

**European Commission**  
**DG Employment, Social Affairs and Equal Opportunities**

Study on the use of age, disability, sex, religion or belief,  
racial or ethnic origin and sexual orientation in financial  
services, in particular in the insurance and banking sectors

**Final Report**

***Part III: Annexes***

*prepared by Civic Consulting*

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*Contact for this assignment:*

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Civic Consulting

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Final Report  
*Part III: Annexes*

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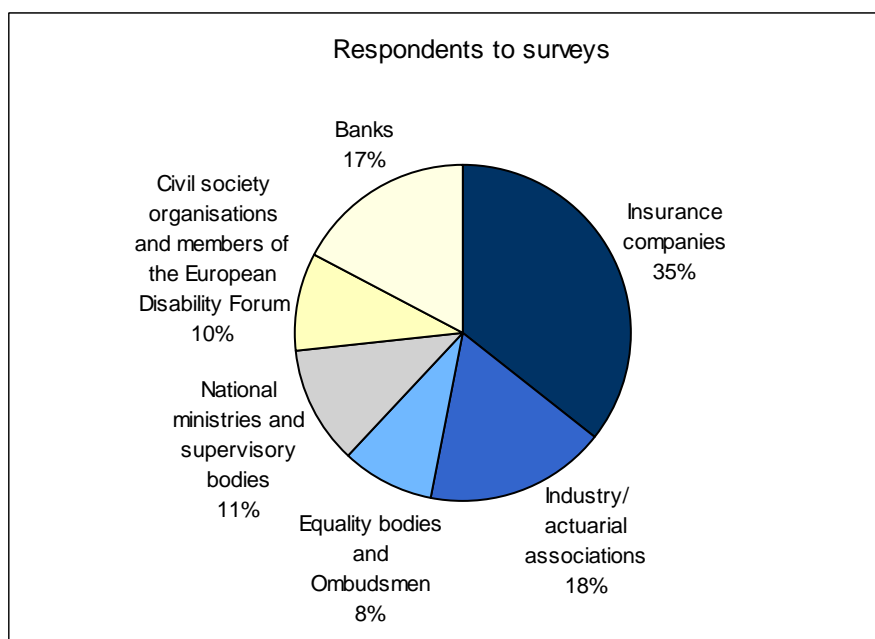
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## ANNEX 1: SURVEY RESULTS

For the following graphs numbering refers to the numbering of the questionnaire for national industry associations.

## I. IDENTIFICATION DATA

### Question 1c – Respondents by survey



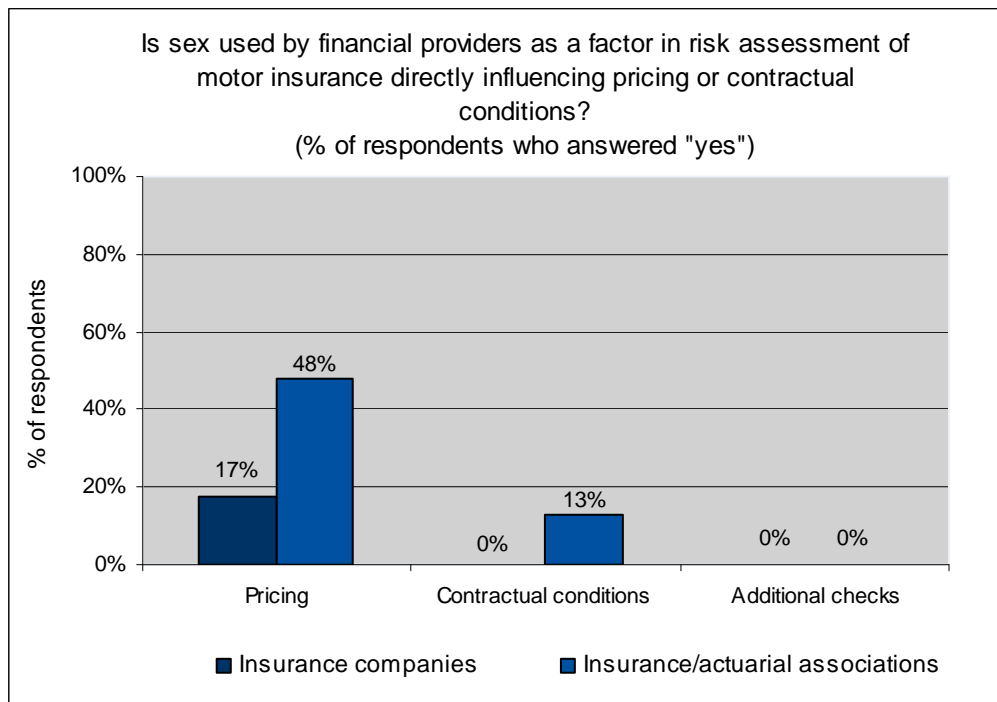
Source: Civic Consulting online surveys (N=228).

Note: Where possible, similar questions asked to different stakeholders groups are presented in one graph. The headers of the graphs may therefore in some cases deviate slightly from the original wording because of (minor) variations used to address the different stakeholder groups. The precise wording of the question is included in the survey responses per stakeholder group (see Annex 2).

