

Provisions that may apply to the branches registered in Belgium of mortgage lenders governed by the law of another Member State of the European Economic Area {enjoying mutual recognition by virtue of their status as credit institutions and financial institutions}

This list applies to credit institutions and financial institutions as referred to in Article VII.174, § 2, of the Belgian Economic Law Code.

Listed below are a series of legal and regulatory provisions with a bearing on economic and financial matters that may be relevant to the activities of branches registered in Belgium of mortgage lenders governed by the law of another Member State of the European Economic Area, either because the said provisions were enacted in implementation of regulations and directives of the European Union, or because they may constitute provisions protecting the general good within the meaning of Article VII.174, § 3, par. 1 of Book VII of the Economic Law Code, titled “payment and credit services”. This list is not exhaustive and does not in any way dispense an institution from the obligation, when exercising activities in Belgium, to comply with the provisions protecting the general good that are not mentioned here, in particular the provisions of civil law, commercial law, criminal law and tax law.

A. Specific provisions that apply to the branches registered in Belgium of lenders governed by the law of another Member State:

- Articles VII. 165, § 1, VII.166, §§ 2-4, VII.172, VII.174, § 1, par. 2, §§ 2 to 6, VII.175, VII.180, § 2, and VII.209, § 4 of the Economic Law Code;
- Articles XV.2, XV.18, XV.18/1, XV.31/3, XV.61, XV.67/3, XV.87 to 89, XV.91, XV.126, and XV.126/1 of the Economic Law Code.

B. Other provisions relating to the activities of branches registered in Belgium of lenders governed by the law of another Member State:

- Book VII “Payment and credit services” of the Economic Law Code, as well as its implementing decrees and the implementing decrees of the Law of 4 August 1992 on mortgage credit and of the Law of 10 August [SM1]2001 on the central individual credit register which remain in force until their abrogation;
- Royal Decree 22 of 24 October 1934 prohibiting persons convicted of certain offences and bankrupts from carrying out certain functions, professions or activities, and conferring power on the commercial courts to impose such prohibitions;
- Royal Decree 55 of 10 November 1967 regulating the legal status of companies engaged in lease financing, and its implementing decrees;
- Law of 11 January 1993 on preventing use of the financial system for purposes of money laundering and terrorist financing, and its implementing decrees;
- Law of 2 August 2002 on the supervision of the financial sector and on financial services, and its implementing decrees;
- Articles 49 and 65/2 of the Programme Law of 24 December 2002;

- Articles 27, 32 and 63/4 of the Law of 28 April 2003 on supplementary pensions and their tax treatment, and on some supplementary social security benefits, and its implementing decrees;
- Law of 17 July 2013 on protection against counterfeiting and the preservation of the quality of cash in circulation;
- Law of 25 April 2014 on the legal status and supervision of independent financial planners and on the provision of financial planning advice by regulated firms, and amending the Companies Code and the Law of 2 August 2002 on the supervision of the financial sector and on financial services;
- Book VI “Market practices and consumer protection” of the Economic Law Code as well as its implementing decrees and the implementing decrees of the Law of 14 July 1991 on trade practices and on consumer information and of the Law of 6 April 2010 on market practices and consumer protection which remain in force until their abrogation;
- Book X “Commercial agency agreements, commercial cooperation agreements and distribution agreements” of the Economic Law Code;
- Articles 1408 to 1411*quater* of the Judicial Code.