

Comments Template on EIOPA-CP 13/006a and EIOPA-CP 13/006b Consultation Paper on the Proposal for Guidelines on Complaints-Handling by Insurance Intermediaries and Draft Report on Best Practices by Insurance Intermediaries in handling complaints		Deadline 28 June 2013 12:00 CET
Company name:	ERGO Versicherungsgruppe AG, Düsseldorf	
Disclosure of comments:	EIOPA will make all comments available on its website, except where respondents specifically request that their comments remain confidential.	Public
<p>Please follow the instructions for filling in the template:</p> <ul style="list-style-type: none"> ⇒ <u>Do not change the numbering in column "Reference", or any other formatting in the file.</u> ⇒ Please fill in your comment in the relevant row. If you have <u>no comment</u> on a paragraph, keep the row <u>empty</u>. 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. <ul style="list-style-type: none"> ○ 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. <p>Please send the completed template to CP-13-006@eiopa.europa.eu, in MS Word Format, (our IT tool does not allow processing of any other formats).</p> <p>The paragraph numbers and questions below correspond to document no. EIOPA-CP-13/006a. There is an additional section at the end of the table for general comments on the draft Best Practices Report (document no. EIOPA-CP-13/006b).</p>		

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 handling complaints**

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Reference	Comment
General Comment	<p>ERGO Versicherungsgruppe AG strongly supports the intention to grant customers an effective possibility of lodging complaints regarding insurance intermediaries via bodies set up for this purpose. An effective facility for the lodging of complaints is not only necessary for consumer protection reasons but also offers companies the possibility of identifying and removing sources of errors, and thus in particular gives them an opportunity to regain the confidence of the customer making the complaint.</p> <p>In our opinion, however, the proposed guidelines are not suitable for achieving the objective stated above. They would also result in disproportionate burdens on the insurance intermediaries.</p> <p>The guidelines require own complaints management or a complaints-management function on the part of the insurance intermediaries themselves. Such a requirement has no legal basis as Directive 2002/92/EC dated 9 December 2002 on insurance mediation (IMD1) does not provide for any requirements in terms of whether Art. 10 IMD1 refers to external and/or internal complaints-handling procedures. The Directive has left it to the member states to decide how complaints are to be handled. Nothing in this respect is intended to be changed within the scope of the evaluation of the insurance mediation directive (IMD2). The report on the "Mapping Exercise" shows clearly that the majority of the EU/EEA member states questioned has understood Art 10 IMD1 in the way that it refers exclusively to external handling of complaints. Against this background, it is surprising and beyond comprehension that EIOPA is now interpreting the regulation such that internal handling of complaints by the intermediary is mandatorily prescribed.</p> <p>In its sales organisations, ERGO Versicherungsgruppe primarily works with intermediaries who - as independent insurance agents and, as a general rule, sole traders - sell exclusively products of the ERGO companies. Even from a customer perspective, internal handling of complaints by such intermediaries hardly seems expedient. The prospect of the intermediary finding a remedy to a complaint made against him by a customer appears very slight. Only in rare cases will the intermediary be prepared to admit own mistakes. From the perspective of the intermediary, this type of internal complaints-handling is inappropriate as the handling of complaints also involves the</p>

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extensive administrative duties envisaged in the guidelines. From the perspective of the company, any such internal handling of complaints by the intermediary is not helpful to the cause. The company then has no possibility of using the complaints as a means of identifying sources of errors.

The customers of ERGO who wish to complain about their insurance intermediary have the possibility of contacting the Complaints Officers envisaged by the company in this context. Customers can also address complaints to the German Insurance Ombudsman. The "Versicherungsombudsmann e. V." is an independent body set up by the German insurance industry to arbitrate in disputes concerning insurance contracts. Alternatively, customers can contact the Federal Financial Supervisory Authority (BaFin) regarding their complaint. This also applies if the problem is attributable to alleged misconduct on the part of the intermediary in so far as the intermediary is a multiple or a tied agent.

Customers therefore have sufficient options in terms of complaints. Against this background, the setting up of a further formalised process for the handling of complaints by every insurance intermediary is neither necessary nor helpful.

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Q1. - on Impact Assessment	As already set out in the "general comment", we consider it advisable and necessary to offer customers the possibility of complaining about the insurance intermediary. Complaints also always offer companies a means of identifying sources of errors and deriving measures that increase customer satisfaction. From our point of view, however, the existing legal framework is insufficient in this respect. We do not expect benefits or positive effects from the introduction of these guidelines.	
Q2a. - on Impact Assessment	In our opinion, the costs associated with the introduction and supervision of the complaints-handling processes and of the registration system cannot be quantified in a reasonable manner. The fundamental cost burden does not result from the introduction of corresponding IT systems but from the opportunity costs, caused by the fact that the intermediary spends his time using these applications or with administrative implementation, without this creating value- added for customers, intermediaries or company.	
Q2b. - on Impact	See answer to Q2a	

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Assessment		
Q2c. - on Impact Assessment	See answer to Q2a	
Q2d. - on Impact Assessment	See answer to Q2a	
Q3. - on Impact Assessment	See answer to Q2a	
Best Practices Report Comments (EIOPA-CP-13/006b)		