**II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, OR DISABILITY FOR PROVISION OF CONSUMER PRODUCTS**

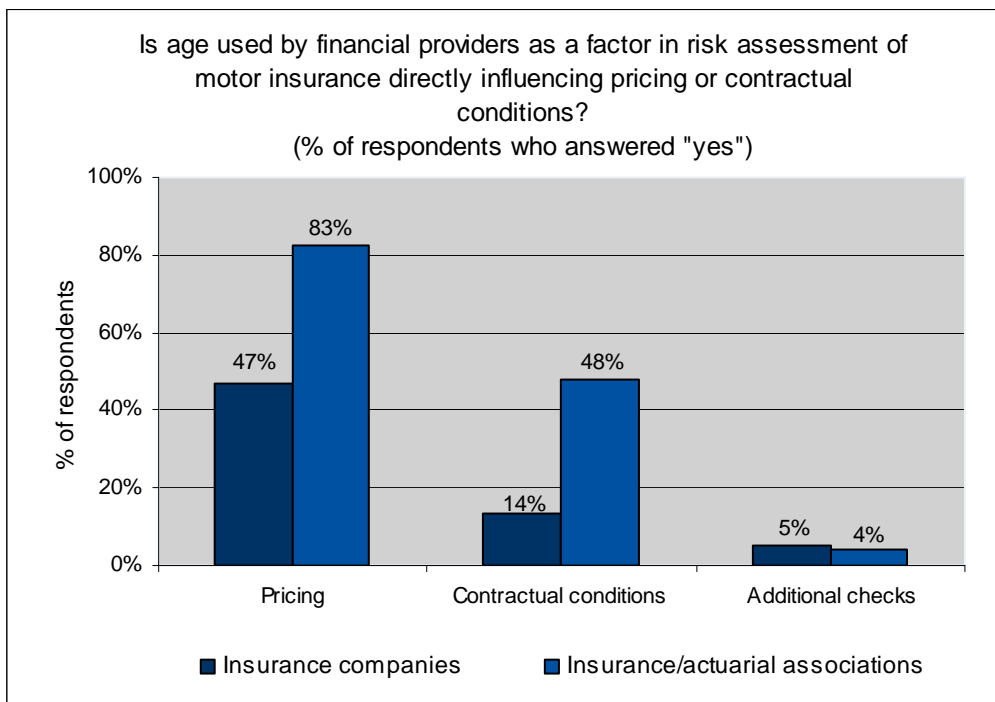
**Motor insurance**

**Question 2 (sex) – Insurance companies and associations**



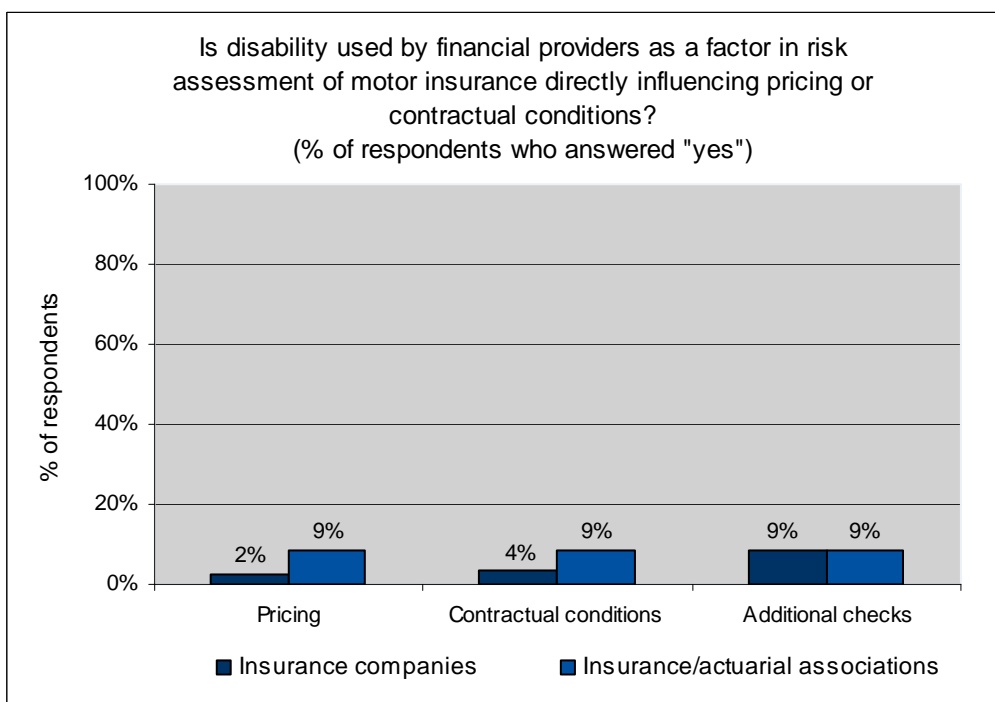
Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

**Question 2 (age) – Insurance companies and associations**



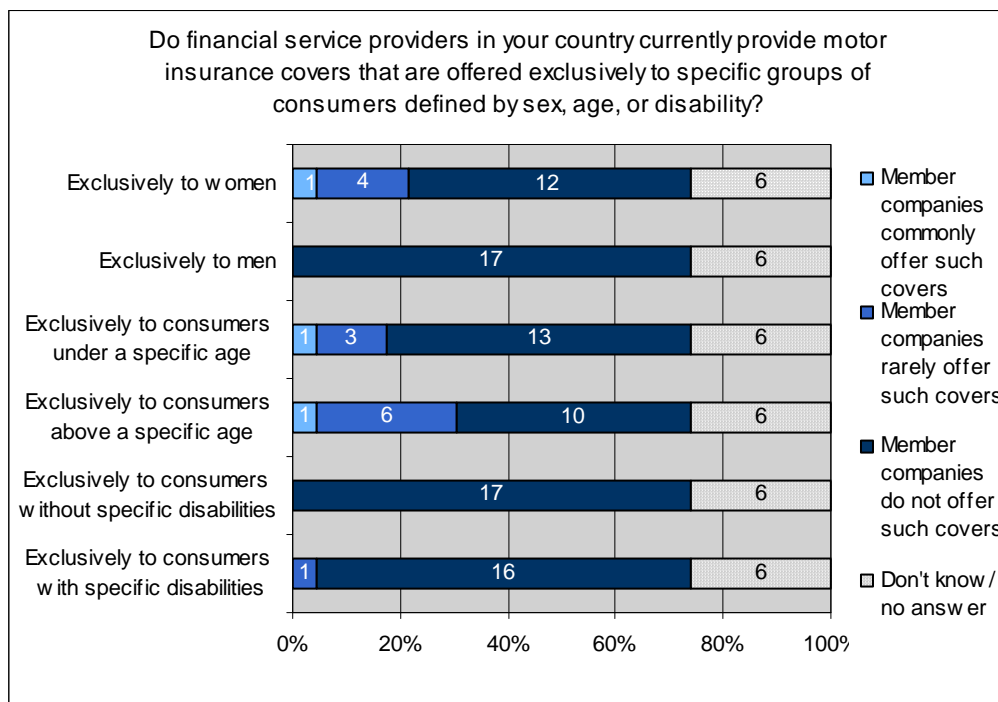
Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

