



Consumer Credit Directive (CCD)

■ Why does it matter to intermediaries?

Among BIPAR members, certain national associations represent credit intermediaries. The Consumer Credit Directive (CCD) contains rules applicable to credit intermediaries. Over the past years, BIPAR, together with its Working Party on Credit, has been working on the Commission's review proposal for the CCD (proposal published on 1st July 2021 and the final text published in October 2023 in the Official Journal). The Commission's main drivers for the proposed changes were digitalisation, recent other newer EU legislation in fields relevant for consumer credit, Covid-19 and over-indebtedness.

■ State of play

Member States are now in the implementation phase into national law. The new CCD was published on 30 October in the Official Journal of the EU (it entered into force on 20 November 2023). Member States have to adopt and publish the laws, regulations and administrative provisions necessary to comply with the Directive by 20 November 2025 and apply those measures from 20 November 2026.

■ Content

The new Directive has a **broader scope** than the previous Directive 2008/48. In particular, this new Directive now also applies to:

- (i) credit agreements involving a total amount of credit of less than €200,
- (ii) credit agreements where credit is granted free of interest and without other charges, the so-called "buy now pay later arrangements" (unless certain conditions are complied with),
- (iii) credit agreements under the terms of which the credit must be repaid within three months and only insignificant charges are payable,
- (iv) certain credit agreements in the form of deferred debit cards and
- (v) credit agreements involving a total amount of credit of more than €100,000 and which are not secured by a mortgage, where the purpose of those credit agreements is the renovation of a residential immovable property.

Regarding the use of the terms, "**advice**" and "**advisors**", Member States can prohibit the use of those terms, or of similar terms, where such advisory services are being provided to consumers by creditors or credit intermediaries. Where Member States do not prohibit the use of the terms 'advice' and 'advisor' or similar terms, they must impose the following conditions on the use of the term 'independent advice' or 'independent advisor' by creditors and credit intermediaries providing advisory services:

- (a) creditors and, where applicable, credit intermediaries shall consider a sufficiently large number of credit agreements available on the market; and
 - (b) credit intermediaries shall not be remunerated for the advisory services by one or more creditors.
- (!b) applies only where the number of creditors considered is less than a majority of the market.)

Member States **must** ensure that where creditors or credit intermediaries provide advisory services, the remuneration structure of the staff involved does not prejudice their ability to act in the consumer's best interest and is not contingent on sales targets. **In order to achieve that goal, Member States can also ban commissions paid by the creditor to the credit intermediary.**

The new CCD also includes a "**right to be forgotten**" for people who are cured from **cancer**. Member States shall require that personal data concerning consumers' diagnoses of oncological diseases are not used for the purpose of an insurance policy related to a credit agreement after a period of time determined by the Member States, not exceeding 15 years following the end of the consumers' medical treatment (see also, in this respect, the article on Right to be forgotten in case of cancer).



■ BIPAR's position / key messages

BIPAR's position focused on the following points:

- credit intermediation and a level playing field (remuneration, advice, ancillary intermediation, etc.);
- caps on interest rates, annual percentage rate of charge or total cost of credit to the consumer;
- cross-selling;
- overload of precontractual/general information;
- access to credit databases;
- additional proportionality for micro and SMEs.

Key points for BIPAR in the **final text** include:

- in the definition of credit intermediary, the neutral word "**remuneration**" is used instead of "fee";
- the proposal of the EP to limit the use of the words "**advice**" and "**advisor**" and the *de facto* ban on commission for independent advice are not in the final text anymore;
- there is no additional piece of **precontractual information** (SECCO);
- there are no EU-wide **caps** on rates/costs, but Member States should take measures to limit these and communicate them to the Commission;
- however, the rules on **cross-selling** are softer in the final text than the wording that BIPAR called for and the **additional application time** of the new rules to micro/SMEs is not included in the text.

On 13 November 2023, BIPAR participated in a **workshop** where the European Commission presented the new Directive's rules.

Over-indebtedness

In January 2024, the European Commission presented - linked to CCD (and MCD) - a study on over-indebtedness. The study also addresses the role played by credit intermediaries. The aim of the study is to provide an updated mapping of the situation of households' over-indebtedness for each EU Member State. The report also consists of a series of country files providing structured information on over-indebtedness in each Member State. These files build on the previous national reports from the European Commission's study on "the over-indebtedness of European households: updated mapping of the situation, nature and causes, effects and initiatives for alleviating its impact" published in 2013.



■ Next steps

Member States will have to adopt and publish by 20 November 2025 the laws, regulations and administrative provisions necessary to comply with the Directive. They will have to communicate the text of those provisions to the European Commission and apply those measures from 20 November 2026.

■ Links

- [New Directive on credit agreements for consumers](#)
- [Commission's study on over-indebtedness - Country reports](#)