



Conference:

Banking and Financial Dispute Resolution – The Italian Experience in the European Context

Roundtable with FIN NET Members – Effectiveness of ADR as Consumer Protection Instrument

15 September 2017 • Rome

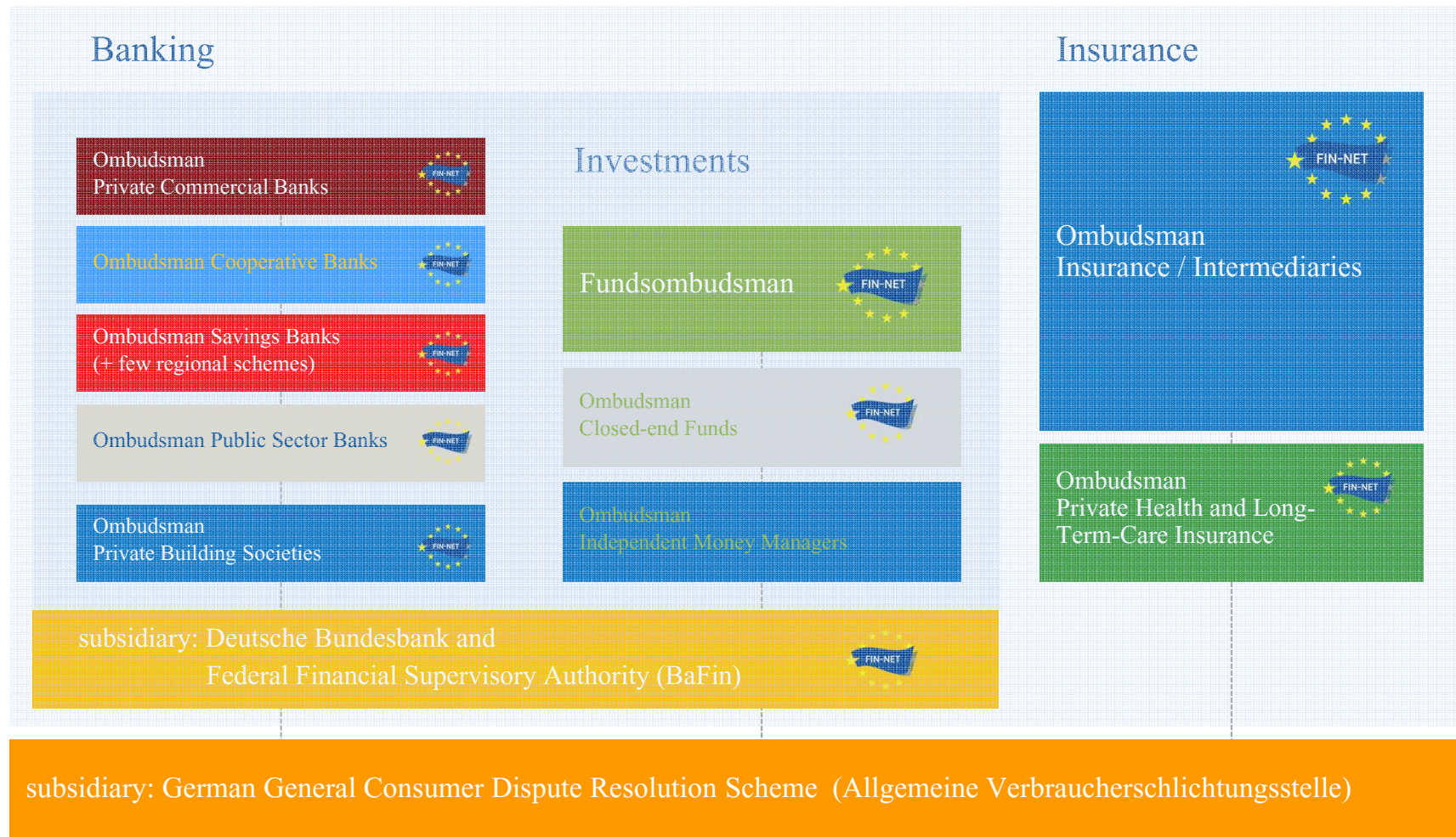


What's the German Fundsombudsman?