**Question 2 (disability) – Insurance companies and associations**



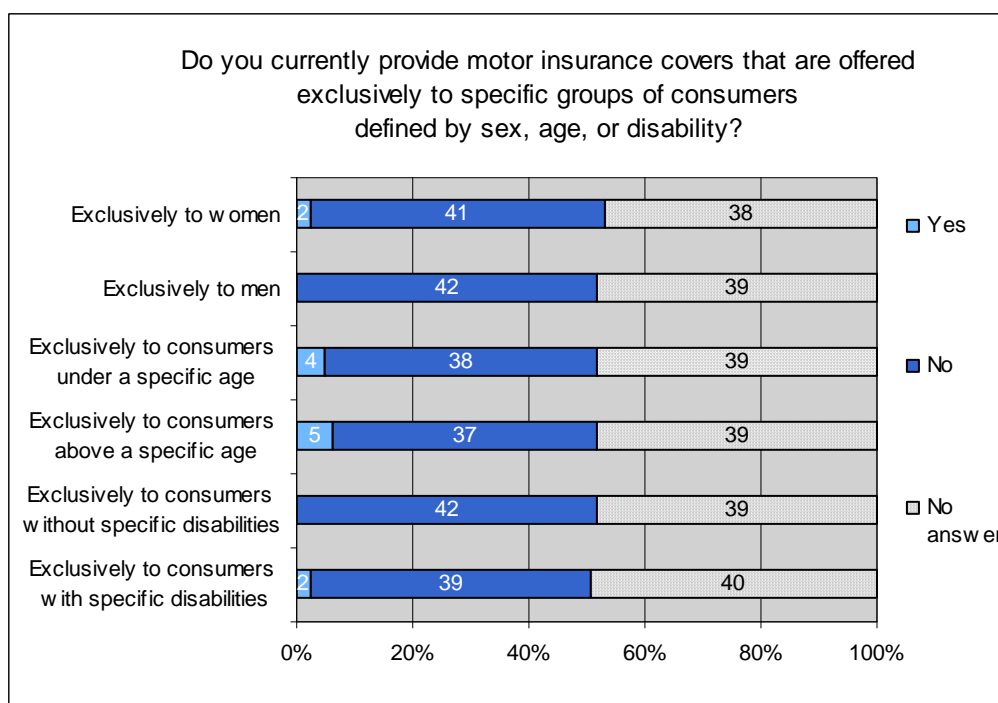
Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

**Question 3 – Insurance/actuarial associations**



Source: Civic Consulting surveys of insurance/actuarial associations (N=23).

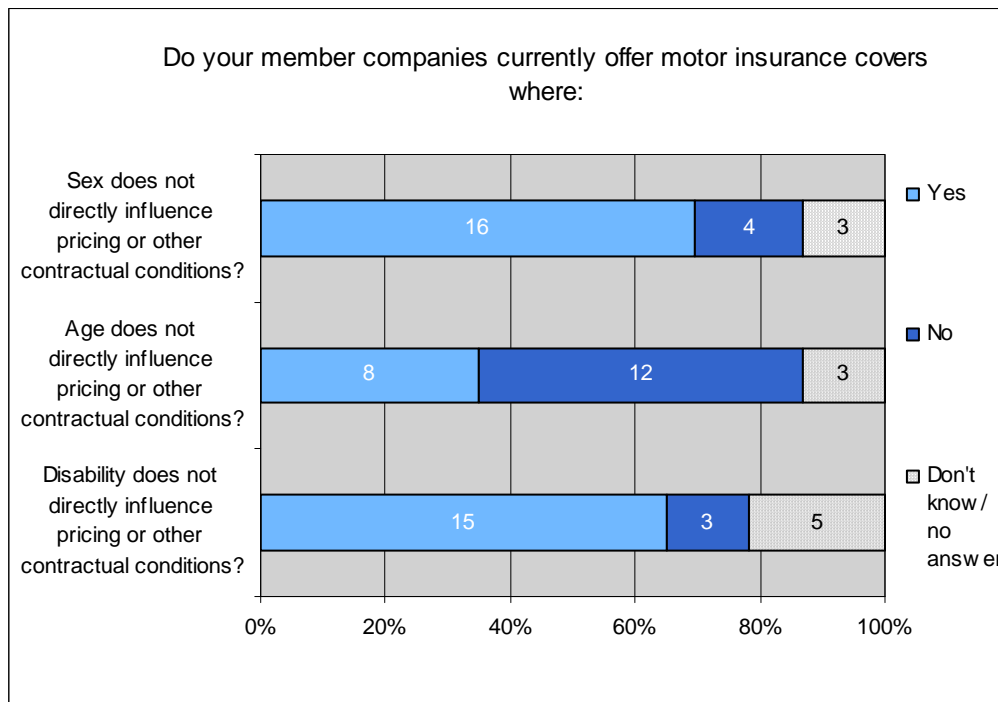
**Question 3 – Insurance companies**



Source: Civic Consulting surveys of insurance companies (N=81).

