



# The Fin-Net landscape: a survey

First in-depth survey  
among Fin-Net members  
regarding their  
jurisdiction, structure and  
working process:  
***preliminary results***



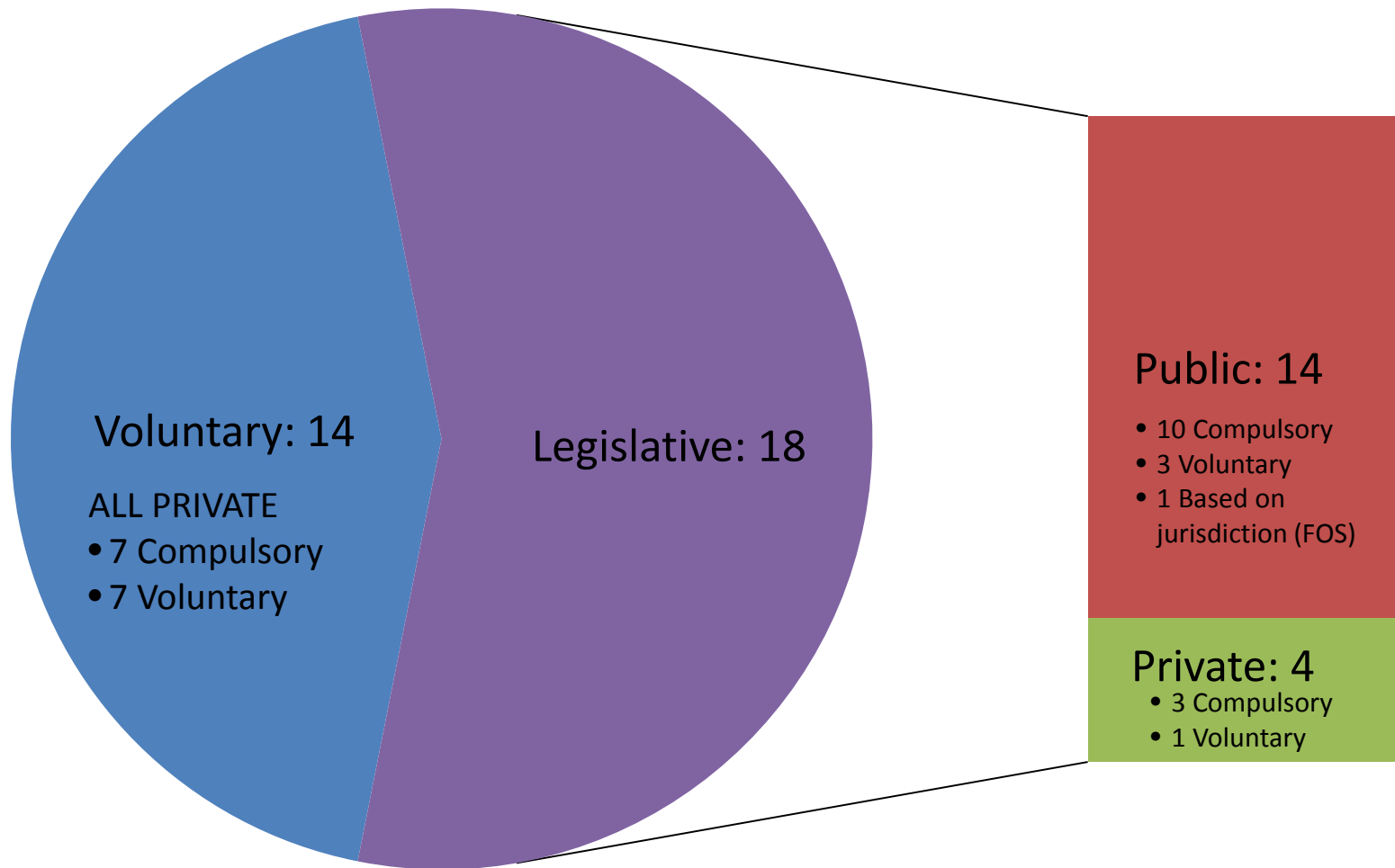
**32 participants from 20 countries participated in the survey so far, including Switzerland and The Channel Islands**

Fin-Net in total: 60 members from  
27 EEA countries plus 2 affiliates  
from Switzerland and 1 from The  
Channel Islands

