

The French Insurance Mediation Scheme

Brief introduction of fundamental aspects of activities

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Conscious Consumer – Ethical Seller

Mediation in Insurance in France: How does it work ?



- 1993 : The French Insurance Association Mediation Charter

- The « Médiateur » (Ombudsman)
 - * Definition
 - * Role

The scheme complied with the 1998, 2001 Recommendations and Directive of the EU in 2008 even before their publication

Main characteristics



➤ INDEPENDANCE

Qualities of the Mediator

➤ TRANSPARENCY

Information on the procedure

Information on the activity : annual report publication and internet

(www.ffsa.fr and www.conso.net)

Main characteristics



➤ ADVERSARIAL PRINCIPLE

The parties present their viewpoint, arguments and documents

➤ LEGALITY

- written Advice is communicated to both parties
- legal protection

Main characteristics



➤ EFFECTIVENESS

- Easily accessible (no legal representative)
- Free of charge or moderate costs
- Short procedure

➤ LIBERTY

➤ IMPARTIALITY

- no conflict of interest with either party

The advocated solutions



- A formal written Advice is given by the Mediator within 3 months after submission of the case with all necessary documentation
- The Advice is delivered according to the law, but also in equity
- Both parties are free to follow or not the Advice. They are free to refer the matter to the court

Procedure



- Mediation : last chance before lawsuit
- All means of internal agreement or conciliation must have occurred without success
- Possibility to seize directly the Mediator
- Written procedure
- No Court action on the case must have been proceeded by the parties.

Results (2012)



- 7239 demands of mediation
- 5980 recommendations
- 441 formal Advices
 - 51% unfavourable Advices to the claimant
 - 31% Advices favourable
 - 18% partially favourable

These statistics are reversal since 1993

- 98.3 % of the Advices are accepted and followed by the parties

The new tendency



- **More demands** : 500 in 1993 – more than 8000 today
- **Less Formal Advices** : less than 10%
- **More cases solved within the companies**
- **Majority of Advices in favour of the insurer**

Mediation: A driving force



The annual report gives an opportunity to suggest improvement on specific matters.

For example, this year proposals have been made in the field of :

- in insurance life for the beneficiaries of the contract
- the free choice of the insurer in consumer credit insurance (PPI)
- attempts at fraud

Last years, proposals have been made in the field of : Medical, unemployment insurance, Health questionnaire, legal protection

Conclusion



Things are improving

A better balance

A progress for the insured AND for the insurer

More and more insurance companies seeking for
Mediation

Thank you for your kind attention

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