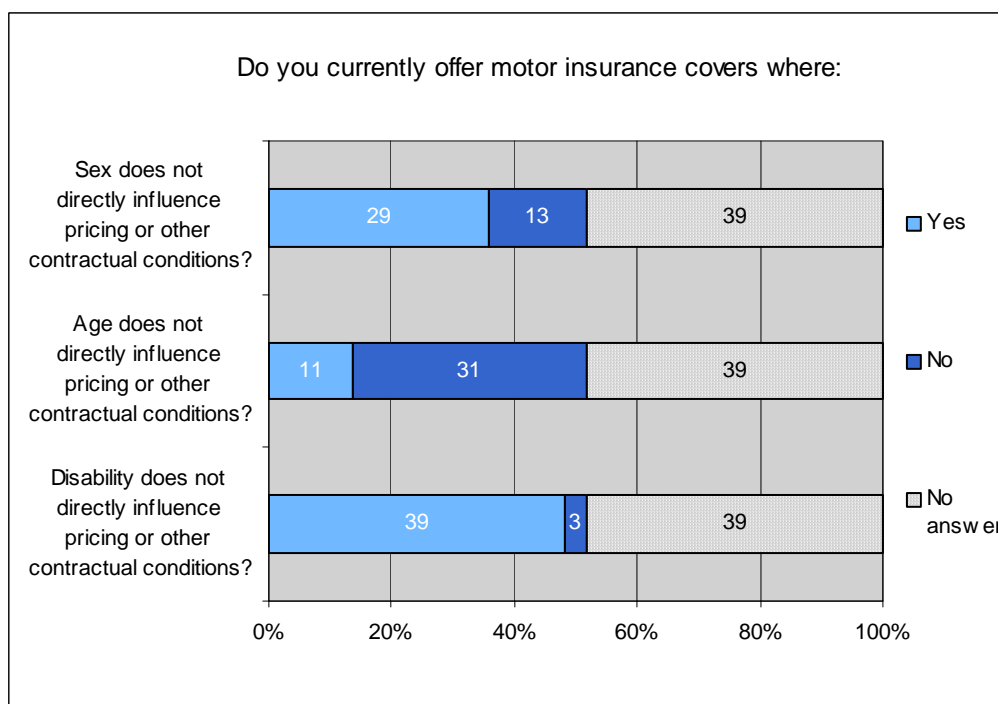


**Question 5 – Insurance/actuarial associations**



Source: Civic Consulting surveys of insurance/actuarial associations (N=23).

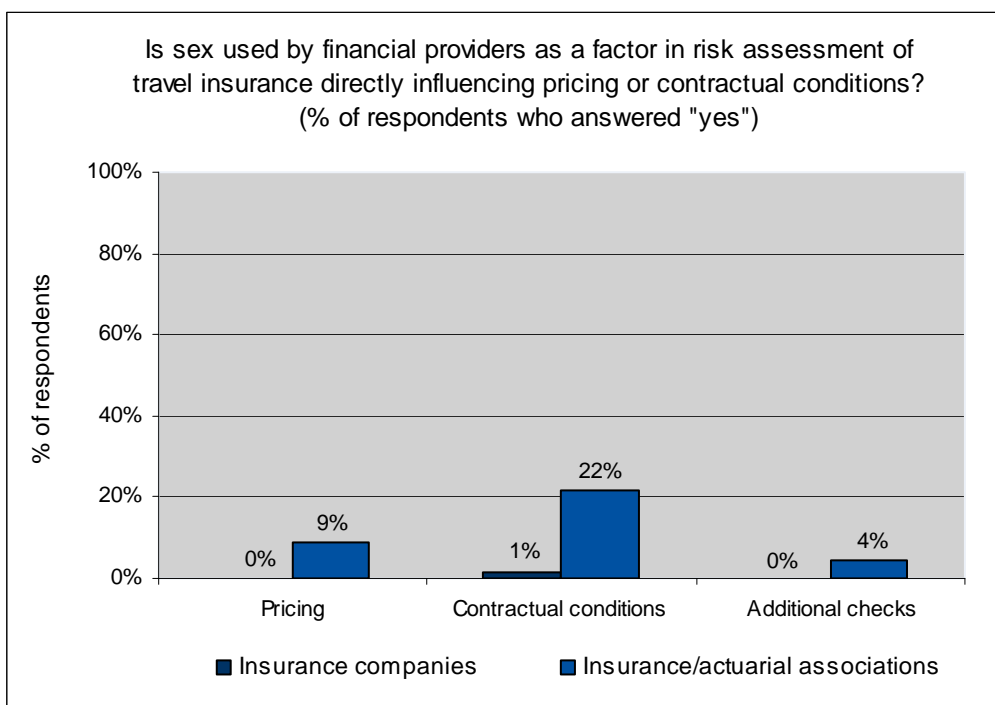
**Question 5 – Insurance companies**



Source: Civic Consulting surveys of insurance companies (N=81).

