

Topic: Complaints About Banks

Area : Service Sector

Consumer's Complaint on Banks

- Banks might call on consumers to pay credit filing fee unfairly in the context of credit contract.
- Unfairly refinancing charges might be called on consumers to pay by banks during refinancing of house financing contracts due to decreasing interest rate.
- Banks might charge consumers for annual fee for credit cards.

What must consumer do in case of disagreement on credit contract?

Consumer may apply to "arbitration committee for consumer problems" or consumer court in case of disagreement on credit contracts according to pecuniary limits. (Upper limit in 2016 for arbitration committee for consumer problems; for province 3.480 TL.; for county 2.320 TL.)

Judicial Decisions

Verdict 1: It's decided that the subject 1.930 TL, received as filing fee during the provision of credit contract, is to be collected from defender and is to be paid to plaintiff...(Ankara 7th. Consumer Court Docket No: 2010/858, Decree No: 2011/309)

Verdict 2: It's decided that 1.710 TL, received from the consumer as bank charge and filing fee, is top aid to consumer by provider...(Judicial Council 13th. Civil Chamber, Docket No: 2010/11726, Decree No: 2011/1870, Date:10.02.2011)

Verdict 3:It's decided that receiving 2.958 TL from the consumer as refinancing fee, is contrary to law...(Judicial Council 13th. Civil Chamber, Docket No: 2013/4033, Decree No: 2013/7605, Date: 26.03.2013)

Verdict 4: Plaintiff could not claim and prove that the covenant which is against the consumer and making him/her obligant with credit card fee, is settled by negotiating with consumer. Under these circumstances, that it might be received credit card fee, must be accepted as unfair term against the law and regulations. It's not possible that the plaintiff bank collect credit card fee in terms of contract. (Judicial Council 13th. Civil Chamber, Docket No: 2008/4345, Decree No: 2008/6088)

Punto 1- Consumer's Complaint on Banks

Europa

Directive 2007/64/CE on the services of payment in the inside market.

-Directive 2008/48/CE related to the contracts of credit to the consumers.

Italia

Legislative decree n. 11/2010 in subject of services of payment of realization of the cd. "Directive PSD1" (2007/64/CE, related to the services of payment in the inside market), and with the decree legislative 13 August 2010, n. 141, of realization of the directive 2008/48/CE related to the contracts of credit to the consumers, that has reformed the Banking Unique Text.

-Legislative decree n. 141/2010 - it expressly recognizes the transparency of the contractual conditions and the correctness of the relationships between middlemen and consumers what autonomous finality of the activity' of vigilance of the Bank of Italy. The guardianship of the clients reenters so among the public affairs pursued by the discipline of sector.

They increase and the obligations of transparency and correctness are made more urgent that the middleman is kept to observe in the management of the relationship with the client (from the phase before the contract to that of the extinction).

-Financial (ABF) Banking arbiter 2009 - in realization of the article 128-encore of the banking (Financial TUB unique Text) - a specialistic system of non judicial solution of the causes that rises up between the clients and the banks (and the financial intermediaris) in subject of operations and banking and financial services.