

BANK SWITCHING SERVICE – REGULATION

The bank switching service for consumers applies to payment accounts and regulated savings accounts.

The bank switching service for payment accounts is governed by the Code of Economic Law (Book VII 'Payment and Credit Services' - Title 3 'Payment Services') and to this Regulation, drawn up by the Belgian credit institutions and containing supplementary provisions.

The bank switching service for regulated savings accounts is governed by this Regulation and is possible only between banks that participate voluntarily. The list of participating banks is available on www.bankswitching.be.

Chapter 1. Definitions

Request form: the 'Bank Switching Service payment account' form or the 'Bank Switching Service regulated savings account' form, by which the Account holder gives permission for the bank switching service and instructs the Former bank and the New bank to perform the bank switching service.

Settlement: the closing of the Former payment account, including:

- the stopping of all payments (including Payment orders);
- the cancellation of all payment instruments associated with the Former payment account (debit card, credit card, prepaid card, Internet and mobile banking, etc.);
- the transfer of the positive balance, after eventual settlement of any interest and fees to the New payment account.

Switching date: the date which the Account holder can enter on the Request form and on which the bank switch must be performed.

Bank working day: a calendar day on which the credit institutions in Belgium are open for business, to the exclusion of Saturdays, Sundays, bank holidays and public holidays.

Payment orders: payment orders that have to be executed on the Former payment account and that belong to one of the categories listed below:

- active direct debit mandates for which at least one effective direct debit has been executed within the last thirteen months before the Starting date;
- standing orders;
- money transfers set up for a future execution date (hereinafter 'scheduled money transfers');
- recurring incoming money transfers, i.e. transfers that meet one of the following criteria within the last thirteen months before the Starting date:
 - o the reference in the money transfer begins with /A/, /B/ or /C/; or
 - o at least six money transfers, effected by the same payer, within the last thirteen months before the Starting date, except for transfers from a savings account in the Account holder's name.



New bank: the credit institution established in Belgium at which the New payment account or the New savings account is held.

New savings account: the regulated savings account at the New bank, as indicated on the Request form, to which the balance and interest from the Former savings account is transferred.

New payment account: the payment account at the New bank, as indicated on the Request form, to which the Account holder (i) wishes to transfer the Payment orders of the Former payment account and/or to which any positive balance, after eventual settlement of any interest and fees, will be transferred from the Former payment account after its Closure or (ii) wishes to transfer the balance and interest from the Former regulated savings account.

Account holder:

- any consumer (a natural person acting exclusively for non-professional purposes) holding, where appropriate jointly with (an)other consumer(s), a payment account or regulated savings account at the Former bank and the New bank, who wishes to use the bank switching service by signing the Request form; or
- any person duly authorised to represent the Account holder for the purposes of the bank switching service, without prejudice to the application of the general terms and conditions of the Former bank and/or the New bank.

Starting date: the date on which the New bank receives the Request form duly filled in and signed by the Account holder.

Former bank: the credit institution established in Belgium at which the Former payment account or Former savings account is held.

Former savings account: the regulated savings account at the Former bank, as indicated on the Request form, of which the Account holder wishes to transfer the balance and interest to the New regulated savings account or New payment account and of which he/she requests the settlement.

Former payment account: the payment account at the Former bank, as indicated on the Request form, of which the Account holder wishes to transfer the Payment orders and/or of which he/she requests the Closure.

Chapter 2. Purpose of the bank switching service

Article 1 – Bank switching service for payment accounts

The bank switching service enables an Account holder to transfer the Payment orders which are executed on his/her Former payment account to his/her New payment account. The Account holder may also request the Settlement of his/her Former payment account. It is the New bank that performs the bank switching service and contacts the Former bank.

The Account holder may choose between the following options for the rendering of the bank switching service:

- the transfer of all Payment orders;
- the transfer of all Payment orders and Settlement of the Former payment account;



- provision of information to the direct debit creditors and/or ordering parties of recurring incoming money transfers;
- the Settlement of the Former payment account (without the transfer of Payment orders).

The bank switching service itself is free of charge for the Account holder, without prejudice to the application of the general terms and conditions of the Former bank and the New bank.

Article 2 – Bank switching service for regulated savings accounts

The bank switching service for regulated savings accounts is available only between banks that participate voluntarily, given that the bank switching service is not regulated by law. The list of banks that allow the use of the bank switching service for regulated savings accounts is available on www.bankswitching.be.

The bank switching service allows the Account holder to request that the balance and interest from the Former savings account be transferred to the New savings account or New payment account, after which the Former savings account will be settled.

The bank switching service itself is free of charge for the Account holder, without prejudice to the application of the general terms and conditions of the Former bank and the New bank.

Chapter 3. Procedure

Article 1 - Application for the bank switching service

The Account holder contacts the New bank, which provides him/her with the Request form.

The Request form must be duly filled in and signed by the competent Account holder of the Former payment account or the Former savings account and the New payment account or the New savings account. For payment accounts, the bank switching service requires that at least one of the holders is the same for the Former payment account and the New payment account. For regulated savings accounts, the bank switching service requires that all holders of the Former savings account and the New savings account or New payment account are the same consumers.