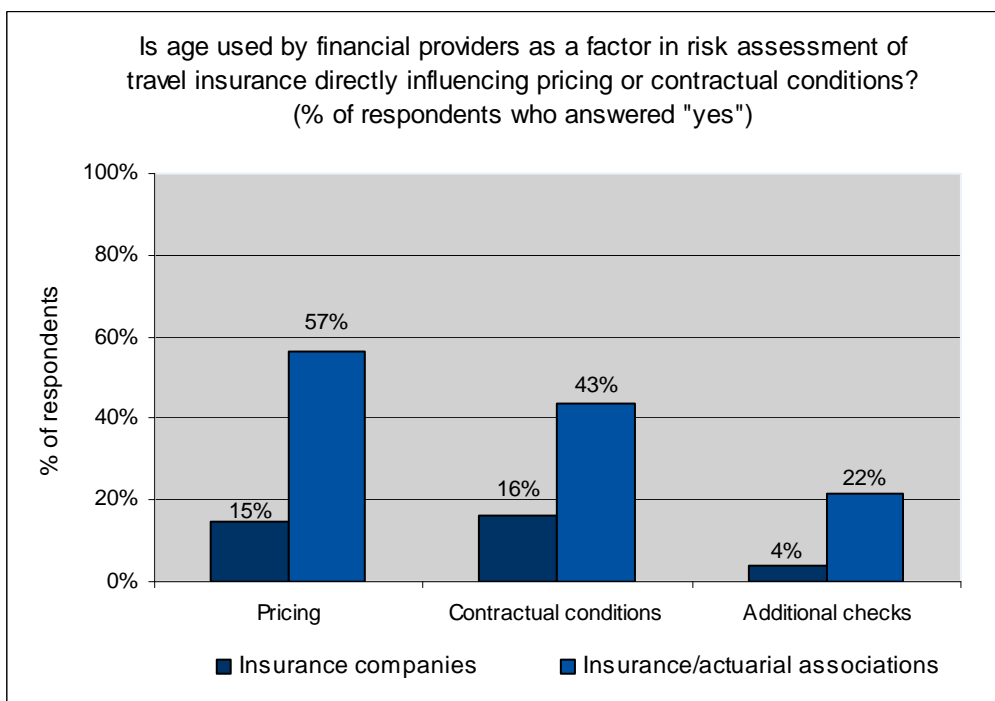
**Travel insurance**

**Question 7 (sex) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

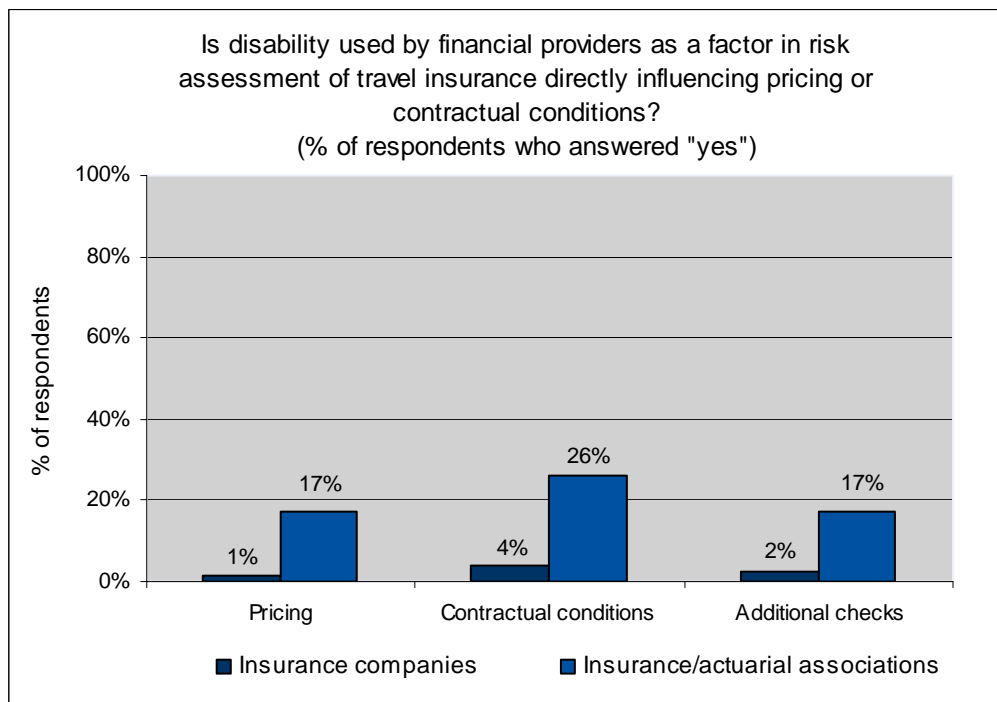
**Question 7 (age) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

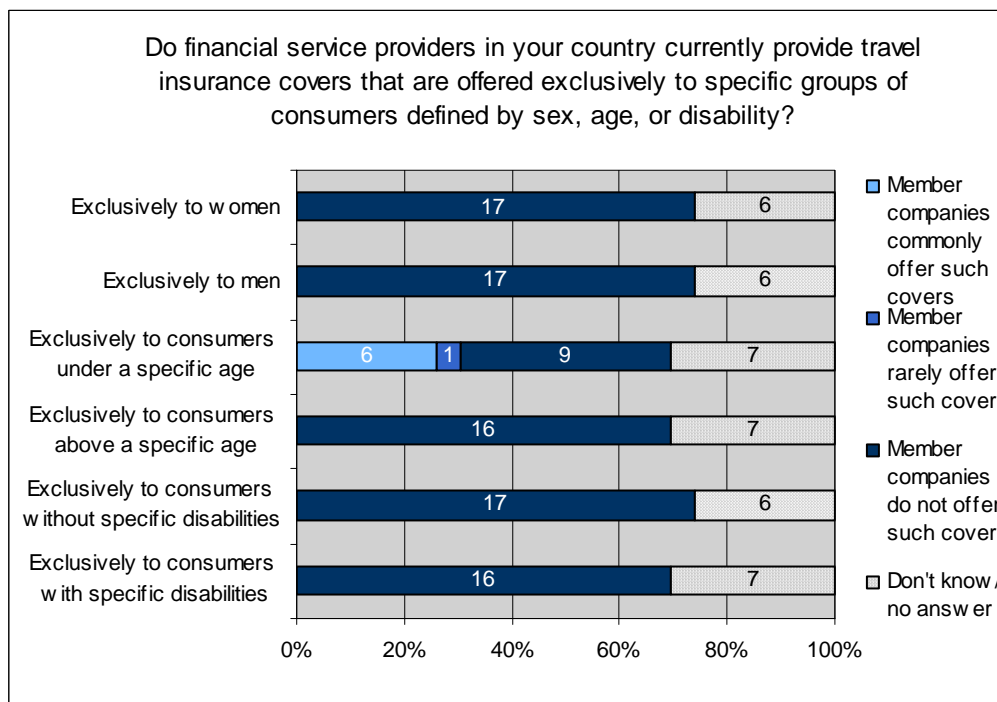
Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Question 7 (disability) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