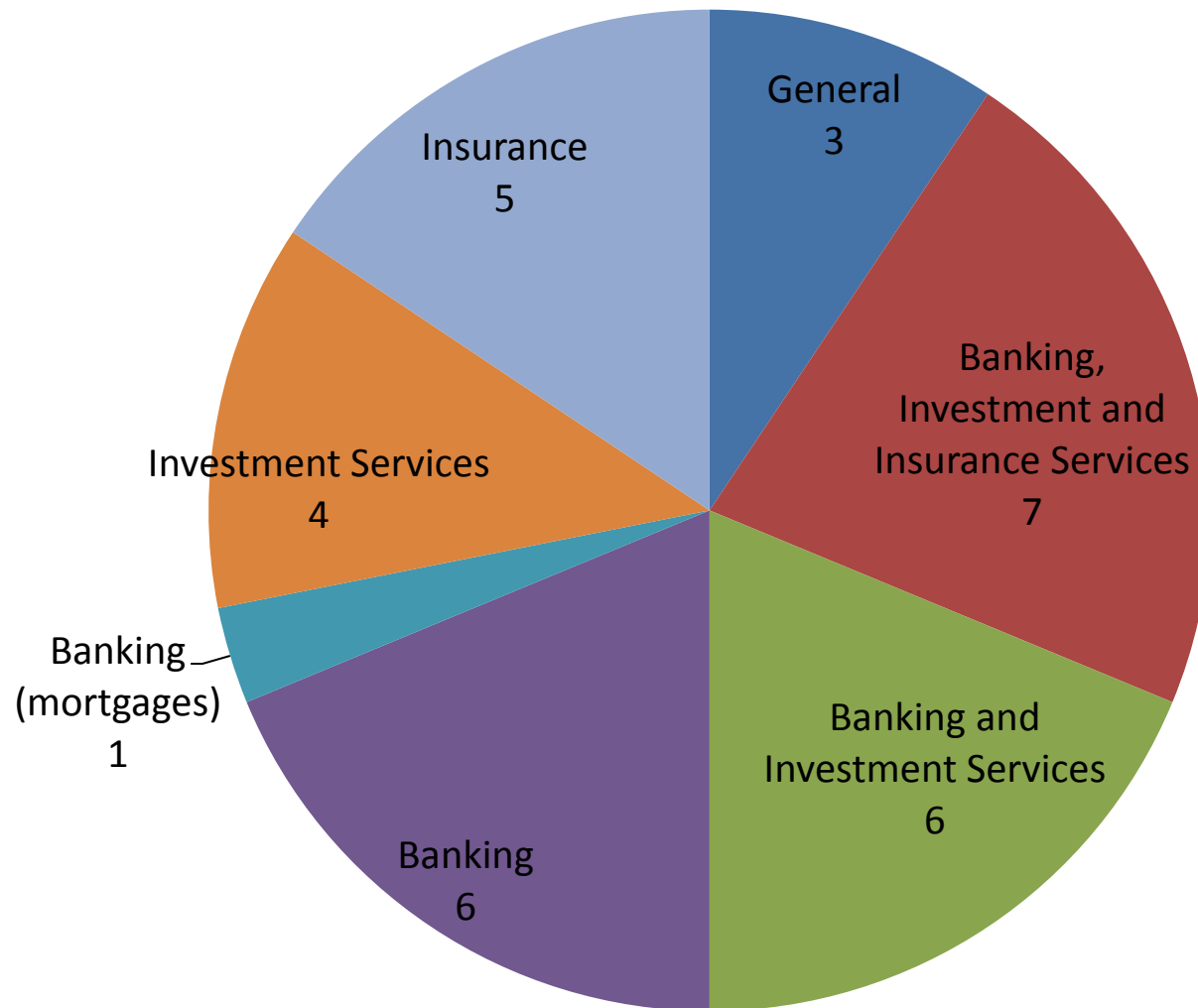
Currently still  
missing: Bulgaria,  
Cyprus, Latvia,  
Romania\*

\*To change rapidly thanks to ADR Directive (2013/11/EU).

