



Istituto per la Vigilanza sulle Assicurazioni Private e di Interesse Collettivo

REGULATION NO. 24 OF 19 MAY 2008

REGULATION CONCERNING THE PROCEDURE FOR SUBMITTING COMPLAINTS TO ISVAP, AS LAID DOWN IN ARTICLE 7 OF LEGISLATIVE DECREE NO. 209 OF 7 SEPTEMBER 2005 – CODE OF PRIVATE INSURANCE AND THE PROCEDURE FOR MANAGING COMPLAINTS BY INSURANCE UNDERTAKINGS AND INTERMEDIARIES.

AMENDED AND SUPPLEMENTED BY IVASS ORDER NO. 30 OF 24 MARCH 2015, IVASS ORDER NO. 46 OF 3 MAY 2016, IVASS ORDER NO. 61 OF 4 JULY 2017, IVASS ORDER NO. 63 OF 3 OCTOBER 2017 AND IVASS ORDER NO. 76 OF 2 AUGUST 2018. THE AMENDMENTS AND INTEGRATIONS ARE SHOWN IN ITALICS.

ISVAP

Istituto per la vigilanza sulle assicurazioni private e di interesse collettivo (Institute for the Supervision of Insurance)

HAVING REGARD to law no. 576 of 12 August 1982 as subsequently amended and supplemented, on the reform of insurance supervision;

HAVING REGARD to legislative decree no. 209 of 7 September 2005 as subsequently amended and supplemented, introducing the Code of Private Insurance;

HAVING REGARD to law no. 262 of 28 December 2005, laying down provisions on the protection of savings and provisions governing financial markets;

HAVING REGARD to legislative decree no. 206 of 6 September 2005, introducing the Consumer Code and, in particular, Part III, Title III, Chapter I, Section IV-bis concerning the distance marketing of consumer financial services;

adopts the following:

REGULATION

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CHAPTER I General Provisions

Art. 1 (Legislative sources)

1. This Regulation has been adopted in compliance with articles 5 (2), 7, 183 (2) and 190 (1) of legislative decree n. 209 of 7 September 2005.

Art. 2 (Definitions)

1. For the purpose of this Regulation, the following definitions shall apply:

a) *“agents” shall mean: the intermediaries acting in the name or on behalf of one or more insurance or reinsurance undertakings, registered in Section A of the register*;⁴

a) *“senior management” shall mean: the managing director, the director general as well as the senior management which carries out management supervision duties;*

b) *“consumers and users associations” shall mean: the associations registered in the list referred to in art. 137 of legislative decree n. 206 of 6 September 2005 introducing the Consumer Code;*

b bis) “insurance mediation” shall mean: the activities of introducing or proposing insurance contracts or providing assistance and advice for this purpose and, if the mediation mandate so provides, of concluding such contracts or of assisting in the administration or performance of the contracts concluded, in particular in the event of a claim;⁵

c) *“business pursued under the freedom to provide services” shall mean: the business referred to in article 1, e), of legislative decree n. 209 of 7 September 2005;*

d) *“business pursued under the right of establishment” shall mean: the business referred to in article 1, f), of legislative decree n. 209 of 7 September 2005;*

e) *“CONSOB” shall mean: the National Commission for Listed Companies and the Stock Exchange;*

f) *“COVIP” shall mean: the Supervisory Commission for Pension Funds;*

g) *“decree” shall mean: legislative decree n. 209 of 7 September 2005, introducing the Code of private insurance;*

g bis) “employees and collaborators” shall mean: someone who, for a remuneration and on behalf of the intermediaries registered in sections A, B, D and F of the register, acts as insurance and reinsurance intermediary inside or, if registered in section E of the register, outside the premises of the intermediary for which they conduct business, including ancillary insurance intermediaries;⁶

h) *“FIN-NET” shall mean: the network for the out-of-court settlement of cross-border disputes regarding financial services in the European Economic Area, set up under Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes;*

⁴Letter added by IVASS Order n. 46 of 03 May 2016.

⁵Letter added by IVASS Order no. 46 of 3 May 2016.

⁶Letter added by IVASS Order no. 46 of 3 May 2016 and replaced by IVASS Order no. 76 of 2 August 2018.

