

Full title of law or regulation

From 01/04/2015 provisions from the Consumer Credit Act were integrated into Book VII Payment and Credit Services of the Code of Economic Law, Arts. 64 and 65 from Title IV Credit Agreements, Chapter I Consumer Credit. Translation here:
<http://www.gregsregs.com/downloads/BEConsumerCreditEconomicLaw.pdf>

Royal Decree 21 June 2011 amending various decrees on consumer credit and implementing Articles 5, § 1, para. 2, and § 2, and Article 15, para. 3 of the Law of 12th June 1991 on Consumer Credit. Abbrev. RD2011. Translation of Article 14 linked below:
<http://www.g-regis.com/downloads/BEJune2011DecreeReFormatConsCreditC.pdf>

Title of relevant section

As above

Subject

Credit Advertising: Standard Information and Formatting requirements

Clauses

Any marcom for a credit agreement which mentions an interest rate or any figures relating to the cost of the credit to the consumer must include in a clear, concise, prominent, and if need be, audible way, by means of a representative example, the following standard information:

- The borrowing rate, fixed and/ or variable, together with information on any expenses/ charges included in the total cost of the credit to the consumer
- The amount of credit
- The annual percentage rate (APR); TAEG - le taux annuel effectif global; JKP - jaarlijkse kostenpercentage
- The duration of the credit agreement
- In the case of credit in the form of deferred payment for a specific product or service, the cash price and the amount of any down payment (i.e. advance payment), and
- If applicable, the total amount payable by the consumer and the amount payable by instalments.

Formatting requirements

- The typeface (font) used for Standard Information listed above (i.e. borrowing rate, credit amount, APR etc.) must be larger than the typeface used for other basic information (Art. 14 (1) RD2011)
- If the marcom refers to an APR equal to 0%, zero, or a related promotional rate, the typeface used to indicate that statement can only be three times larger than the typeface used in advertising communicating the other standard information referred to in the opening paragraph above (such as credit costs/ interest rates).
- If the marcom concerns a credit agreement where, due to the provision of a series of reduced repayment amounts, the APR is lower than when the repayment amounts are always set at an even level, the typeface (font) used to indicate the APR and the repayment amounts can only be three times larger* than the typeface used to convey the other standard information as referred to in the opening paragraph above (i.e. such as credit costs) (Art. 14 (2.2) RD2011)
- The typeface used to indicate the highest repayment amount cannot be smaller than the typeface used for other repayment amounts (Art. 14 (2.2) RD2011)
- Tooltip: This is to prevent an ad using a large font to state e.g. "only 100€ monthly repayment during first 23 months!" and then in a smaller font "and 7000€ for the 24th and last monthly repayment".

* For interpretation and application of this provision, seek legal advice. The expression "three times larger" is ambiguous; for example, if the font size is 10, three times larger might mean 40 (one time larger is 20 etc.). The expression "three times as large", however, implies comparison by division: 30 is three times as large as 10.

E.g. here: French print ad

<http://www.gregsregs.com/downloads/BEPrintad0Finance1.jpg>

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| | <p>and Dutch print ad: (0% finance) http://www.gregsregs.com/downloads/BEPrintAdZeroFinance2.jpg</p> |
| Subject | Formatting requirements Warning Message |
| Clauses | <p>N.B. The warning message must be included in any consumer credit advertising (Art. 64 (2) Bk7 CEL)</p> <p>In French: "Attention, emprunter de l'argent coûte aussi de l'argent";</p> <p>In Dutch: "Let op, geld lenen kost ook geld"</p> <p>(Watch out, borrowing money also costs money)</p> <p>Formatting Requirements (Art. 14 (3) RD2011)</p> <ul style="list-style-type: none"> • The font size of the warning message must be a minimum of 4% of the height of the advertising space and a minimum font size value of 7 points • When the marcom refers to the inexpensive or beneficial nature of a credit agreement or encourages a new credit drawdown, without any reference to an interest rate or credit costs, the typeface/ font used to illustrate the warning message must be at least the same size as the typeface/ font of the text used in the marcom to indicate the special nature of the credit or the drawdown incentive • With Internet advertising, and where the warning message is only available via a link on a banner, the message on the linked web page must be shown only in a san serif face which is at least as large as the largest face <i>on the banner</i> (italics ours) <p>Here is an example of an ad where there is a credit cost but apparently no chance of including a visible warning message:</p> <p>http://www.g-reggs.com/downloads/BEFiat500InternetBanner.jpg</p> <p>Example Print Ads: French:</p> <p>http://www.gregsregs.com/downloads/BEPrintad0Finance1.jpg</p> <p>and Dutch:</p> <p>http://www.gregsregs.com/downloads/BEPrintAdZeroFinance2.jpg</p> <p>Note the Credit warning message and how the standard information is larger than the other information. These ads also show 0% APR</p> |