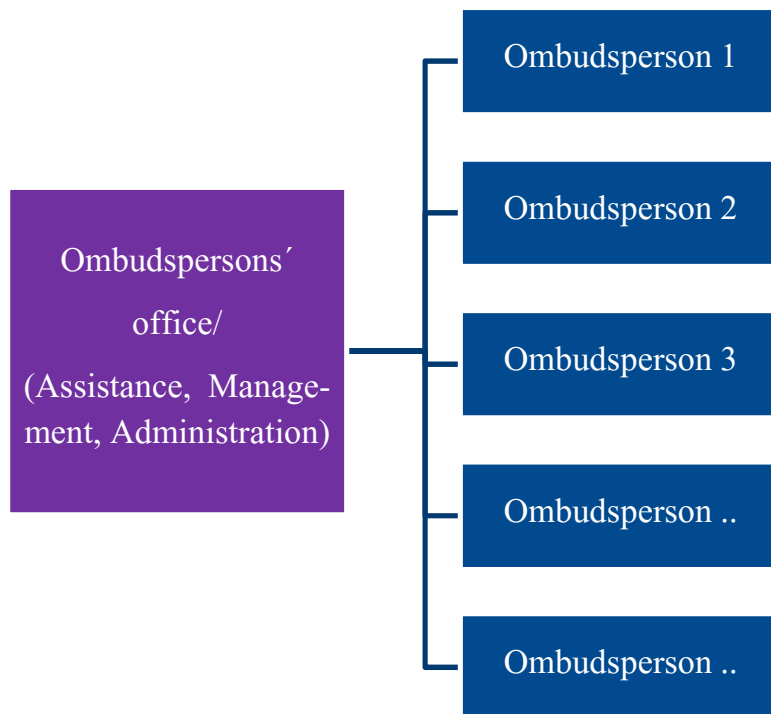
- private scheme
- established by German Investment Funds Association (BVI) in 2011
- compliant with ADR-Directive
- specialized: competent for consumer disputes about investment services related to open- and closed-end funds (e.g. management, depositary account, pension contracts)
- solely with member firms (54 + funds + trustees), e.g. Allianz , Blackrock, Deka, DeAM, Union Investment, Pioneer.....
- < 100 complaints p.a.
- binding solutions (for members) up to € 10 000 / non-binding proposals
- competent authority: Federal Office of Justice
- FIN NET, INFO, BaFin Consumer Advisory Council, ODR platform