- i) "supplementary pension schemes subject to the supervision of COVIP" shall mean: the pension schemes referred to in article 1 (3), a) and b) of legislative decree n. 252 of 5 December 2005 laying down rules on supplementary pension schemes;
- i bis)* "provider" shall mean: the independent third party to which the intermediary outsourced the management of complaints or specific steps of the process;⁷
- i ter)* "large broker": the broker whose managing director and/or the director general are registered in the same section pursuant to article 13, para.3, a), of IVASS Regulation no. 40 of 2 August 2018, and ten or more employees or collaborators registered in section E of the register;⁸
- j) "insurance undertakings" shall mean: the insurance undertakings authorized in Italy and the EU insurance undertakings pursuing business in Italy either under the right of establishment or the freedom to provide services;
- k) "insurance undertakings authorised in Italy" shall mean: the undertakings referred to in article 1, u), of legislative decree n. 209 of 7 September 2005;
- l) "EU insurance undertakings" shall mean: the undertakings referred to in article 1, v), of legislative decree n. 209 of 7 September 2005;
- m) "reinsurance undertakings" shall mean: the undertakings referred to in article 1, cc), of legislative decree n. 209 of 7 September 2005;
- m bis)* "ancillary insurance intermediary" shall mean: the insurance intermediary as defined in article 1, cc-septies, of legislative decree no. 209 of 7 September 2005;⁹
- n) "insurance intermediaries" or "intermediaries" shall mean: the natural or legal persons registered in the register of insurance, reinsurance and ancillary insurance intermediaries referred to in article 109 of legislative decree no. 209 of 7 September 2005;¹⁰
- n bis)* "intermediaries registered in the enclosed List": insurance intermediaries having their residence or head office in another Member State who have been included in the list enclosed to the register referred to in articles 116-quater and 116-quinquies of legislative decree no. 209 of 7 September 2005, licensed to pursue insurance business in Italy by way of establishment or of free provision of services;¹¹
- o) "IVASS" or "Authority" shall mean: Institute for the Supervision of Insurance Undertakings;¹²
- p) "cross-border dispute" shall mean: a dispute between a policyholder of a Member State and an insurance undertaking with head office in another Member State;
- p bis)* "brokers" shall mean: the intermediaries acting on behalf of their client without the power to represent insurance or reinsurance undertakings, included in section B of the register;¹³
- q) "administrative body" shall mean: the board of directors or the management board, for undertakings which have adopted the system referred to in article 2409 octies of the civil code;
- r) "supervisory body" shall mean: the statutory board of auditors, or, in undertakings which have adopted a different system from the one referred to in article 2380 (1) of

⁷ Letter added by IVASS Order n. 46 of 03 May 2016.

⁸ Letter added by IVASS Order no. 46 of 3 May 2016 and amended by IVASS Order no. 76 of 2 August 2018.

⁹ Letter added by IVASS Order n. 76 of 02 August 2018.

¹⁰ Letter replaced by IVASS Order n. 76 of 02 August 2018.

¹¹ Letter added by IVASS Order no. 46 of 3 May 2016 and amended by IVASS Order no. 76 of 2 August 2018.

¹² Letter added by IVASS Order no. 30 of 24 March 2015.

¹³ Letter added by IVASS Order no. 46 of 3 May 2016.

the Civil Code, the supervisory committee or the management supervisory committee;

s) "loss adjusters" shall mean: the persons registered in the list referred to in article 157 of legislative decree n. 209 of 7 September 2005;

t) *"insurance-based investment products" shall mean: the products as referred to in article 1 (1, ss-bis) of legislative decree no. 209 of 7 September 2005;*¹⁴

t 01) *"direct canvassers" shall mean: the intermediaries who, also as an activity ancillary to the main business, pursue insurance mediation in life assurance and in accident and sickness insurance on behalf and under the full responsibility of an insurance undertaking and work exclusively for said undertaking without fixed working hours or without obligations as to the result to be achieved, and who are registered in section C of the register;*¹⁵

t bis) *"complaint" shall mean: a written statement of dissatisfaction with an insurance undertaking, an insurance intermediary or an intermediary registered in the enclosed list relating to an insurance contract or service; inquiries, requests for clarifications, claims for damages or requests for the performance of the contract shall not be considered complaints;*¹⁶

t ter) *"complainant" shall mean: a person who is entitled to enforce the right to the handling of the complaint by the insurance undertaking, the insurance intermediary or the intermediary included in the enclosed list, such as the policyholder, the insured person, the beneficiary and the injured party;*¹⁷

t quater) *"register" shall mean: the Register of insurance, reinsurance and ancillary insurance intermediaries referred to in article 109 of legislative decree no. 209 of 7 September 2005;*¹⁸

u) "competent system" shall mean: the body competent for the settlement of cross-border disputes in the State where the insurance undertaking has its head office;
v)¹⁹

w) "Consolidated law on financial mediation" shall mean: legislative decree n. 58 of 24 February 1998 and subsequent modifications and integrations.

Art. 3 (Scope)

1. This Regulation shall lay down rules on:

- a) the submission and management of complaints filed with IVASS by natural and legal persons, by consumers and users associations and, in general, by anyone representing collective interests, against insurance and reinsurance undertakings, intermediaries and loss adjusters;
- b) the procedure for managing complaints by insurance undertakings, *insurance intermediaries or intermediaries included in the enclosed list.*²⁰

¹⁴ Letter replaced by IVASS Order n. 76 of 02 August 2018.

¹⁵ Letter added by IVASS Order n. 46 of 03 May 2016.

¹⁶ Letter added by IVASS Order no. 30 of 24 March 2015 and amended by IVASS Order no. 46 of 3 May 2016.

