

# MFSA

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## MALTA FINANCIAL SERVICES AUTHORITY

### **Note for Information on the Amendments to Insurance Rules and Insurance Intermediaries Rules relating to Complaints**

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#### **1. Purpose**

Further to the [Public Notice](#) issued by the Malta Financial Services Authority on the 17<sup>th</sup> April 2017, in relation to the Office of the Arbiter for Financial Services, the MFSA is issuing a Note for information on amendments carried out to the Insurance Rules issued under the Insurance Business Act, (Cap.403) and Insurance Intermediaries Rules issued under the Insurance Intermediaries Act, (Cap.487), relating to the complaints handling procedures, in particular to align such procedures with certain requirements of the Office of the Arbiter for Financial Services Act established under the Arbiter for Financial Services Act, (Cap.555), and to substitute references in the said Rules to the MFSA's Consumer Complaints Manager with references to the said Office.

#### **2. Amendments to the Insurance Rules and Insurance Intermediaries Rules**

The MFSA carried out amendments to Chapter 12 in Part B of the Insurance Rules issued under the Insurance Business Act, as well as to Insurance Intermediaries Rule 3 of 2007 on Disclosure of Information for Clients; Insurance Intermediaries Rule 4 of 2007 on Code of Conduct for Insurance Intermediaries; Insurance Intermediaries Rule 23 of 2008 on Insurance Intermediaries carrying out Insurance Intermediaries Activities through the Internet; and Insurance Intermediaries Rule 25 of 2013 on Complaints Handling by Insurance Intermediaries, issued under the Insurance Intermediaries Act. These amendments have been carried out to reflect the fact that consumer complaints in relation to licence holders may now be lodged before the Office of the Arbiter for Financial Services in terms of the Arbiter for Financial Services Act, (Cap.555).

The MFSA would like to point out that section 12.5 of Chapter 12 of the Insurance Rules and Insurance Intermediaries Rule 25 of 2013 relating to complaints-handling by insurance undertakings and insurance intermediaries have been amended so that an insurance undertaking and an insurance intermediary are required to resolve a complaint within **fifteen working days** from when the complaint was registered. This amendment was necessary to align the complaints handling procedures for insurance undertakings and insurance intermediaries with the complaints process of the Office of the Arbiter for Financial Services. Furthermore, it is to

be noted that amendments were carried out so that an insurance undertaking or insurance intermediary is also required to record the measures taken for the resolution of the complaint.

Furthermore, section 12.5 of Chapter 12 of the Insurance Rules and Insurance Intermediaries Rule 25 of 2013 have also been amended to provide that where a complaint has been lodged with the Office of the Arbiter for Financial Services and the case has been decided, the insurance undertaking or insurance intermediary, as applicable, is to immediately provide the MFSA with a copy of the Arbiter's final decision. In the event that an appeal from the decision of the Arbiter is lodged by the complainant, or by the insurance undertaking or the insurance intermediary itself, such undertaking or intermediary, is to immediately notify the MFSA that such an appeal has been lodged, and once such appeal has been decided, the said insurance undertaking or insurance intermediary is required to provide the MFSA with the final decision of the Court.

Any such copies and notifications should be sent to the Insurance and Pensions Supervision Unit within the MFSA by email on [ipsu@mfsa.com.mt](mailto:ipsu@mfsa.com.mt).

The amended Insurance Rules and Insurance Intermediaries Rules have been uploaded on the MFSA website.

### **3. Contacts**

Any queries or requests for clarifications in respect of the above should be sent by email on [ipsu@mfsa.com.mt](mailto:ipsu@mfsa.com.mt)

**Communications Unit**  
**Malta Financial Services Authority**  
**Date: 19<sup>th</sup> July 2017**