactions with the Consumer/Debtor at home are characterized by good manners and respect; that they are not articulated in an arrogant and aggressive manner and that they are aimed at establishing, in every case, an agreed roadmap for communication between the parties with regard to the causes of insolvency and its possible solutions. In this regard, with those employees charged with home visits, the Professional commits himself to:
 - administering periodic training programmes involving the major industry regulations, the Consumer Code, so-called "best practice", and the content of this Code of Conduct and of the orders issued by the competent authorities;
 - providing adequate instructions both when the order is placed and during the course of business, in order to avoid misconduct;
 - tracking the number of visits and their outcome.

2. If the employee documents his attempt to contact the debtor at “home” by delivering a written notice, explicit references to the reasons of communication may not be visible outside of the letter (envelope and/or stapled letter), so as not to undermine the dignity of the Debtor/Consumer in the face of third parties.
3. Any communication delivered at home in line with paragraph 2 above, must in each case, indicate:
 - a) the full name of the employee charged with the visit, as well as the Professional’s references;
 - b) the creditor and the reason for the visit;
 - c) a contact telephone number for requests for clarification and/or information.
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 will be especially respectful during home visits 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, other than those stated in this Code, it shall be the duty of the Professional to respect those wishes and act accordingly.
5. The Professional or his representatives may not visit the workplace of the Consumer/Debtor, unless allowed to by 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

Competence of the FORUM UNIREC- CONSUMATORI

- 1.** The Associations and Professionals who subscribe to this Code of Conduct, under the provisions of art. 27b of the Consumer Code, commit themselves to assigning to the FORUM UNIREC-CONSUMATORI the resolution of disputes that may arise between Professionals and Consumers/Debtors³.
- 2.** The disputes referred to in paragraph 1, are entrusted to the Joint Settlement procedures of the FORUM UNIREC-CONSUMATORI, in accordance with the Rules of Mediation⁴, which is attached to this Code Of Conduct, and constitutes an essential and integral part of it.
- 3.** The appeal procedures of Joint Settlement referred to in paragraph 2 must be followed prior to any other litigation or of initiative judicial nature, including the procedures described in art. 27 of the Consumer Code.
- 4.** In any case, at the end of the mediation procedure, whatever the outcome, the parties maintain their right to take legal action to protect their rights.

³ On 18 June 2014, UNIREC (National Union of Credit Protection Companies) officially formed the FORUM UNIREC-CONSUMATORI Foundation, which includes Adiconsum, Cittadinanzattiva, Federconsumatori, Movimento Consumatori, and Movimento Difesa del Cittadino.

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.

⁴ The document is available on website: www.forum-unirec-consumatori.it

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