¹⁷ Letter added by IVASS Order no. 30 of 24 March 2015 and amended by IVASS Order no. 46 of 3 May 2016.

¹⁸ Letter added by IVASS Order no. 30 of 24 March 2015 and replaced by IVASS Order no. 76 of 2 August 2018.

¹⁹ Letter deleted by IVASS Order no. 76 of 2 August 2018.

²⁰ Letter amended by IVASS Order no. 46 of 3 May 2016.

CHAPTER II

Complaints submitted to IVASS

Art. 4 (Submission of complaints)

1. The persons referred to in article 3 (1) (a) may file with IVASS:
 - a) complaints about verification of compliance with the provisions of the decree and of the relevant implementing rules, as well as of the provisions of Part III, Title III, Chapter I, Section IV-bis of legislative decree n. 206 of 6 September 2005 relating to the distance marketing of consumer financial services by insurance and reinsurance undertakings, intermediaries and loss adjusters;
 - b) the complaints already filed directly with insurance undertakings, *insurance intermediaries or intermediaries included in the enclosed list*, which have not received any reply within the deadline *envisaged in this Regulation* by the *subjects involved*, or which have received an unsatisfactory reply;²¹
 - c) complaints about the settlement of cross-border disputes as provided for in article 7.
2. In accordance with this Regulation the following complaints do not fall within IVASS' province:
 - a) complaints for which an action has already been brought before the courts;
 - b) *complaints concerning verification of compliance with the provisions of the Consolidated law on financial mediation and of the relevant implementing rules on the distribution of insurance-based investment products by subjects licensed to insurance distribution referred to in article 1 (w-bis) of the Consolidated law on financial mediation, and subsequent modifications and integrations*,²²
 - c) complaints concerning verification of compliance with the provisions of legislative decree no. 252 of 5 December 2005 and of the relevant implementing rules on disclosure and on the arrangements for the offer of supplementary pension schemes to the public.
3. If the complaints received fall within the scope of para. 2, a), IVASS shall inform the complainant that they fall outside its competence.
4. If the complaints received fall within the scope of para. 2, b) and c), IVASS shall immediately forward them to CONSOB or COVIP respectively, and at the same time shall inform the complainant.
5. When the complaint concerns the management of the contractual relation, and in particular the assignment of liability, the provision of the benefit, the quantification and payment of the amounts due to the person entitled, the complainant shall directly send it to the undertaking, without prejudice to the possibility to apply to IVASS in the cases referred to under para.1, b).

²¹ Letter amended by IVASS Order no. 46 of 3 May 2016.

²² Letter replaced by IVASS Order no. 76 of 2 August 2018.

6. In the case of complaints concerning the subjects referred to under para. 5 submitted directly to *IVASS*, the latter shall forward the complaint to the insurance undertaking within 45 days of receipt and, at the same time, shall inform the person concerned. Undertakings shall send their reply directly to complainants within 45 days of receiving the complaint.

Art. 5
(Contents of complaints)

1. The complaints filed with *IVASS* *in writing* shall contain²³:
- a) first name, surname and address of the complainant, and possibly a telephone number;
 - b) identification of the person or persons whose behaviour is the subject of the complaint;
 - c) brief and comprehensive description of the reason for the complaint;
 - d) a copy of the complaint filed with the insurance undertaking, *insurance intermediary or intermediary included in the enclosed list*, and the reply by the latter – if any – in the cases envisaged in article 4 (1) b);²⁴
 - e) any document useful for a more complete description of the relevant circumstances.
2. In the absence of any of the information required under para.1, a), b) and c), *IVASS*, before starting any preliminary inquiry and within 45 days of receiving the complaint, shall ask the complainant – where identifiable on the basis of the data referred to under para.1, a) – to provide the missing elements.

Art. 6
(Handling of complaints)

1. After receiving the complaint envisaged in article 4 (1), *IVASS* shall start its preliminary inquiry without delay. *IVASS* shall inform the complainant of the starting of the preliminary inquiry within 45 days of receiving the complaint.
2. During the preliminary inquiry *IVASS* may, in compliance with article 189 of the decree, ask for data, information or documents not only to the complainant but also to supervised entities, which shall reply within 30 days of receiving such request.
3. *Once acquired the background information needed, IVASS shall inform the complainant about the outcome of the management of the complaint within 90 days from the acquisition of the information.*²⁵

²³ Paragraph amended by IVASS Order no. 30 of 24 March 2015.

²⁴ Letter amended by IVASS Order no. 46 of 3 May 2016.

²⁵ Paragraph introduced by IVASS Order no. 30 of 24 March 2015.

