

MARKET BULLETIN

REF: Y4738

Title	Greece: New complaints handling procedure
Purpose	To inform the market of a new Lloyd's complaints handling procedure for establishment business in Greece.
Type	Event
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Date	6 November 2013
Deadline	1 January 2014
Related links	Crystal report for Greece

Summary

The regulator in Greece, the Bank of Greece, has recently announced new requirements for the handling of complaints. The requirements apply to all complaints, regardless of whether the complainant is an individual person or a corporate entity, that relate to business written on an establishment basis.

Given the unique structure of the Lloyd's market, it has been necessary to introduce a new complaints handling procedure for Greek establishment business to ensure that underwriters comply with the new rules. It will also enable Lloyd's to meet the associated requirement to report all relevant complaints to the Bank of Greece on an annual basis, which will be done centrally.

Background

The Bank of Greece has implemented the EIOPA Guidelines on Complaints Handling by Insurance Undertakings¹ that were issued to EEA member state regulators in 2012. These Guidelines set out standards that member state regulators should apply to insurers in their territory in respect of how they handle and report complaints. Member state regulators were free to determine how the standards should be implemented in their territory and had to

¹ EIOPA-BoS-12/069.

comply by 15 January 2013. The Bank of Greece implemented the Guidelines through a Decision on 8 January 2013. Please refer to Appendix 1 for the definitions of “complaint” and “complainant” used in the Decision.

Lloyd’s complaints handling procedure

The new Lloyd’s procedure is set out in Appendix 2 and must be followed for complaints received with effect from 1 January 2014. It contains a two stage process that is similar to the procedure for handling complaints for UK personal lines business (see [Market Bulletin Y4683](#) for details of this) in order to provide an approach for the market that is as consistent as possible.

Provision of pre-contractual complaints information

Under Article 31 of EU Directive 92/49/EEC (Third Non-Life Directive) and Article 36 of the EU Directive 2002/83/EEC (Consolidated Life Directive) an insurer must, prior to inception, inform proposers for non-life mass risks and life risks where the proposer is a natural person of the arrangements for handling the policyholder’s complaints. However, the Bank of Greece’s Decision of 8 January 2013 states that such information should be provided to all proposers prior to inception. Lloyd’s has produced Complaints Notice LSW1841, which reflects the new complaints handling procedure in Appendix 2. LSW1841 must be given to all proposers where it is intended to write the risk on an establishment basis. It is available on the [Lloyd’s Wordings Repository](#) and should be used with effect from 1 January 2014. LSW1841 replaces LSW1002GR, which will be archived from this date.

Further information

If you require information regarding the regulatory requirements for underwriting or placing Greek business, please contact:

Lloyd’s International Trading Advice
Lloyd’s Desk, Ground Floor, Underwriting Room
Telephone: + 44 (0) 20 7327 6677
Email: LITA@Lloyds.com
www.lloyds.com/crystal

If you require information regarding the new complaints handling procedure for Greece, please contact:

Policy & Market Assistance department
Complaints Helpline Telephone: + 44 (0) 20 7327 5696
E-mail: complaints-enquiries@lloyds.com

APPENDIX 1

RELEVANT DEFINITIONS IN THE BANK OF GREECE DECISION OF 8 JANUARY 2013

“complaint” means: A statement of dissatisfaction addressed to an insurance undertaking by a person relating to the insurance contract or service he/she has been provided with. Complaints handling is differentiated from claims handling as well as from simple requests for execution of the contract, information or clarification.

“complainant” means: A person who is presumed to be eligible to have a complaint considered by an insurance undertaking and has already lodged a complaint e.g. a policyholder, insured person, beneficiary and in some cases, an injured third party.

APPENDIX 2

PROCEDURE FOR HANDLING COMPLAINTS RELATING TO ESTABLISHMENT BUSINESS IN GREECE

Stage 1

1. The managing agent² receives a complaint.
2. As soon as practicable, the managing agent must acknowledge receipt of the complaint, in writing. The complainant must also be informed of the following information, in writing:
 - An acknowledgement of receipt of the complaint.
 - The name of one or more individuals that will be their point of contact regarding the complaint and their contact information.
 - The complaint procedure that will be followed, in simple and understandable language.
 - That the final response will be available within 50 calendar days of the receipt of the complaint.
 - Notification that starting the complaint process will not interrupt, suspend or delay the limitation period that exists for the commencement of legal action against the insurer regarding the complaint.
 - The external organisations that the complainant can refer the matter to if he remains dissatisfied with the insurer's response, together with the deadlines that apply for referral of complaints to them. These organisations are the Bank of Greece, the Hellenic Consumers Ombudsman and the General Secretariat for Consumer Affairs. (For details, please see the Complaints section of the Crystal report for Greece.)
3. Within 28 calendar days of receipt of the complaint, the managing agent must advise the complainant of its decision, in writing, based on the outcome of the investigation. The managing agent must include the following statement in the letter.

“Should you remain dissatisfied you may, if you wish, refer your complaint to the Lloyd’s Country Manager for Greece, who will investigate and assess this complaint and provide you with a final response. The contact details are as follows:

*Lloyd’s Country Manager
Lloyd’s Greece SA
25A Boukourestiou Street
106 71 Athens
Greece*

² Reference to a managing agent in Appendix 2 includes reference to a coverholder or third party administrator (TPA) or legal representative that is authorised by a managing agent to adjudicate on a complaint on its behalf.

Tel: + 30 210 363 9156
Fax: +30 210 363 9362
E-mail: marianna.papadakis@lloyds.com

The above statement must be included in all letters where the managing agent provides its decision on the complaint, regardless of when the letter is sent. Lloyd's expects that there will be very few occasions where a managing agent is not able to provide its decision to the complainant within 28 calendar days.

A copy of this letter must be e-mailed to the Lloyd's Country Manager, together with the following information:

- Date complaint was received.
 - Name and contact details of complainant.
 - Description of the complaint, e.g., denial of a claim, cancellation of the policy.
 - Class of business that the complaint relates to.
4. If the managing agent is not able to communicate its decision to the complainant within 28 calendar days, it must notify the Lloyd's Country Manager that this is the case. The Lloyd's Country Manager will inform the complainant that she is now dealing with the complaint. The Lloyd's Country Manager will examine and assess the complaint and has the right to request any relevant information, documents or records from the managing agent as may be necessary in order to provide a final response to the complainant.

Stage 2

5. Within 50 calendar days of receipt of the complaint by the managing agent, the Lloyd's Country Manager will make a decision on the complaint and issue a final response letter to the complainant confirming that the investigation has been completed. If the Lloyd's Country Manager is unable to issue a final response letter within 50 calendar days, e.g., due to a delay by the managing agent in providing relevant documents, she will inform the complainant in writing of the anticipated timeframe within which she hopes to resolve the complaint. She will also advise the complainant of:
- The complainant's right to refer the matter to the Bank of Greece, the Hellenic Consumers Ombudsman or the General Secretariat for Consumer Affairs.
 - The contact details of those organisations.