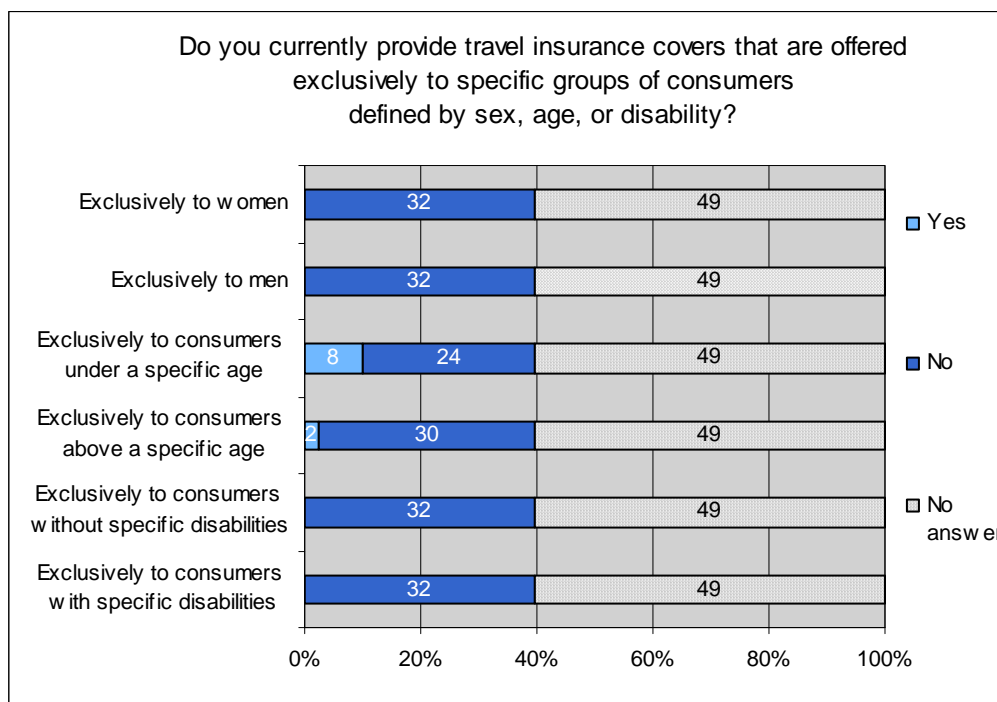
**Question 8 – Insurance/actuarial associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23).

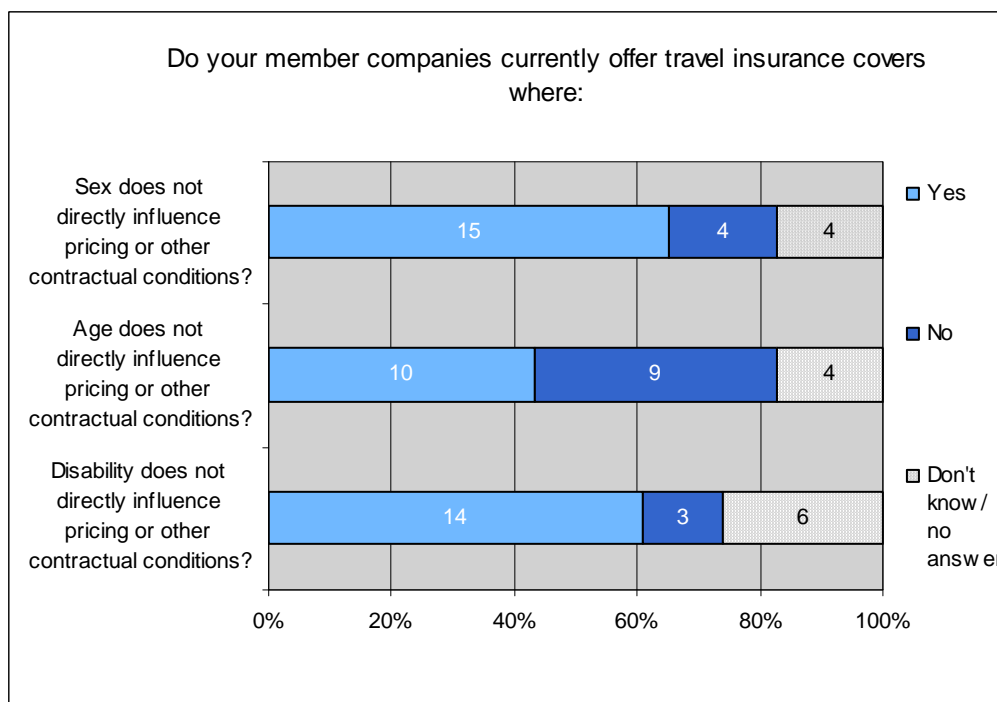
Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Question 8 – Insurance companies**



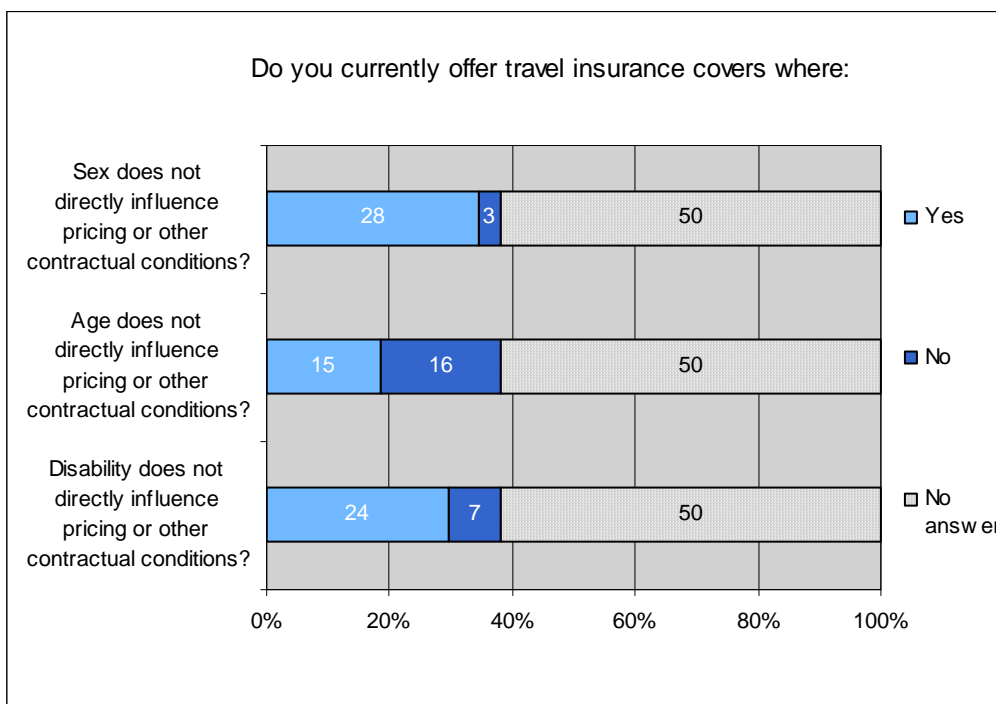
Source: Civic Consulting surveys of insurance companies (N=81).