The Request form may be signed electronically if this is possible at the New bank.

The Account holder may enter the Switching date on the Request form. The Switching date falls at the earliest on the tenth (10th) bank working day and at the latest one (1) month after the Starting date. If the Switching date entered on the Request form does not fall on a bank working day, it is deferred to the next bank working day. If no Switching date has been entered, or if the Switching date entered on the Request form falls before the tenth (10th) bank working day after the Starting date, the bank switch will take place on the tenth (10th) bank working day after the Starting date.

The Request form may be used for only one payment account or regulated savings account.

By signing the Request form, the Account holder acknowledges having received this Regulation, having taken cognisance of its contents and consenting to the application thereof.

Article 2 – Steps to be taken by the Former bank and the New bank for the bank switching service for payment accounts

2.1. The New bank sends the Request form to the Former bank within two (2) bank working days following the Starting date.

On the basis of the Request form, the New bank requests the Former bank to perform one or more of the following tasks:

- communicate information concerning payment orders on the Former payment account that exist on the starting date and that have to be transferred on the Switching date;
- stop Payment orders on the Former payment account as from the Switching date;
- on the Switching date, transfer any positive balance from the Former payment account, after eventual settlement of any interest and fees, to the New payment account;
- on the Switching date, cancel the payment instruments associated with the Former payment account;
- on the Switching date, close the Former payment account.

2.2. The Former bank performs one or more of the following tasks on receipt of the Request form:

- sends the requested information concerning Payment orders on the Former payment account to the New bank within three (3) bank working days after receipt of the Request form;
- stops the Payment orders on the Former payment account as from the Switching date, with the exception of incoming money transfers if the Former payment account is not closed;
- on the Switching date, transfers any positive balance, after eventual settlement of any interest and fees, from the Former payment account to the New payment account;
- on the Switching date, cancels the payment instruments associated with the Former payment account;
- on the Switching date, closes the Former payment account, unless the Account holder still has outstanding obligations. The Former bank notifies the Account holder of this.

The Former bank does not block the payment instruments associated with the Former payment account before the Switching date.

If payment instruments are associated with the Former payment account where Payment orders are settled by deferred payment, the Former payment account is closed at the latest three (3) months after the transfer of a positive balance, after eventual settlement of any interest and fees.

The Account holder expressly authorises the New bank, upon first request of the Former bank, to charge the payments made with those payment instruments to the New payment account.

2.3. The New bank performs the following tasks within one (1) bank working day after receipt of the information referred to in Article 2.2:

- set up and execute the standing orders and scheduled money transfers existing on the Starting date on the New payment account as from the Switching date;
- make the necessary preparations to accept direct debit mandates, and accept those direct debits as from the Switching date;
- notify the direct debit creditors and ordering parties of recurring incoming money transfers of the details of the New payment account, provided that the Account holder supplies sufficient relevant details (e.g. name, address, reference number, etc.) and the Account holder has not indicated that he/she will personally notify those parties using standard letters that have been made available to him/her. If the Former payment account is closed and no Payment orders are transferred, the New bank is not required to send notifications.

The consent given by the Account holder for a direct debit mandate on the Former payment account remains in effect if the direct debit is transferred as part of the bank switching service.

Article 3 – Steps to be taken by the Former bank and the New bank for the bank switching service for savings accounts

The New bank sends the Request form to the Former bank within two (2) bank working days following the Starting date.

On the basis of the Request form, the New bank requests the Former bank to transfer the balance and interest from the Former savings account to the New savings account or New payment account at the latest on the switching date, and to settle the Former savings account.

Chapter 4. Liability

The Account holder holds the Former bank and the New bank harmless from any actions brought by third parties in connection with the bank switching service, provided that the bank switching service has been performed in accordance with the law and this Regulation.

If Payment orders on the Former payment account are transferred, but the Former payment account is not closed, the Former bank is not liable if third parties continue to execute Payment orders on the Former payment account.

Chapter 5. Privacy

In order to perform the bank switching service requested by the Account holder, the Former bank and the New bank must process the following personal data of the Account holder:

- identification details (name, address, etc.);
- account numbers of the Former payment account or Former savings account and the New payment account or New savings account;
- information concerning Payment orders.

In order to perform the requested bank switching service, the abovementioned personal data of the Account holder must be:

- exchanged between the Former bank and the New bank;
- communicated to the Centre for Exchange and Clearing (CEC) platform, which will use those data to notify the direct debit creditors or ordering parties of recurring incoming money transfers.

The Former bank and the New bank are each individually responsible for the processing of the data in their systems. The Account holder can find more information about the processing of his/her data and about his/her rights in the privacy statements of the Former bank and the New bank.

Chapter 6. Applicable law and disputes

This Regulation and the Request form are governed by Belgian law.

If the Account holder does not receive a satisfactory reply to his/her complaint about the bank switching service from the Former bank and/or the New bank, he/she may contact:



Ombudsfm
North Gate II
8, Boulevard du Roi Albert II / Koning Albert II-laan, box 2
1000 Brussels
ombudsman@ombudsfm.be
www.ombudsfm.be

Only Belgian courts may rule on disputes concerning the existence, interpretation and application of this Regulation and the Request form.