

## International Complaints Handling at Lloyd's: Germany

Definition of a complaint	<p>A statement of dissatisfaction expressed by any person in relation to an insurance undertaking with regard to the insurance contract or any service offered to such a person. Complaints addressed to an insurer containing a reference to an insurance intermediary are also included in the definition. The handling of complaints is distinguished from claims handling, as well as from a simple request to fulfil the contract or to provide information or clarification.</p> <p>A complaint, in order to be considered as such, does not necessarily have to be titled with the word "complaint".</p>
Definition of a complainant	<p>A person who is presumed to be eligible to have a complaint investigated by an insurance undertaking and has already lodged a complaint, e.g. a proposer, a policyholder, an insured, a beneficiary, an injured third party.</p> <p>Lloyd's understands that this definition refers to complaints made by an individual person or a corporate entity.</p>
Application of Lloyd's procedure and local complaint regulations	All insurance policies written on a freedom of services or establishment basis.
Timescale	<ul style="list-style-type: none"> <li>• A prompt acknowledgement of the complaint</li> <li>• A final response must be provided within six weeks of receipt of the complaint.</li> </ul>
EDR referral	<p>The Insurance Ombudsman</p> <p>Insurance Ombudsman / Versicherungsombudsmann e. V. Postfach 080632 10006 Berlin Germany</p> <p>Tel: 0800 3696000 Fax: 0800 3699000</p> <p><a href="http://www.versicherungsombudsmann.de/home.html">http://www.versicherungsombudsmann.de/home.html</a> (German only)</p> <p>The complainant is eligible to refer a complaint to the Insurance Ombudsman if it meets all of the following criteria:</p> <ul style="list-style-type: none"> <li>• At least six weeks have elapsed since the complaint was submitted to the insurer.</li> </ul>

- The complainant is a consumer or in a consumer-like situation.
- The policy contract was written on an establishment basis.
- The value of the complaint is EUR 100,000 or less.
- The complaint does not relate to private health insurance or reinsurance.
- The complaint does not relate to the benefits of a third party under the policy contract.
- The complaint is not already subject to court proceedings or an arbitration procedure.

**The Ombudsman will not deal with a complaint if a complainant has not submitted it to the insurer in the first instance, unless the insurer has consented to the complainant going directly to the Ombudsman. The insurer can do this only if in the meantime it has neither accepted nor rejected the complaint.**

**If the complainant has submitted a complaint to an insurer who then consented to the complainant going directly to the Ombudsman, the insurer may change their mind and request the suspension of the Ombudsman's procedure, provided the complaint was submitted to the insurer less than 6 weeks ago and the insurer has neither accepted nor rejected the complaint.**

**If the insurer requests that the Ombudsman suspends its procedure and if the specified preconditions have occurred, the Ombudsman will do so until 6 weeks have elapsed since the complainant submitted its complaint to the insurer.**

The Federal Institute for Financial Services

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[http://www.bafin.de/EN/Consumers/ComplaintsContacts/ComplaintsToBafin/complaintstobafin\\_node.html](http://www.bafin.de/EN/Consumers/ComplaintsContacts/ComplaintsToBafin/complaintstobafin_node.html)

	An individual person can refer a complaint to BaFin at any time and without first submitting the complaint to the relevant insurer or the Insurance Ombudsman.
Local Regulatory Reporting Requirements	Annual reporting to BaFin. This is done centrally by Lloyd's General Representative on behalf of the Lloyd's market,
Lloyd's Complaint Notice	<p>The new complaints notices for Germany LSW1871 and LSW1872 have been produced.</p> <p>These are available on the Lloyd's Wording Repository and are referenced in the Pre-contractual notification and Insurance documents sections of Crystal.</p>