4. *IVASS may require the insurance undertaking, insurance intermediaries or intermediaries included in the enclosed list, when they manage complaints directly pursuant to Chapter III bis, to provide clarifications on the complaint directly to the complainant and to forward IVASS a copy of the reply to the complainant. If IVASS believes that the reply is not satisfactory, it shall continue the preliminary inquiry and inform the complainant about its outcome within the deadline referred to under para. 3.*²⁶
5. *In case of complaints against EU insurance undertakings or intermediaries included in the enclosed list, that highlight recurrent or particularly serious problems, IVASS shall also point them out to the Supervisory Authority of the home member State.*²⁷
6. *IVASS shall make available on its website detailed information on the procedure for submitting complaints, the addresses to which complaints may be submitted, and on the dedicated telephone line to which complainants may apply for information on progress of their complaints.*
7. *Where a breach or circumvention of the obligation to insure or to renew the contract is reported, as laid down in art 132 of legislative decree no. 209 of 7 September 2005, the regulatory deadlines referred to in paragraph 1 and 3 shall be reduced by half.*²⁸

Art. 7 (Complaints handled through FIN-NET)

1. For the settlement of the cross-border dispute in which he/she is involved, the complainant having his/her residence in Italy may file the complaint either with IVASS or directly with the competent²⁹ foreign system and ask for the activation of the FIN-NET procedure.
2. On receiving the complaint and after verifying the existence of a competent foreign system, IVASS shall forward the complaint to such system *within 30 days*, and at the same time shall inform the complainant. When this procedure entails costs for the complainant, IVASS shall obtain the prior consent of the latter. IVASS shall immediately send the complainant the reply furnished by the competent system.³⁰
3. When IVASS has been involved in the settlement of a cross-border dispute as competent system, it shall follow the procedure described in article 6.

²⁶ Paragraph replaced by IVASS Order no. 46 of 3 May 2016.

²⁷ Paragraph added by IVASS Order no. 30 of 24 March 2015 and subsequently amended by IVASS Order no. 46 of 3 May 2016.

²⁸ Paragraph introduced by IVASS Order no. 63 of 3 October 2017.

²⁹ The competent system can be found via the website: http://ec.europa.eu/internal_market/fin-net/members_en.htm.

³⁰ Paragraph amended by IVASS Order no. 30 of 24 March 2015.

CHAPTER III

Complaints submitted to insurance undertakings

Art. 7bis³¹
(Complaints management policy)

1. *The insurance undertakings authorised in Italy shall adopt a complaints management policy which is approved and revised, at least annually, by the administrative body, and is based on the fair treatment of insured persons, policyholders, beneficiaries and injured parties, which aims to ensure the proper and timely handling of complaints.*
2. *The complaints management policy is formalised in a document made available to all relevant personnel through appropriate communication channels.*
3. *The administrative body shall ensure that the complaints management policy is properly implemented and that procedures are adopted that enable the identification of the products and corporate processes concerned by complaints, the identification of the causes that lie at the root of complaints and the assessment of their possible impact on other products or processes and adopt, where necessary, the appropriate corrective action.*

Art. 8
(Complaints handled by insurance undertakings)

1. *The insurance undertakings authorised in Italy shall receive and manage complaints referring to them, also when they concern subjects involved in the undertaking's operational cycle, and reply to the complainant within 45 days of receiving them. Undertakings shall immediately forward to the intermediaries included in sections B and D of the register and to the intermediaries included in the enclosed list, the complaints received in relation to their conduct, and at the same time shall inform the complainant.³²*
- 1 bis. *In the communications to the complainant undertakings shall adopt an easily comprehensible and straightforward language. In case of partial or non acceptance of the complaint, in the response to the complainant, undertakings shall provide a clear explanation of their position and inform him/her about the possibility, before applying to the Judicial authorities, to apply to IVASS or to alternative systems for the settlement of disputes laid down by law or arising from an agreement, specifying how to do that.³³*

³¹ Article inserted by IVASS Order no. 30 of 24 March 2015.

³² Paragraph amended by IVASS Order no. 46 of 03 May 2016.

³³ Paragraph introduced by IVASS Order no. 30 of 24 March 2015.

2. For the handling of the complaints received, including the relevant replies to complainants, undertakings shall set up a specific business function and guarantee its independence of judgement by adequately placing it within the organisation and by envisaging appropriate procedures aimed to avoid conflicts of interest with the structures or subjects whose conduct is the object of the complaint.
3. The business function referred to in para. 2 shall manage the complaints data-bank envisaged in article 9.
4. Within 10 working days of its setting up, undertakings shall notify IVASS of the business function established pursuant to para. 2 and of the name of the person responsible for it, together with the relevant contact details, as well as of any subsequent change.
5. Undertakings shall make available on their websites any useful information for submitting complaints.
- 5 bis. Undertakings shall publish annually on their websites, within 60 days after the close of each calendar year, in the section dedicated to complaints, a report on the activity of handling complaints which shall also contain a summary of the data and the types of complaints received by the undertaking as well as their outcome.³⁴*
6. The provisions under para.1, 1 bis, 2 and 4 shall also apply to EU insurance undertakings licensed to pursue business in Italy under the right of establishment.³⁵
7. The provisions under para.1 and 1 bis shall also apply to EU insurance undertakings licensed to pursue business in Italy under the freedom of services.³⁶