**Question 10 – Insurance/actuarial associations**



Source: Civic Consulting surveys of insurance/actuarial associations (N=23).

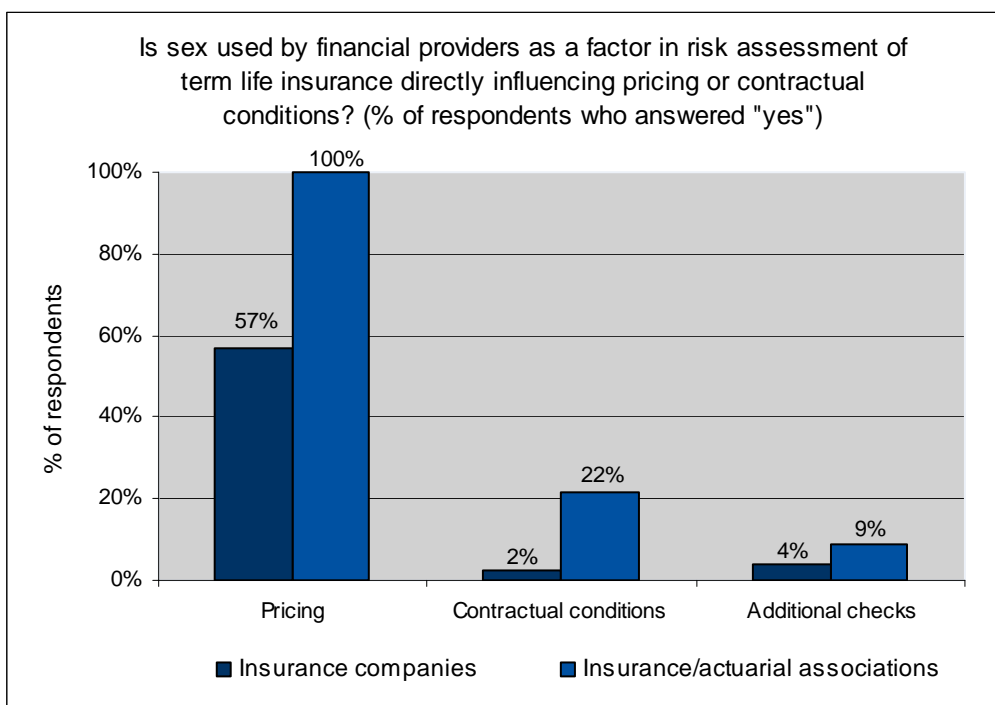
**Question 10 – Insurance companies**



Source: Civic Consulting surveys of insurance companies (N=81).