Environment of Financial Services Ombudsmen in Germany

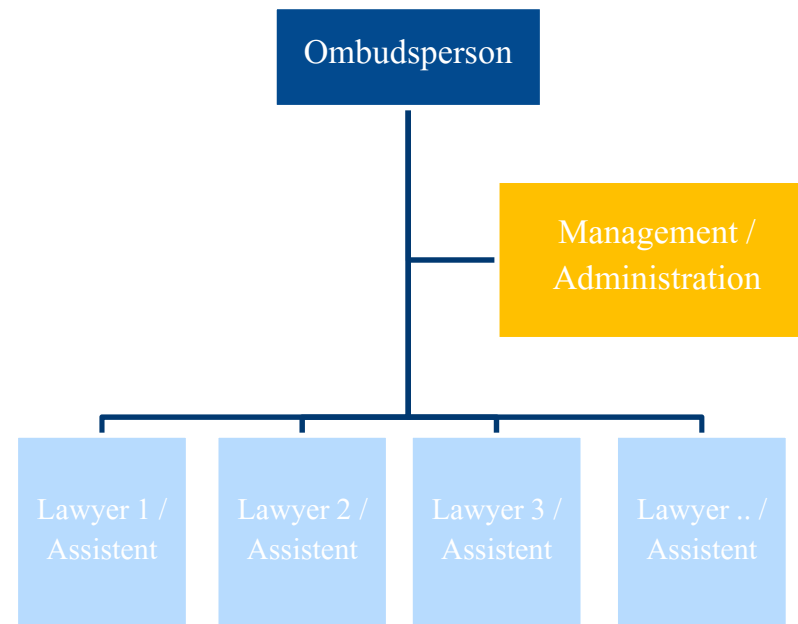


Environment of Financial Services Ombudsmen in Germany - Business models

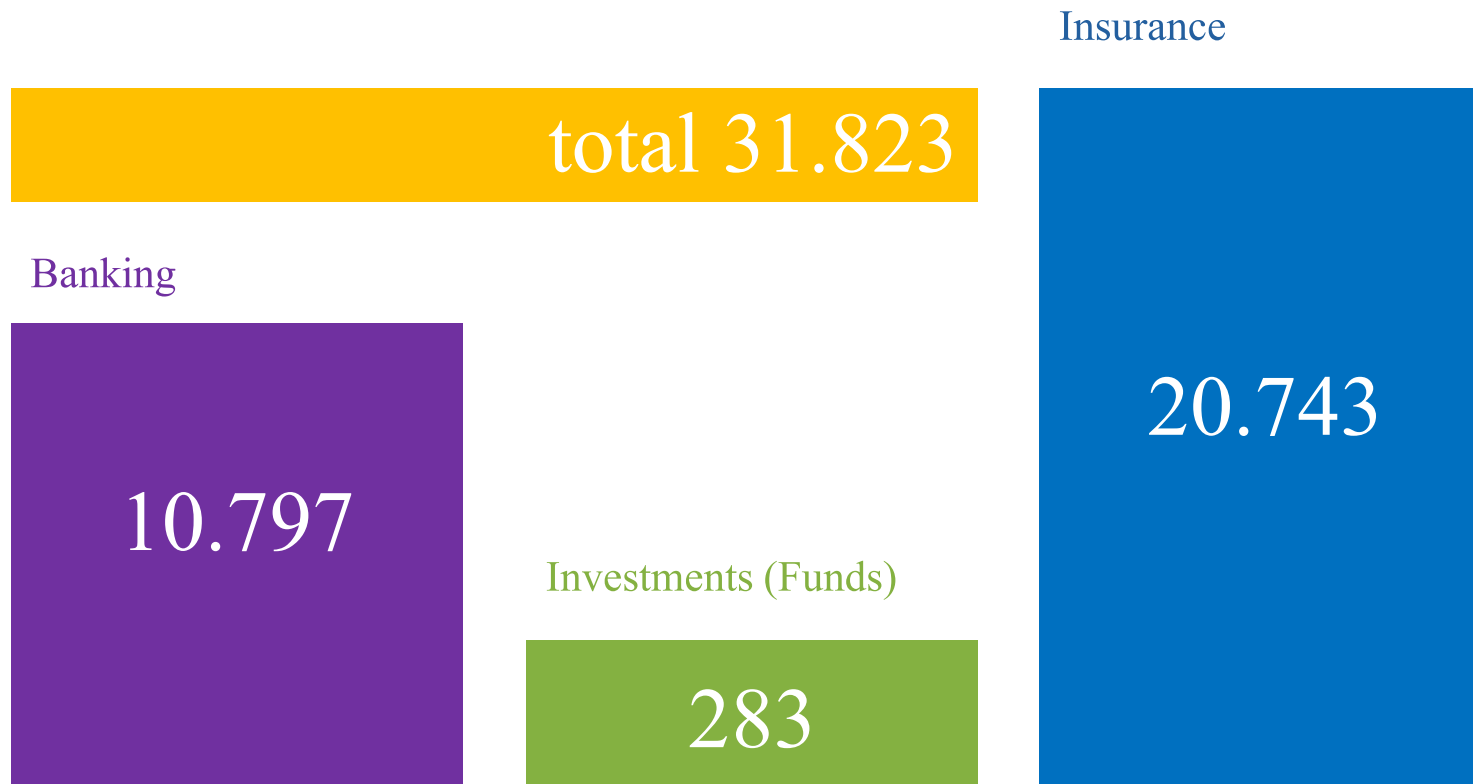
model 1 (e.g. Banking Ombudsmen)



model 2 (e.g. Insurance Ombudsman)



Environment of Financial Services Ombudsmen in Germany - Complaints 2016



Impact of ADR-decisions

- difference with private schemes: influence on financial service providers
- very high acceptance of ADR-decisions (non-binding proposals)
- impact on
 - associations' work, policies and recommendations (e.g. on model securities prospectuses)
 - financial services providers' conduct / business approaches (e.g. general conduct towards consumers, information policies, design and terms of products)

Interaction with supervisory authorities

- regular meetings with / of
 - Federal Financial Supervisory Authority (BaFin)
 - Federal Office of Justice / Ministry of Justice and Consumer Protection
 - BaFin Consumer Advisory Council
- mutual exchange, esp. with BaFin
- ombudpersons obliged to inform BaFin about misconduct of financial service providers that could potentially harm interest of many consumers

Across-the-board consistency of ADR-decisions

- size and business model of ADR-scheme essential
- easy with just one ombudsperson + deputy in charge (Fundsombudsman)
- **model 1:** across-the-board consistency vs. independence of (each) ombudsperson;
consistency aspired, e.g. by central ex ante information of ombudspersons' office on specific topics / rulings and / or direct exchange between ombudspersons; no written policies
- **model 2:** guidelines (e.g. submission requirements); intensive ex ante communication within / between different divisions (informal, official meetings etc.), research tools / databases

Relationship with external stakeholders



- public relations: legal activity reports, annual reports, interim information etc.
- at least (annual) meeting / dialogue with financial service providers + on case-by-case basis
- dialogue with consumer protection agencies; rather informal
- conferences, events etc.
- (advisory boards; see German Insurance Ombudsman)

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