Art. 9

(Classification of complaints and duty to inform IVASS)

1. The insurance undertakings authorised in Italy shall register all the complaints received in an electronic data-bank, and take note, upon receiving the complaint, of the data referred to in annex 1 taken from the complaint, and supplement them with other information on their handling.
- 2. At the end of each semester, the data referred to in para.1 shall be reported in the statistical table referred to in annex 2. For each calendar year, the tables for the second semester shall also include the data of the previous semester. The complaints that, at the end of the second semester, are still under examination shall be reported in the table referred to under annex 3.³⁷*

³⁴ Paragraph added by IVASS Order no. 30 of 24 March 2015 and subsequently amended by IVASS Order no. 76 of 2 August 2018.

³⁵ Paragraph amended by IVASS Order no. 30 of 24 March 2015.

³⁶ Paragraph amended by IVASS Order n. 30 of 24 March 2015.

³⁷ Paragraph introduced by IVASS Order n. 30 of 24 March 2015.

3. When monitoring the effectiveness and efficiency of the internal control system, the person responsible for the internal auditing shall verify the correctness of the procedures for the management of complaints described in para. 1 and shall keep in touch with IVASS should any problem arise in the management of complaints; once he/she has received the tables envisaged under para. 2 he/she shall forward them, together with a report, to the senior management and the administrative and control bodies.
4. *The report envisaged in para. 3 shall highlight the sectors within the undertaking's organisation, the insurance products and services which are the main or most frequent subject of complaints; it shall analyse the topics that lie at the root of complaints, describe any shortcomings in the organisation or procedures and propose adequate corrective measures.* The administrative and the control bodies, within their respective competences, shall make their comments about the report.³⁸
5. The tables, report and assessments referred to under para. 2, 3 and 4 shall be sent to IVASS within 60 days of the end of the relevant semester, according to the terms and procedures illustrated in the technical document published on IVASS website. The table in annex 3 shall be sent to IVASS together with that relating to the first semester of the following year.³⁹
6. The undertakings referred to under para.1 shall keep documentary evidence of the complaints and of their handling for the five years following their receipt.
- 6 bis. *The provisions laid down in para. 1, 2, 3, 4 and 5 shall also apply to EU insurance undertakings which receive over than twenty complaints per year. For such undertakings the assessment referred to in para. 3 and the report referred to in para. 4 shall be made by the corresponding corporate bodies.*⁴⁰

Art. 10

(Information on the procedure for filing complaints)⁴¹

1. *Insurance undertakings shall clearly show in the home page of their websites, in the pre-contractual information note and in the periodical communications during the term of the contract, information on the management of complaints, the instructions on how to file complaints with them and their response times; they shall specify the business function responsible for examining complaints and the relevant contact numbers and addresses. They shall also provide information on how to file complaints with IVASS, including reference to the template to be used, and the possibility for the complainant, in the event of failure or partial acceptance of the complaint, to apply to IVASS and to the alternative systems for the*

³⁸ Paragraph amended by IVASS Order no. 30 of 24 March 2015.

³⁹ Paragraph amended by IVASS Order no. 30 of 24 March 2015.

⁴⁰ Paragraph introduced by IVASS Order no. 30 of 24 March 2015.

⁴¹ Article replaced by IVASS Order no. 30 of 24 March 2015.

settlement of disputes laid down by law or arising from an agreement, specifying how to do that.

2. Undertakings shall make available on their websites, also through a special link to IVASS website, the template that can be used for submitting the complaint to IVASS.

CHAPTER III-bis **Complaints concerning the conduct of insurance intermediaries⁴²**

Art. 10 bis *(Complaints handling policy)*

1. The intermediaries included in sections B and D of the register shall adopt a policy for the handling of the complaints falling within their competence, including those concerning the conduct of employees and collaborators, based on the fair treatment of insured persons, policyholders, beneficiaries and injured parties, which is capable of identifying and managing any conflicts of interest with the complainant, while ensuring the proper and timely handling of complaints.
2. The complaints management policy referred to in para. 1 is formalised in a document made available to all the employees and collaborators through appropriate communication channels and is revised at least annually.
3. The administrative body of large brokers and intermediaries registered in section D shall approve the policy referred to in paragraph 1 and shall be responsible for its implementation.
4. The principal insurance undertakings shall integrate the complaints management policy referred to in article 7 bis by introducing specific provisions relating to:
 - a) the management of complaints regarding the conduct of agents and their employees and collaborators referred to in article 10 ter, and capable of identifying and managing any conflict of interest that may arise between the intermediary, the undertaking and the complainant;
 - b) the management of complaints regarding the conduct of direct canvassers referred to in article 10 quinquies, and capable of identifying and managing any conflict of interest that may arise between the intermediary, the undertaking and the complainant.
5. The complaints management policy referred to in para. 4 shall be communicated by the principal undertakings to agents and direct canvassers through appropriate communication channels and shall be revised at least annually.

