

Distance marketing of consumer financial services

1998/0245(COD) - 23/09/2002 - Final act

PURPOSE : to approximate the laws, regulations and administrative provisions of the Member States concerning the distance marketing of consumer financial services. **COMMUNITY MEASURE** : Directive 2002/65/EC of the European Parliament and of the Council concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC. **CONTENT** : it is important in the context of the achieving the aims of the single market, to adopt measures designed to consolidate progressively this market and those measures must contribute to attaining a high level of consumer protection. Both for consumers and suppliers of financial services, the distance marketing of financial services will constitute one of the main tangible results of the completion of the internal market. Within the framework of the internal market, it is in the interest of consumers to have access without discrimination to widest possible range of financial services available in the Community so that they can choose those that are best suited to their needs. It is essential to the smooth operation of the internal market for consumers to be able to negotiate and conclude contracts with a supplier established in other Member States, regardless of whether the supplier is also established in the Member State in which the consumer resides. Because of their intangible nature, financial services are particularly suited to distance selling and the establishment of a legal framework governing the distance marketing of financial services should increase consumer confidence in the use of new techniques for the distance confidence of financial services such as electronic commerce. It should be noted that Directive 97/7/EC of the European parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts, lays down the main rules applicable to distance contracts for goods or services concluded between a supplier and a consumer. However, that Directive does not cover financial services. This Directive, on the other hand, covers all financial services liable to be provided at a distance. However, certain financial services are governed by specific provisions of Community legislation which continue to apply to those financial services. However, principles governing the distance marketing of such should be laid down. This Directive intends to do just that. No later than 9 April 2006, the Commission shall report the European Parliament and the Council on the problems facing both consumers and suppliers seeking to buy and sell financial services, and shall submit, where appropriate, proposals to amend and/or further harmonise the information and right of withdrawal provisions in Community legislation concerning financial services. **ENTRY INTO FORCE** : 09/10/2002. **IMPLEMENTATION** : 09/10/2004.