



17.2.2012

NOTICE TO MEMBERS

Subject: Petition 0963/2011 by Triin Saag (Estonian), on difficulties to close a bank account in the EU

1. Summary of petition

The petitioner, Estonian citizen, who had resided in Italy for studying purposes, has had a postal bank account in Poste Italiane Spa. After moving to reside in Belgium a letter was sent to the bank in July 2011 requesting to close the bank account in Italy and transfer the money to a Belgian bank account. The Poste Italiane responded that it was impossible to close the bank account and transfer the money to a 'foreign' (e.g. Belgian) bank account, unless the petitioner stated an address in Italy where the remaining funds could be sent in a form of a cheque.

The petitioner would like to know if the procedure used by the Poste Italiane Spa is in compliance with the principles of free movement of persons, goods and services within the EU and the functioning of the internal market in general.

2. Admissibility

Declared admissible on 16 December 2011. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 17 February 2012

The Commission is concerned about the obstacles consumers face when trying to switch bank accounts in the single market. A self-regulatory initiative was launched by the EU banking sector in 2007 but has failed to deliver the desired results. Consequently, the Commission is considering whether regulatory action may be needed in this field.

Currently, rules of some relevance for the case at stake can be found in Directive 2007/64/EC

of the European Parliament and Council of 13 November 2007 on payment services in the internal market ('PSD').

Article 45 of the PSD sets out the terms under which payment service users and payment service providers may terminate a contract. This includes the closure of a bank account. As further explained in Recital 29, the provision aims at facilitating customer mobility, notably by enabling consumers to terminate a framework contract after the expiry of a year without incurring charges. However, the Article does not address the transfer of remaining money to another bank.

An account holder can of course request the transfer of money from one bank account to another before requesting the closure of the account. According to Article 65 of the PSD, the payment service provider can only in exceptional circumstances refuse to execute a payment order. In such a case, the reasons would have to be notified to the account holder. Based on the information available to the Commission, the reasons why the Italian bank refuses to transfer the remaining funds to Belgium are not clear. Neither is it clear why the nationality of the recipient bank account should matter.

Based on the information available, the problem does not seem to arise from the incorrect transposition or application of European Union law, as it currently stands, by an Italian authority. The European Commission cannot intervene regarding a contractual issue between a bank and its client. This is the role of the competent national authorities as set out in Chapter 5 of the PSD. Chapter 5 of the PSD also obliges Member States to provide for special out-of-court complaint and redress procedures for consumers.

Conclusions

In the current case, the Commission would suggest that the petitioner verifies with Poste Italiane whether it would be possible to transfer the remaining funds to another bank account before proceeding with the closure of the postal account. Should Poste Italiane continue to refuse to close the account or insist that remaining funds must be sent to an address in Italy without stating any objective reasons, the petitioner could consider approaching Arbitro Bancario e Finanziario, the competent authority in Italy for out-of-court complaints and redress procedures. The relevant contact details are as follow:

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