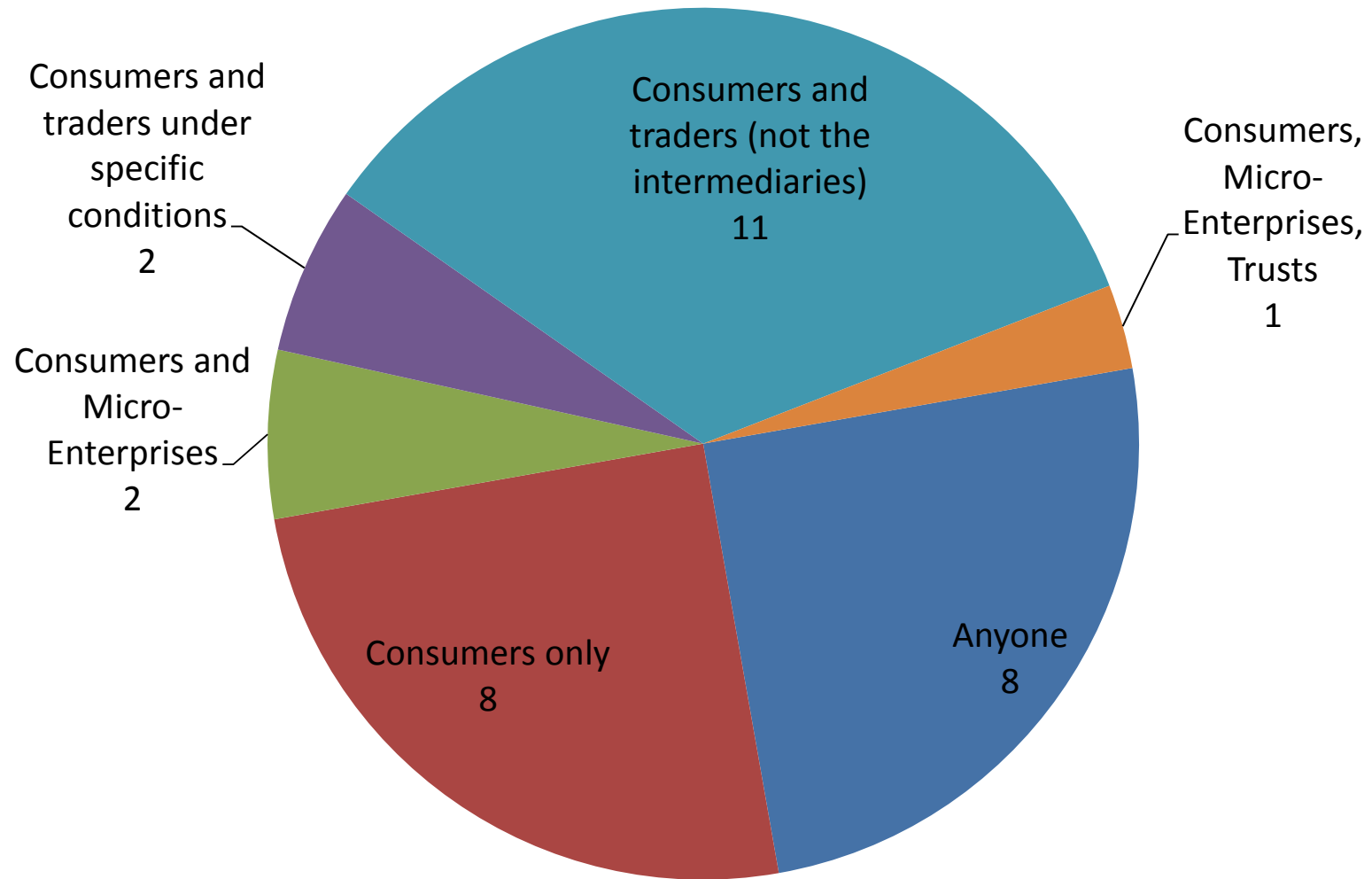
## Origin – Nature – Adhesion



# Jurisdiction



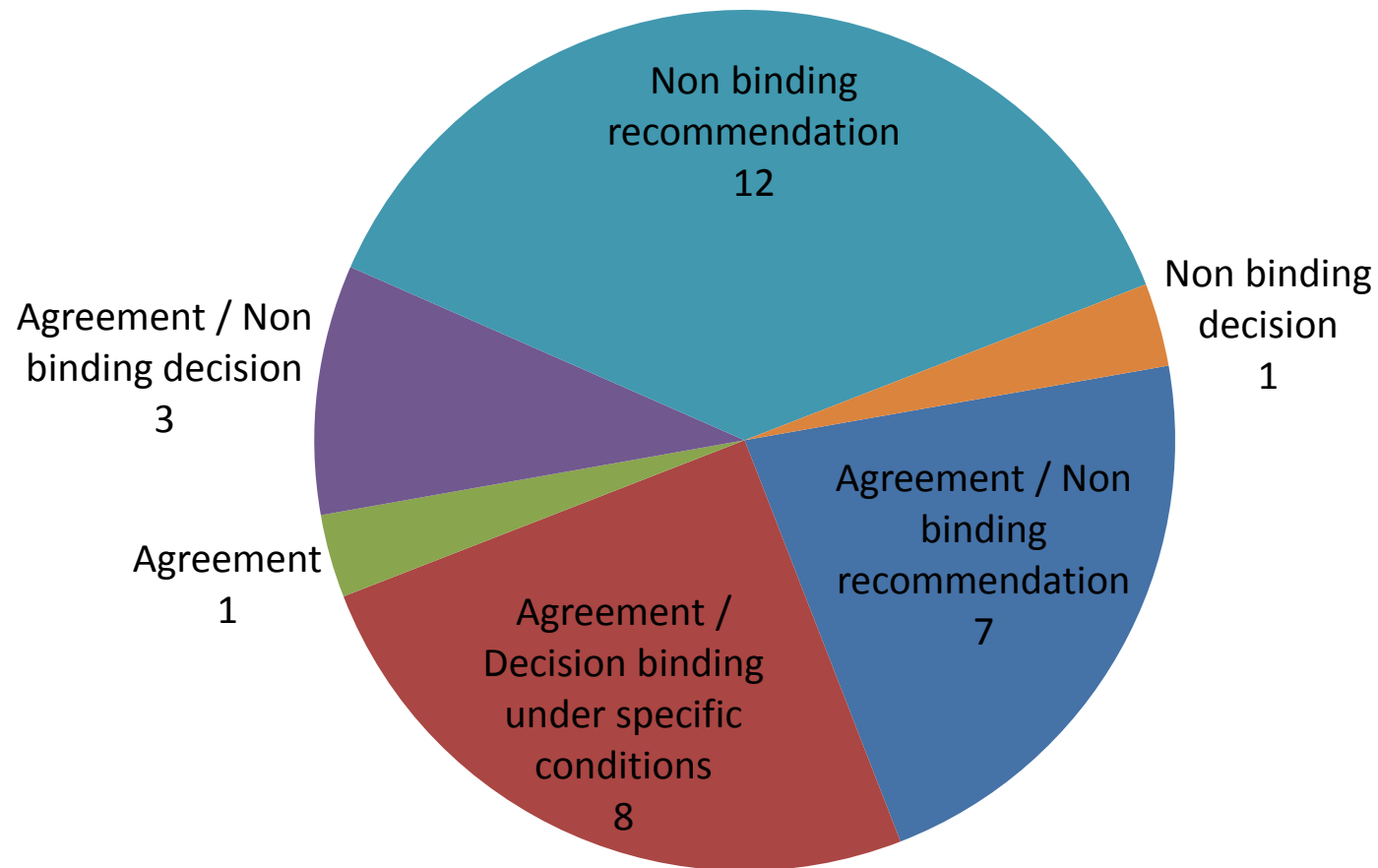
## Access to the system (1/2)



## **Access to the system (2/2)**

- **Free of charge (28/32)**
- **Previous complaint is needed (22/32)**
- **No legal assistance (32/32)**
- **Procedure normally based on documents (no caucuses)**
- **1/3 → witnesses admitted**

## Outcome



Only under specific conditions it is possible to obtain the revision of a decision: new elements, unknown before, are needed.

## Links with Supervision

- **In a large number of cases – feed the Supervision with specific information**

In some cases the ADR body informs the Authority about the bad behaviour of the intermediaries (UK, Germany)

In a few cases the ADR system is established within the Supervision Authority (Spain)

- **In some cases – only statistics** (e.g. volumes of the complaints, what the complaints were about), not specific cases nor intermediaries are reported (Belgium, Austria)



## The Italian Ombudsman within the landscape (1/2)

### Significant dimensions...

- Largest ADR: Financial Ombudsman Service (319.000 appeals received ...and 3.700 employees!)
- Smallest ADR: German Real Asset Investment Arbitration Board with 54 appeals.
- on average, each ADR body received in 2016 almost 14.290 appeals.



## The Italian Ombudsman within the landscape (2/2)

An effective system, based on best practices emerging from the survey

- ✓ Compulsory adhesion
- ✓ Cheap access – no mandatory assistance
- ✓ Decisions based on documents (no hearing)
- ✓ ...and not binding (except in a few systems)
- ✓ Interaction with Supervision



... but still only adjudicates the case –  
no preliminary mediation

# Thank you

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