

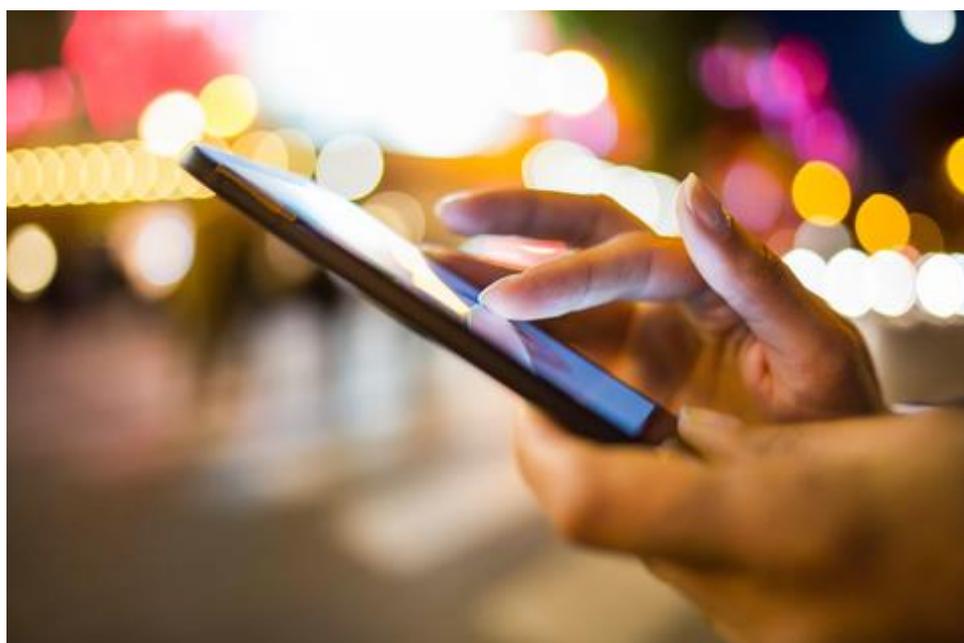
## Financial Services Alert

30 January 2017

### In this issue:

#### **New decision of the European Court of Justice regarding electronic customer communications**

On 25<sup>th</sup> January, in case C-375/15, the European Court of Justice clarified the conditions under which payment service providers should communicate to clients by electronic means. The decision brings important insight on the specifics of electronic customer communications in the financial services industry in general.



## New decision of the European Court of Justice regarding electronic customer communications

### Technical requirements for electronic customer communications

In case C-375/15 between an Austrian bank and the Austrian Consumers' Information Association, the European Court of Justice has been asked to clarify the conditions under which changes to the standard terms and conditions governing the use of the online banking system may be communicated to clients by electronic means available in the online banking system.

In this context, on the 25 January 2017 the European Court of Justice has clarified that the customers may be informed of the changes to standard T&C of the online banking system by delivering an electronic message in the mailbox of the client available in the online banking website provided that the following conditions are met:

- **Storage:** The website allows the user to store the information addressed to him personally in such a way that he may access it and reproduce it unchanged for an adequate period;
- **No unilateral content changes:** The website does not allow any unilateral modification of the communication's content by that service provider or by another professional;
- **Active behaviour:** The transmission of that information is accompanied by active behaviour on the part of the provider aimed at drawing the user's attention to the existence and availability of that information on that website;
- **Use of usual communication:** The active behaviour of the provider aimed at drawing attention to the existence and availability of information should not use the mailbox available in the online banking system, if that mailbox is not used by the client for usual communications with others.

For further questions regarding the aspects mentioned in this alert, please contact us.

**Andrei Burz-Pinzaru**

Partner Reff & Associates  
+40 21 2075 205  
[aburzpinzaru@reff-associates.ro](mailto:aburzpinzaru@reff-associates.ro)

**Alexandru Câmpean**

Senior Associate Reff & Associates  
+40 21 2079 616  
[acampean@reff-associates.ro](mailto:acampean@reff-associates.ro)



This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the "Deloitte Network") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional advisor. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as "Deloitte Global") does not provide services to clients. Please see [www.deloitte.com/ro/about](http://www.deloitte.com/ro/about) to learn more about our global network of member firms.

Reff & Associates SCA is a law firm member of Bucharest Bar, independent in accordance with the Bar rules and represents Deloitte Legal in Romania. Deloitte Legal means the legal practices of Deloitte Touche Tohmatsu Limited member firms or their affiliates that provide legal services. Visit the global Deloitte Legal website <http://www.deloitte.com/deloittelegal> to see which services Deloitte Legal offers in a particular country.

Deloitte provides audit, tax, consulting, and financial advisory services to public and private clients spanning multiple industries. With a globally connected network of member firms in more than 150 countries and territories, Deloitte brings world-class capabilities and high-quality service to clients, delivering the insights they need to address their most complex business challenges. Deloitte's approximately 225,000 professionals are committed to making an impact that matters.

© 2017