⁴² Chapter inserted by IVASS Order no. 46 of 3 May 2016.

Art. 10 ter

(Management of complaints concerning the conduct of intermediaries registered in Section A of the register)

- 1. The principal undertakings shall manage the complaints submitted in relation to the conduct of the agents they use for the pursuit of insurance mediation, including the complaints concerning the conduct of employees and collaborators, as established in the complaints management policy referred to article 7 bis. Agents shall immediately forward the complaints received in relation to their own conduct or to the conduct of an employee or collaborator to the principal undertaking concerned, and at the same time shall inform the complainant.*
- 2. During the preliminary investigation the undertakings referred to under para. 1 shall ensure that the agent concerned has the right to be heard. Without prejudice to the obligation referred to in paragraph 1, undertakings shall forward the complaint received to the intermediary, urging it to provide - within 15 days - the relevant documentation and any other useful information for the handling of the complaint, and to express its views on the subject of the complaint. The intermediary shall in any case be included among the addressees of the communications from the undertaking to the complainant concerning the complaint itself.*
- 3. The undertakings shall in any case reply to the complainant within 45 days of receiving the complaint, by using simple, easy-to-understand language. This time-limit shall be suspended for a maximum of 15 days in case of additional information requested under para. 2. In case of partial or non acceptance of the complaint, undertakings shall provide the complainant with a clear explanation of their position and inform him/her about the possibility, before applying to the Judicial authorities, to apply to IVASS or to alternative systems for the settlement of disputes laid down by law or arising from an agreement, specifying how to do that. In their reply to the complaint, the principal undertakings shall report the position of the agent concerned or its failure to reply.*
- 4. The principal undertakings shall record the complaints referred to in para. 1 in the data-bank envisaged in article 9, para.1, and shall report the relevant data in the statistical statements pursuant to the provisions of article 9, para 2.*
- 5. The principal undertakings shall inform the agent concerned of the reply provided to the complainant, and shall at the same time indicate any appropriate corrective measures to remove the cause for complaint, also with a view to:*
 - a) making the analysis of complaints pursuant to article 10 undecies;*
 - b) sending IVASS the data on the complaints received pursuant to article 10 duodecies, para. 1;*
 - c) allowing the agent to report the data on the complaints in the statistical statement referred to in annex 2 at the end of each calendar year.*

Art. 10 quater

(Management of complaints concerning the conduct of intermediaries registered in Section B of the register)

- 1. The intermediaries included in section B of the register shall manage the complaints falling within their competence, including those concerning the conduct of employees and collaborators, in accordance with the complaints management policy envisaged in article 10 bis. Brokers shall immediately forward to the undertaking concerned the complaints received in relation to its conduct, and at the same time shall inform the complainant.*
- 2. The brokers shall reply to the complainant within 45 days of receiving the complaint, by using simple, easy-to-understand language. In case of partial or non acceptance of the complaint, intermediaries shall provide the complainant with a clear explanation of their position and inform him/her about the possibility, before applying to the Judicial authorities, to apply to IVASS or to alternative systems for the settlement of disputes laid down by law or arising from an agreement, specifying how to do that.*
- 3. The brokers who use social networking sites in their communications with insured parties, policyholders and injured parties, shall provide for the possibility to submit complaints also through this channel or, as an alternative, shall specify how to submit complaints. In any event, paragraphs 1 and 2 shall apply.*
- 4. The brokers shall record the complaints received in a data-bank, reporting the data envisaged in annex 1 and specifying whether the complaint has been forwarded to the insurance undertaking or to other financial institutions, when it does not fall within the competence of the intermediary. The data bank may be held in paper or electronic format. At the end of each calendar year, the brokers shall report the data on complaints in the statistical table referred to in Annex 4.*

Art. 10 quinquies

(Management of complaints concerning the conduct of intermediaries registered in Section C of the register)

- 1. Insurance undertakings shall manage the complaints submitted against the direct canvassers they use for the pursuit of insurance mediation, according to the terms and procedures of articles 8, para. 1, 1bis and 5, and 9.*
- 2. When receiving a complaint, direct canvassers shall immediately forward it to the insurance undertaking, and at the same time shall inform the complainant.*

Art. 10 sexies

(Management of complaints concerning the conduct of intermediaries registered in Section D of the register)

1. *The intermediaries included in section D of the register shall manage the complaints falling within their competence, including those concerning the conduct of employees and collaborators, in accordance with the complaints management policy envisaged in article 10 bis as well as with the provisions of article 10 quater, para. 2, 3, and 4. Intermediaries shall immediately forward to the principal undertaking concerned the complaints received in relation to its conduct, and at the same time shall inform the complainant.*
2. *For the fulfilment of the requirements envisaged in this Chapter, the intermediaries referred to in para. 1 may use the organizational structures and centres already in place for the management of complaints relating to the banking and financial activities when they are adequate to ensure compliance with the provisions in para.1, as well as in articles 10 bis, para. 1, 2 and 3, and 10 octies.*
3. *When, in the management of complaints, existing structures are used, the intermediaries shall ensure that:*
 - a) *when recording the complaint, complaints relating to insurance mediation shall be indicated separately;*
 - b) *at its request, IVASS shall be provided with all the information on the management of the complaints relating to insurance mediation, including the information referred to in article 10 duodecies, para.1.*

