99142052261000

Beschwerden mit Bezug zum ZKG (Kontenwechselhilfe, Basiskonto, Entgelttransparenz) Entgegennahme

Modul	Sachverhalt
Leistungsschlüssel	99142052261000
Leistungsbezeichnung I	Beschwerden mit Bezug zum ZKG (Kontenwechselhilfe, Basiskonto, Entgelttransparenz) Entgegennahme
Leistungsbezeichnung II	Submit complaints about the basic account
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Entgegennahme (261)

Modul	Sachverhalt
SDG-Informationsbereich	Besitz eines Bankkontos in einem anderen Mitgliedstaat
Lagen Portalverbund	Beschwerden und Petitionen (2140200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	10.06.2021
Fachlich freigegen durch	Federal Ministry of Finance
Handlungsgrundlage	Section 46 (2) sentence 1 ZKG in conjunction with Section 4b FinDAG: Section 48 ZKG https://www.gesetze-im-internet.de/zkg/__46.html https://www.gesetze-im-internet.de/findag/__4b.html https://www.gesetze-im-internet.de/zkg/__48.html
Teaser	If your credit institution rejects your application for a basic account, does not provide you with sufficient support when you switch accounts or does not charge a fee that is customary in the market, you can complain to the Federal Financial Supervisory Authority or initiate administrative proceedings.
Volltext	One of BaFin's tasks is to look after the protection of all consumers when supervising banks and financial service providers, private insurers and securities trading. Therefore, you can address your concern to BaFin if you believe that a supervised company has violated laws and you want to complain about it as a customer. You can file a complaint if a bank • Unlawfully refuses to open a basic account for you. • fails to comply with its obligation to help you switch accounts. • makes an unreasonable charge for a basic account. • unlawfully terminates your basic account. Opening a basic account: Since the introduction of the Payment Accounts Act

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	(ZKG) 2016, all consumers legally residing in the European Union are entitled to a basic account. If you have submitted your application for a basic account, the bank must inform you in writing within 10 days that it does not wish to open a basic account for you. If the bank has rejected your application to open a basic account, you can apply to the BaFin for administrative proceedings. • BaFin then checks whether the bank was allowed to reject your application - which is only permitted under certain conditions. This is the case if: • you already have a payment account with another bank in Germany and you can actually use this account, • you have been convicted of an intentional criminal offence against the bank or one of its employees or one of its customers within the 3 years preceding the date of application, • you already had a basic account with the same bank and the bank has justifiably terminated the basic account agreement due to default in payment or due to use of the account for prohibited purposes, or • the bank, by entering into and maintaining a business relationship with you, would be in breach of its general duties of care under the Money Laundering Act and the German Banking Act or, in justifying the refusal, would be in breach of its duties of confidentiality. • If there are no statutory grounds for refusal, BaFin will order the bank to open the account. Account switching: The ZKG also obliges institutions to make it easier for you to switch accounts. Upon your request, the previous provider must transfer the standing orders and other services to the new provider. If the financial service providers do not comply with their obligation to provide statutory account switching assistance, you can report this to BaFin. It investigates corresponding complaints and works to ensure that any deficiencies

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	identified are remedied. Fee demand: You can also file a complaint with BaFin in the event of an unreasonable fee demand. Since the legislator has not set a maximum limit for the costs of a basic account, the prices for a basic account vary greatly. According to the ZKG, 2 criteria in particular must be taken into account when assessing the appropriateness of a basic account: • the fees customary in the market • and user behaviour. If BaFin determines that the pricing is unreasonable, it can order a bank to adjust its fee model for basic accounts to the requirements of the ZKG.
Erforderliche Unterlagen	• Application to conclude a basic account agreement • Letter from the bank about the rejection of your application
Voraussetzungen	• A bank has rejected your application for a basic account contract, cancelled your basic account, charged you an unreasonable fee, or failed to assist you in switching accounts.
Kosten	The administrative procedure at BaFin is free of charge for you. However, you will have to pay for expenses incurred in correspondence yourself. You will also not be reimbursed for lawyers' fees or fees for consultations.
Verfahrensablauf	You must request administrative proceedings against your bank in writing. • Download the application from BaFin's website and complete it in full. • Send the signed application with the required documents to the address indicated on the form. • BaFin will confirm receipt of the application in writing. It will then check whether you meet the requirements for concluding a basic account

Modul	Sachverhalt
	agreement. • If the bank has wrongly rejected your application, BaFin will order the opening of a basic account. You will receive written confirmation that the procedure has been completed. • If your application is rejected by BaFin, you can file an objection so that the decision is reviewed again. Your bank can also lodge an appeal if BaFin orders that a basic account must be opened for you. For complaints about the basic account, you can use the relevant online complaint form. • Go to the page "Complain to BaFin". • There you will find, among other things, BaFin's online complaint form "Complaint form specifically for the area of basic accounts". • Enter the relevant data for your complaint in the form. • Your complaint should include the following information: • Your name and address • in the case of a complaint on behalf of another person: name and address of the person or persons concerned • Name and address of the company concerned • In the event of a complaint about a credit or financial services institution: • Type of business relationship • Account or customer number • Name of the account holder, if this is not yourself
Bearbeitungsdauer	The processing of the advertisement usually takes between 8 and 12 weeks.
Frist	Usually up to 3 months
weiterführende Informationen	https://www.bafin.de/DE/Verbraucher/Bank/Produkte/Basiskonto/basiskonto_node.html https://www.bafin.de/DE/Verbraucher/BeschwerdenStreitschlichtung/BeiBaFinbeschweren/BeiBaFinbeschweren_node.html https://www.bafin.de/DE/PublikationenDaten/Datenba

Modul	Sachverhalt
	nken/Unternehmenssuche/unternehmenssuche_node.html
Hinweise	
Rechtsbehelf	• Civil action • Opposition Detailed information on how to file an appeal can be found in the notice of your request for an administrative proceeding.
Kurztext	• Complaints relating to the ZKG (account switching assistance, basic account, fee transparency) Acceptance • Written application for administrative proceedings in the event of rejection of an application to open a basic account • Federal Financial Supervisory Authority (BaFin) checks whether the bank was right to reject an application for a basic account • If the bank was wrong, BaFin orders the opening of the basic account. • BaFin contact via online form for complaints about the basic account (fee, account switching assistance) • responsible: Federal Financial Supervisory Authority (BaFin)
Ansprechpunkt	
Zuständige Stelle	
Formulare	\- Forms: yes \- Online procedure possible: yes \- Written form required: yes \- Personal appearance required: no https://www.bafin.de/SharedDocs/Downloads/DE/Formular/dl_fo_basiskonto_antrag_verwaltungsverfahren.html?nn=7906374 https://www.bafin.de/SharedDocs/Downloads/DE/Formular/dl_fo_basiskonto_beschwerdeformular.html
Ursprungsportal	Beschwerden mit Bezug zum ZKG (Kontenwechselhilfe, Basiskonto, Entgelttransparenz) Entgegennahme,

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	Beschwerden mit Bezug zum ZKG (Kontenwechselhilfe, Basiskonto, Entgelttransparenz) Entgegennahme