



Brussels, 6 February 2014

**Position paper on the draft guidelines for complaints-handling for the securities (ESMA)  
and banking (EBA) sectors**

The European Federation of Building Societies (EFBS) welcomes the opportunity to participate in the common consultation of EBA and ESMA of 6 November 2013 on draft guidelines for complaints-handling for the securities and banking sectors.

Bausparkassen are credit institutions which promote and support the financing of home ownership. The concept of saving-for-home-ownership is based on the idea of making available to a group of savers, by pooling their savings, the necessary funds to finance home ownership within a shorter time than would have been possible for a saver acting individually. For this, the customers of the Bausparkasse conclude a Bauspar agreement for the savings amount required. They thereby undertake to make regular savings deposits (between 3‰ and 10‰ of the agreed savings amount). If, after about seven years, 40% or 50% of this savings amount has been saved, the savers under the saving-for-home-ownership scheme are entitled to a Bauspar loan amounting to the difference between the savings amount and the credit balance saved. This Bauspar loan serves exclusively to finance owner-occupied residential property or to finance housing measures.

The Bausparkassen are very committed to provide their customers (consumers) the best service possible. In case of conflict during the contractual relationship, Bausparkassen always attempt to sort out the problem and find an agreement with the customer.

To handle complaints correctly, Bausparkassen have already established specialised departments or particularly qualified staff, which is responsible for the handling of complaints. The staff or departments follow closely their rules of procedure for complaints-handling. Furthermore, every complaint is registered and treated separately. Also complaints-handling data is analysed on an on-going basis in order to identify, address and solve any recurring or systemic problem and to improve future business processes.

Additionally, customers of Bausparkassen are informed in various ways about the availability of an alternative dispute resolution (ADR) mechanism. This is done for example while complying with pre-contractual information requirements, e. g. by providing the European Standardised Information Sheet on credit agreements relating to residential property (ESIS).

The customers of Bausparkassen have for example in Germany the possibility to make use of an alternative dispute resolution (ADR) mechanism, provided by the German Association of Private Bausparkassen "Verband der Privaten Bausparkassen e.V.". In Austria customers have access to the Common Dispute Settlement Body of the Austrian credit industry, in the Czech Republic to the ombudsman for financial services. All these institutions are members of FIN-NET. The proceedings of complaints-handling are in compliance with the provisions of the Alternative Dispute Resolution Directive which entered into force in spring 2013.

In this context, EFBS would strongly suggest that EBA and ESMA should wait for the lapse of the implementation period of the ADR within the Member States and for the evaluation of its effectiveness and only then probably consider if common guidelines are necessary.