

# **Behaviour of non-bank consumer credit providers in terms of unfair competition**

## **Abstract**

The thesis deals with the issue of providing consumer loans by non-bank providers of consumer loans in terms of the correctness of their actions in selected areas of their activities. The aim of this work is to assess selected typized behaviour of non-bank providers of consumer loans in terms of the possibility of committing (both) unfair commercial practices and unfair competition. The author thus examines the behaviour of these entities in connection with their information duty and the duty to assess creditworthiness of consumers. In the area of information duty, it focuses more on the pre-contractual information obligation for non-bank consumer credit providers and the obligation for these entities to inform consumers of the annual percentage rate of charge. The subject of the thesis is also an assessment of possible concurrent responsibility of non-bank providers of consumer credit for committing unfair commercial practices and unfair competition. The sanctions provided for by the Consumer Credit Act are also taken into account. The author also describes the development of legislation in defined areas, where the work includes a comparison of current and previous legislation on consumer credit.

The thesis contains several random surveys carried out by the author via the Internet or telephone communication, whose aim was to assess compliance with the legal obligations of non-bank consumer credit providers in practice. These surveys are presented across chapters within the individual areas discussed.

The thesis is divided into seven chapters, the first to fourth are rather theoretical and include an introduction to the issue, definitions of basic concepts, development of legislation, overview of current legislation at national and union level. The fourth chapter deals with unfair commercial practices under the Consumer Protection Act and the Unfair Commercial Practices Directive. The author explains the concept of unfair commercial practices in the context of legal and EU legislation and explains the procedures for assessing a specific behaviour of an entity through the perspective of unfair commercial practices under this systematics. The chapter also defines the relationship between unfair commercial practices and unfair competition.

The fifth chapter contains the issue of information duty of non-bank consumer credit providers with a closer focus on pre-contractual information duty and annual percentage rate of charge. The chapter also includes an assessment of the behaviour of non-bank consumer credit providers in breach of defined obligations in terms of unfair commercial practices and unfair competition.

In the sixth chapter of the thesis, the author deals with the obligation of non-bank providers of consumer credit to assess the creditworthiness of consumers and the consequences of its breach both in terms of sanctions directly in the Consumer Credit Act and again in terms of legal regulation of unfair commercial practices and unfair competition.

**Keywords: Non-bank consumer credit provider, consumer credit, unfair competition**