

**Comments Template on EIOPA-CP 11/010a and EIOPA-CP 11/010b  
 Consultation Paper on the Proposal for Guidelines on Complaints-Handling by Insurance  
 Undertakings and Draft Report on Best Practices by Insurance Undertakings in handling  
 complaints**

**Deadline  
 31 January 2012  
 12:00 CET**

Company name:	Norton Rose Studio Legale	
Disclosure of comments:	EIOPA will make all comments available on its website, except where respondents specifically request that their comments remain confidential.  <i>Please indicate if your comments on this CP should be treated as confidential, by deleting the word <b>Public</b> in the column to the right and by inserting the word <b>Confidential</b>.</i>	Public

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- ⇒ Do **not** change the numbering in column "Reference", or any other formatting in the file.
- ⇒ Please fill in your comment in the relevant row. If you have **no comment** on a paragraph, keep the row **empty**. Please do not delete rows in the table.
- ⇒ Our IT tool does not allow processing of comments which do not refer to the specific paragraph numbers below.
  - If your comment refers to multiple paragraphs, please insert your comment at the first relevant paragraph and mention in your comment to which other paragraphs this also applies.
  - If your comment refers to sub-bullets/sub-paragraphs, please indicate this in the comment relating to the corresponding paragraph.

**Please send the completed template to [CP\\_010@eiopa.europa.eu](mailto:CP_010@eiopa.europa.eu), in MSWord Format, (our IT tool does not allow processing of any other formats).**

The paragraph numbers and questions below correspond to document no. EIOPA-CP-11/010a.  
 There is an additional section at the end of the table for general comments on the draft Best Practices Report (document no. EIOPA-CP-11/010b).

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 Consultation Paper on the Proposal for Guidelines on Complaints-Handling by Insurance  
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Reference	Comment	
General Comment		
3.1.		
3.2.		
3.3.		
3.4.		
3.5.	<p>Guidelines should clarify whether national authorities have full supervisory power over establishments of EU insurance undertakings and whether they may impose to such subjects any undertaking in relation to their organization (e.g. with regard to the register).</p> <p>It is appropriate to provide a clear explanation on (i) a cross border complaint; (ii) the functioning of the FIN-NET system, (iii) the role of the authorities in such system and (iv) the relationship of such system with the guidelines for the management of the complaints.</p>	
3.6.		
3.7.	<p>The introduction of a definition of “complaint” should be imposed to national authorities; it seems to be appropriate that complaints’ definition does not extend to expressions of dissatisfaction following adjustment of a claim (even in case of denial). Management of a claim should in fact not be made by the complaints’ function.</p> <p>Complaints should be treated under the terms of the policy, only if the complainant provides sufficient elements to understand its contents.</p>	
3.8.		
3.9.		
3.10.	<p>It would be appropriate to clarify whether such policy should also cover management of complaints caused by the activity carried out by an outsourcer or intermediary.</p>	
3.11.	<p>It would be appropriate to clarify whether such function should be independent or, depending on the volume of the business, it could be constituted within the compliance, internal audit or legal function; this latter solution would allow smaller undertakings to reduce their costs.</p>	
3.12.		

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3.13.		
3.14.		
3.15.	It is not clear how the insurance undertaking should “keep the complainant informed about further handling of the complaint”; being too generic, this obligation may cause relevant costs to the market. We suggest that information on the status of the claim should be given only upon request of the client, by telephone.	
3.16.		
3.17.	Comments are not being sought on this paragraph at this stage	
3.18.	Comments are not being sought on this paragraph at this stage	
3.19.		
Q1. – on Impact Assessment		
Q2.– on Impact Assessment		
Q3.– on Impact Assessment		
Q4.– on Impact Assessment		
Best Practices Report Comments (EIOPA-CP-11/010b)	<p>While the insurance undertaking shall respond to complaints made by any mean, we suggest that complaints carried out by telephone shall not be registered (at least if a positive solution has been provided to the claimant during the call) and shall not cause the insurance company to provide a written answer; however, the insurance undertaking shall remind the complainant of the means through which it is possible to file a written complaint and receive a written answer.</p> <p>In case of co-insurance, complaints should only be managed by the leading co-insurer, which should feed the other insurers with reports of their complaints’ management activity.</p>	