

**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:	Allianz SE for Allianz Group	
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 Public in the column to the right and by inserting the word Confidential.</i>	Public

Please follow the instructions for filling in the template:

- ⇒ 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, in MS Word 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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Reference	Comment	
General Comment	Allianz SE welcomes the opportunity to comment the proposed EIOPA Guidelines on Complaints-Handling as helpful to protect the confidence in the insurance industry. We would suggest to bring this to the Joint Committee of the European Supervisory Agencies in order to also harmonize the approaches regarding compliance management in the remits of all providers of financial services/products.	
3.1.	-	
3.2.	-	
3.3.	-	
3.4.	-	
3.5.	-	
3.6.	-	
3.7.	<p>Definition Complaint: We understand and would ask for clarification that “complaints” for the purposes of the guidelines have to be received by the insurance undertaking (so expressions of dissatisfaction e.g. on third party websites are not covered by these guidelines).</p> <p>In addition, from our experience it is practically very important to distinguish between pure expression of dissatisfaction (without the desire for a change or financial settlement with the complainant, often driven by political or social interests) and a complaint with the desire to reach a financial attribution, change in contract or similar. We think further criteria to determine if an expression should be categorized as a complaint would be helpful.</p> <p>Definition Complainant: For legal certainty reasons, only persons who can be identified and are related to a specific product or service of an insurance undertaking should be in the scope of the complaint management process. The scope should be clearly limited to the persons mentioned by</p>	

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	<p>EIOPA. Proposed wording: A policyholder, insured person, beneficiary and in some jurisdictions, injured third party who is presumed to be eligible to have a complaint related to an insurance product or service considered by an insurance undertaking and has already lodged a complaint.</p> <p>Definition Consumer To ensure consistency in the use of the term "consumer", We would suggest to apply the definition of Dir. DIRECTIVE 2002/65/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 September 2002 concerning the distance marketing of consumer financial services ("Consumer means any natural person who is acting for purposes which are outside his trade, business or profession."). This has been transposed across the member states and is consistent also for all financial services. We think that this also better reflects the ratio of the EIOPA guidelines related to consumers, as e.g. plain language might not be necessary when dealing with complaints from professional clients such as brokers.</p>	
3.8.	-	
3.9.	-	
3.10.	Training and communication: We suggest that affected staff of an undertaking should be made aware of and trained regarding the policy and the process.	
3.11.	The general freedom of organisation of functions as outlined in recital 31 DIRECTIVE 2009/138/EC should be maintained, but every affected undertaking should clearly assign responsibilities and accountability for complaint handling.	
3.12.	We suggest to separate the obligation to register and process complaints internally and and the obligation to provide information to the national competent authorities. the latter is addressed in Guideline 4 of the draft. Access to complaint data should be in line with to data security and data protection requiriements. Internal databases make it necessary to store personalized data (name of the complainant, contractual information, correspondence,	

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	<p>health information etc.). Such personalised information should not be accessed by third parties.</p> <p>For civil procedure and dispute resolution (incl. Obudmsmen), there should not be a direct information or access to the complaint handling information of an undertaking. Courts, tribunals and Ombudsmen are not part of the supervision of insurance undertakings and should not be biased in their reasoning and decision taking in each individual case.</p>	
3.13.	<p>Allianz SE suggests the following:</p> <p>There should not be a discretion of national authorities to set timelines, but EIOPA should ensure a level playing field for the formalities of responses, without setting strict timelines.</p> <p>Clearly define the parameters to determine when a notion of dissatisfaction must be categorized as a a complaint. In any case such reporting obligations should be introduced in a proportionate way, (e.g. only for insurance undertakings with a heightened complaint/policy ratio) in order to avoid unreasonable efforts.</p>	
3.14.	-	
3.15.	<p>We support the proposal that insurers provide consumers with their complaints-handling process. It should be clear that details of the process should not be made per se available to all clients via a website or comparable means, as this might rather cause irritations, as complaint management processes in commercial lines business significantly differ from those in consumer business.</p> <p>We do not agree that identities of persons in charge of complaint handling should be communicated on a mandatory basis, as individuals might frequently change their roles or company and the updating will cause significant burden, while the consumer´s interest is to know the contact details of the relevant function.</p>	

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3.16.	See 3.15	
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)	-	