Article 10-septies

(Management of complaints concerning the conduct of intermediaries registered in Section E of the register)

1. *Complaints relating to the conduct of employees and collaborators of insurance intermediaries and intermediaries included in the enclosed list shall be managed according to the provisions of articles 10 ter, para.1, 10 quater, para.1, and 10 sexies, para.1 and 10 terdecies, para.1.*
2. *The employees and collaborators who receive a complaint shall immediately forward it to the intermediary on whose behalf they pursue insurance mediation activity which is the subject of the complaint, and at the same time shall inform the complainant. The complainant may be informed directly by the principal intermediary.*

Art. 10 octies

(Complaints handling function)

1. *For the handling of the complaints, including those concerning the conduct of employees and collaborators and the replies to complainants, large brokers and intermediaries included in section D of the register shall set up a specific business function and guarantee its independence of judgement by adequately placing it within the organisation and by envisaging appropriate procedures aimed to avoid*

conflicts of interest with the structures or subjects whose conduct is the object of the complaint.

- 2. The intermediaries referred to in para.1 shall, at the request of IVASS, provide information on the business function, including the name of the person responsible for it, together with the relevant contact details.*
- 3. The complaints management function of insurance undertakings envisaged in article 8, para.2, shall also be competent for the management of complaints relating to:*
 - a) the conduct of agents, including their employees and collaborators, referred to in article 10 ter;*
 - b) the conduct of direct canvassers referred to in article 10 quinquies.*

*Art. 10 novies
(Outsourcing of complaints handling)*

- 1. Without prejudice to their responsibility for the management of the complaint in accordance with article 10 quater and 10 sexies, the intermediaries included in sections B and D of the register may use independent third parties, including their own trade associations, for the management of complaints or of specific steps of the process.*
- 2. In case of outsourcing, the intermediaries referred to under paragraph 1 shall:*
 - a) directly receive the complaints submitted, be responsible for any subsequent communications and in any case provide a conclusive reply to the complainant within the deadline envisaged in this regulation;*
 - b) provide to the complainant the contact details of the service provider who handles the complaint;*
 - c) make sure that the outsourcing does not entail the breaching of any law, in particular the rules on personal data protection;*
 - d) formalise the outsourcing in a written agreement that clearly defines the obligations and requirements imposed on the intermediary and the service provider;*
 - e) without prejudice to the provisions of paragraph 3, identify a contact point within their organisation charged with verifying compliance with the conditions referred to in this paragraph;*
 - f) communicate, at the request of IVASS, the name and contact details of the service provider, making sure that the Authority has access to the data relating to the outsourced activity and to the business premises of the service provider.*
- 3. In case of outsourcing of the management of complaints or of specific steps of the process by large brokers and intermediaries included in section D of the register, the contact point for the outsourced activity is the person responsible for the function envisaged in article 10 octies, para. 2.*

Art. 10 decies
(Information on the procedure for filing complaints)

1. *Intermediaries shall disclose in the statement conforming to Annex 4 to IVASS Regulation no. 40 of 2 August 2018, in their internet site, if any, and in the premises where insurance mediation is conducted⁴³:*
 - a) information on the management of complaints including the instructions on how to file complaints with the undertaking or the intermediary, the arrangements for communications and their response times;*
 - b) the indication of the function, if any, for the handling of the complaints of the undertaking or of the intermediary, responsible for examining complaints and the relevant contact numbers and addresses;*
 - c) information on how to file complaints with IVASS, and the possibility for the complainant, in the event of partial or non acceptance of the complaint, to apply to IVASS and to the alternative systems for the settlement of disputes laid down by law or arising from an agreement, specifying how to do that.*
2. *The intermediaries, at the request of the complainant who has not already been informed on the basis of an existing contractual relation, shall provide the information referred to in para 1, a), b) and c) in writing.*
3. *The intermediaries registered in section A, including their employees and collaborators, which carry on insurance mediation on behalf of several companies, shall provide the information referred to in para.1 for each of the undertakings for which they operate.*

Art. 10 undecies
(Analysis of complaints)

1. *The intermediaries in sections A, B and D of the register are required to analyse the data of the individual complaints managed, including the complaints relating to the conduct of their employees and collaborators, identifying the root causes common to types of complaint. Based on the results of the analysis, the intermediaries shall consider whether such root causes may also affect processes or products other than those directly complained of; and take appropriate corrective measures.*

Art. 10 duodecies
(Information for IVASS)

1. *The intermediaries registered in sections A, B and D shall provide IVASS, at the latter's request, with:*
 - a) information on the number of complaints received, response times, the subject and the outcome of the complaint;*
 - b) the results of the analyses carried out pursuant to article 10 undecies;*

⁴³ Paragraph amended by IVASS Order no. 76 of 2 August 2018.

c) the latest available statistical statement drawn up pursuant to articles 10 ter, para.5, c), 10 quater, para.4, and 10 sexies, para.1.

