

**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:	Chris Barnard	
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	<p>Please note that the comments expressed herein are solely my personal views.</p> <p>Thank you for giving us the opportunity to comment on your 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.</p>	
3.1.		
3.2.	I agree with this. But this does not require full harmonisation, but at least a minimum level of harmonisation (see also Paragraph 3.6).	
3.3.		
3.4.		
3.5.		
3.6.		
3.7.		
3.8.		
3.9.		
3.10.	I agree with this. Although the administrative, management or supervisory body has ultimate responsibility for compliance, the compliance function would ideally monitor compliance with the complaints management policy.	
3.11.	As a general point, I believe that the compliance function should have overall responsibility for identifying and mitigating conflicts of interest.	
3.12.	Could you confirm that each undertaking should register complaints in an own internal register, rather than also in a central register for all undertakings?	
3.13.	I would add that the data should cover the number of complaints received, differentiated by classes <u>and severity</u> . This will help to monitor and analyse the style of complaint. For example, many small complaints may indicate that an undertaking has a process or communication problem; large complaints may indicate more serious problems such as legal, mismanaged expectations, fraud or misselling.	

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3.14.		
3.15.	Consumers should be made aware of any statutory time limits for bringing a complaint.	
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	<p>Benefits expected to flow from the introduction of the Complaints-Handling Guidelines:</p> <ul style="list-style-type: none"> - there should be a greater degree of consistency and harmonisation in complaints handling - the complaints management policy should be better controlled and more transparent - the complaints management function should be able to analyse the style and trend of complaints and provide input and advice to other key functions - a trackable registration system should improve the efficiency of the complaints handling process - reporting will help the supervisor to prioritise its oversight accordingly, and public reporting will put pressure on the “worst offenders” to improve their processes and practices - consumers will be better informed of undertakings’ complaints-handling processes, which improves transparency (and possibly trust), and better manages their expectations concerning actual or potential complaints <p>These benefits should be more pronounced in those Member States which do not already conform to (some of) the requirements.</p>	
Q2.– on Impact Assessment	A robust, complete and trackable complaints-handling process should enable an undertaking to analyse trends and root causes, and inform management of the key issues and problems (including potential problems) arising from the undertaking’s practices including; operations; legal; sales; product design; marketing; and image. This should provide valuable information for risk management (and mitigation) purposes.	

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Q3.– on Impact Assessment	I do not anticipate significant costs or negative impacts from the proposed policy options.	
Q4.– on Impact Assessment		
Best Practices Report Comments (EIOPA-CP-11/010b)		