Art. 10 terdecies

(Management of complaints against insurance intermediaries included in the enclosed list)

- 1. The intermediaries included in the enclosed list and licensed to pursue business under the right of establishment or the freedom to provide services shall manage the complaints falling within their competence, including those concerning the conduct of employees and collaborators, and shall immediately forward to the undertaking concerned the complaints received in relation to the conduct of the latter, and at the same time shall inform the complainant.*
- 2. The intermediaries referred to in para. 1 shall reply to the complainant within 45 days of receiving the complaint, by using simple, easy-to-understand language. In case of partial or non acceptance of the complaint, intermediaries shall provide the complainant with a clear explanation of their position and inform him/her about the possibility, before applying to the Judicial authorities, to apply to IVASS or to alternative systems for the settlement of disputes laid down by law or arising from an agreement, specifying how to do that.*
- 3. The intermediaries referred to in para. 1 shall record the complaints received in a data-bank, reporting the data envisaged in annex 1 and specifying whether the complaint has been forwarded to the insurance undertaking or to other financial institutions, when it does not fall within the competence of the intermediary. The data bank may be held in paper or electronic format.*
- 4. The intermediaries referred to in para. 1 which in the calendar year have received more than twenty complaints shall fill in the statistical statement referred to in Annex 4 and forward it to IVASS at the latter's request.*
- 5. For the purpose of managing complaints, intermediaries registered in the enclosed list and licensed to pursue business under the right of establishment shall have a complaints management function. Article 10 octies, para. 2 and 3, shall apply.*

Art. 10 quaterdecies

(Management of complaints concerning the conduct of intermediaries within the framework of free collaborations)

- 1. In case of collaboration in the pursuit of insurance mediation in accordance with article 22 of decree-law no. 179 of 18 October 2012, complaints shall be managed in the manner provided for in article 10 septies. For this purpose, a collaborator pursuant to article 10 septies shall be deemed to be any intermediary collaborating with the one who has a direct relation with the insurance undertaking.*

2. *The person responsible for the management of the complaint according to article 10 septies who receives a complaint concerning the conduct of a collaborator shall:*
 - a) *ensure, during the preliminary investigation, that the collaborator has the right to be heard, urging it to provide - within 15 days - the relevant documentation and any other useful information for the handling of the complaint, and to express its views on the subject of the complaint;*
 - b) *inform the collaborator concerned of the reply provided to the complainant, and at the same time indicate any appropriate corrective measures to remove the cause for complaint, also with a view to:*
 - i) *making the analysis of complaints pursuant to article 10 undecies;*
 - ii) *sending IVASS the data on the complaints received pursuant to article 10 duodecies, para. 1;*
 - iii) *allowing the collaborator to report the data on the complaints in the statistical statement referred to in Annex 4 at the end of each calendar year.*
3. *If the person responsible for managing the complaint is the principal undertaking referred to in article 10 ter, the cross-examination referred to in para.2, a), and the information referred to in para. 2, b), shall be managed by the agent with whom the intermediary cooperates.*

Art. 10 quindecies⁴⁴

(Provisions applicable to the management of complaints concerning the conduct of ancillary insurance intermediaries registered in Section F of the register)

1. *The provisions of this Chapter regulating the management of complaints concerning the conduct of intermediaries registered in Section A of the register shall apply also to the management of complaints concerning the conduct of ancillary intermediaries registered in Section F of the register.*

CHAPTER IV Final Provisions

Art. 11 (Repeals)

1. *In accordance with the terms referred to in article 13 (2 and 3), the following are repealed:*

- a) *ISVAP circular no. 518/D of 21 November 2003;*
- b) *ISVAP circular no. 542/S of 25 November 2004.*

Art. 12 (Publication)

⁴⁴ Article inserted by IVASS Order no. 76 of 2 August 2018.

1. This Regulation shall be published in the Official Journal of the Italian Republic and in ISVAP's Bulletin and website.

Art. 13
(Entry into force)

1. This Regulation shall enter into force on the thirtieth day following its publication in the Official Journal of the Italian Republic.
2. Undertakings shall comply with the provisions contained in articles 8 and 9 by 1 January 2009.
3. Undertakings shall adjust their information notes to the provisions of art. 10 at the time of the first update, following the deadline set in para. 2, as envisaged by the regulations in force.
4. In the initial period of application, undertakings shall comply with the notification requirements referred to in art. 8 (4) by 15 January 2009.

Rome, 19 May 2008

The President
(Giancarlo Giannini)