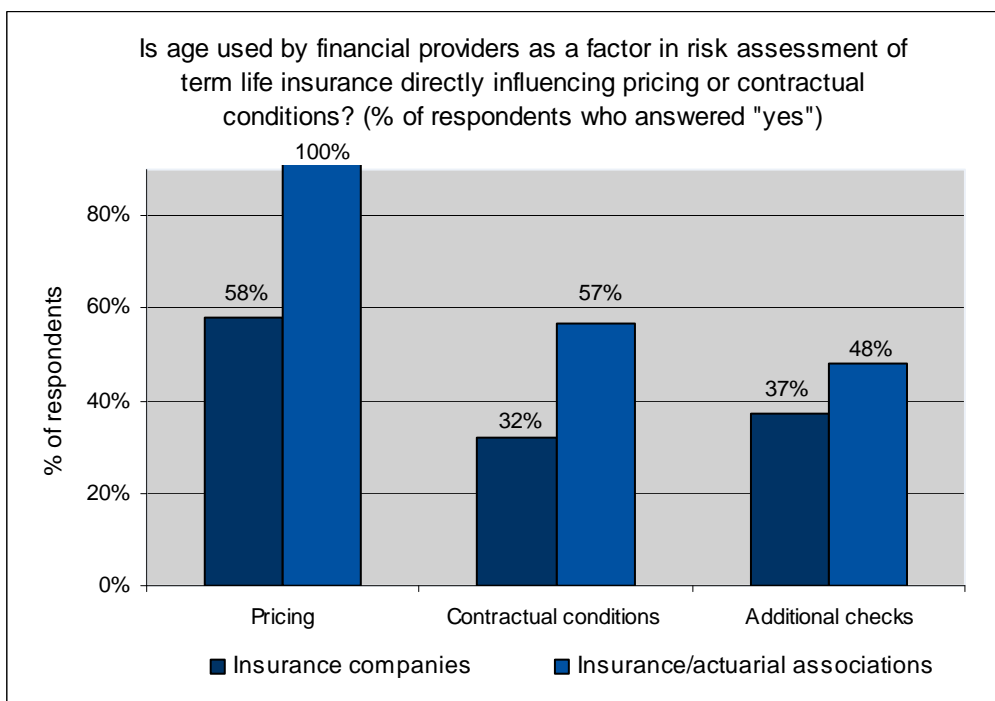
**Term life insurance**

**Question 12 (sex) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

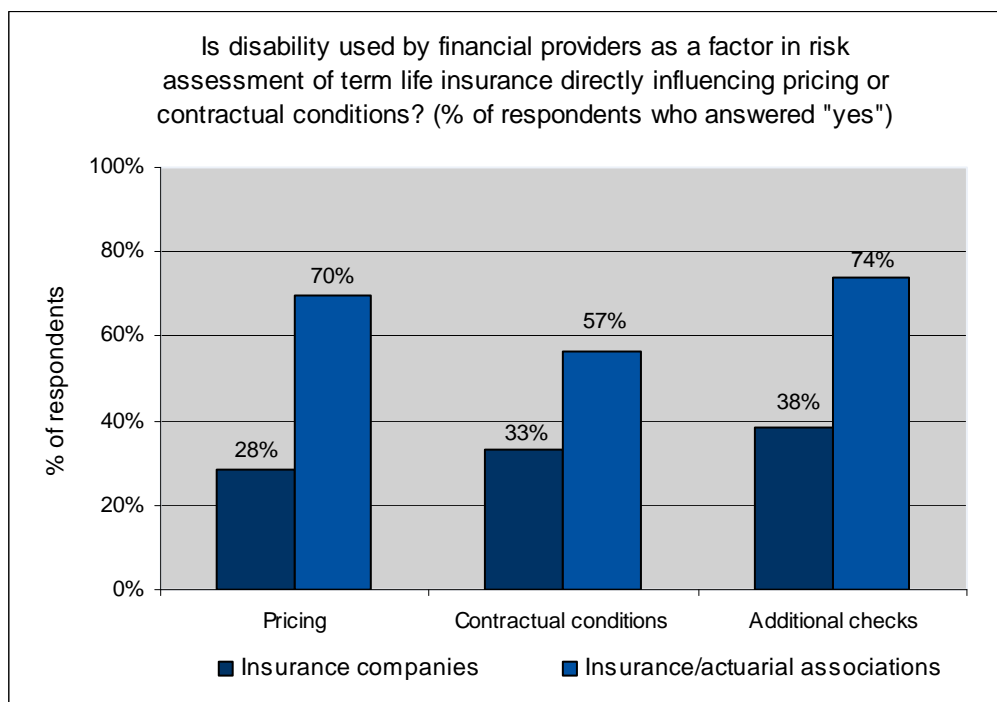
**Question 12 (age) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

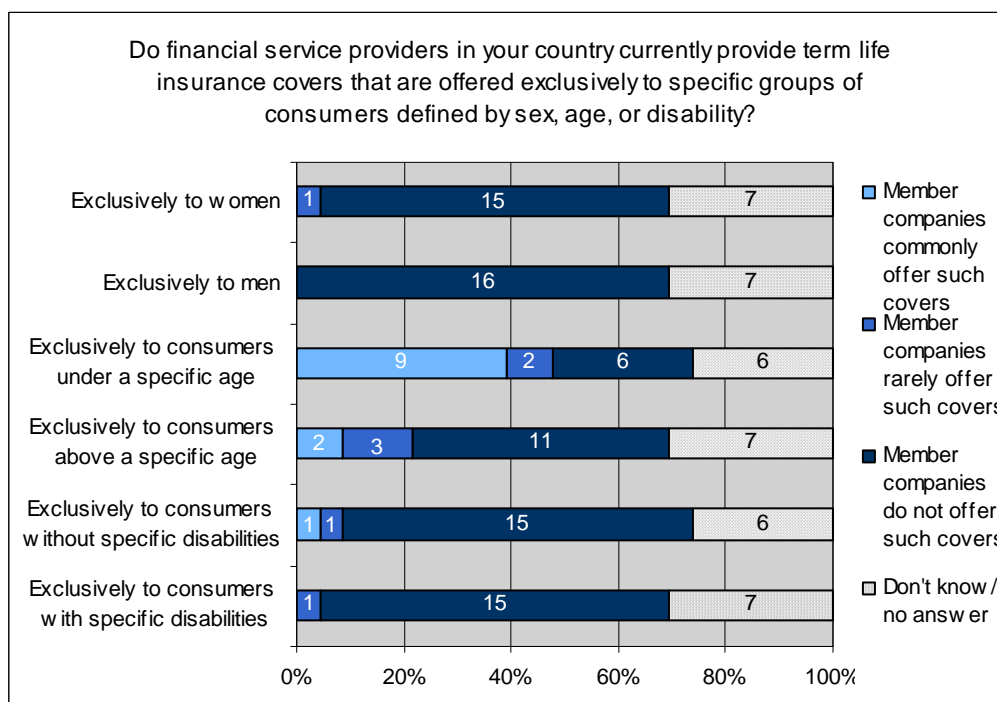
Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Question 12 (disability) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

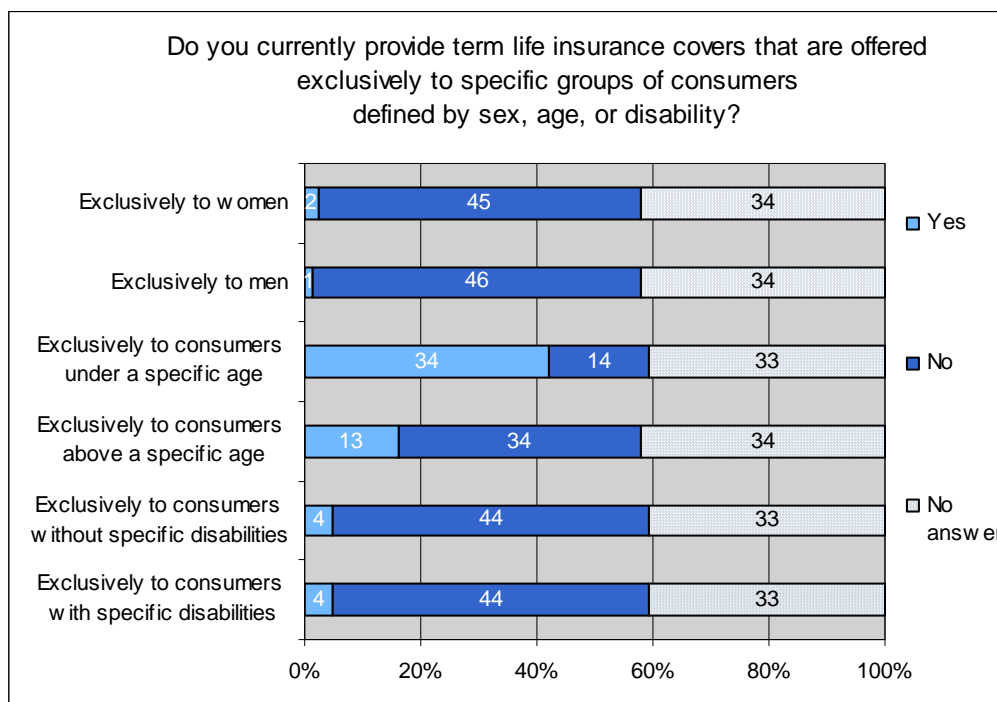
**Question 13 – Insurance/actuarial associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23)

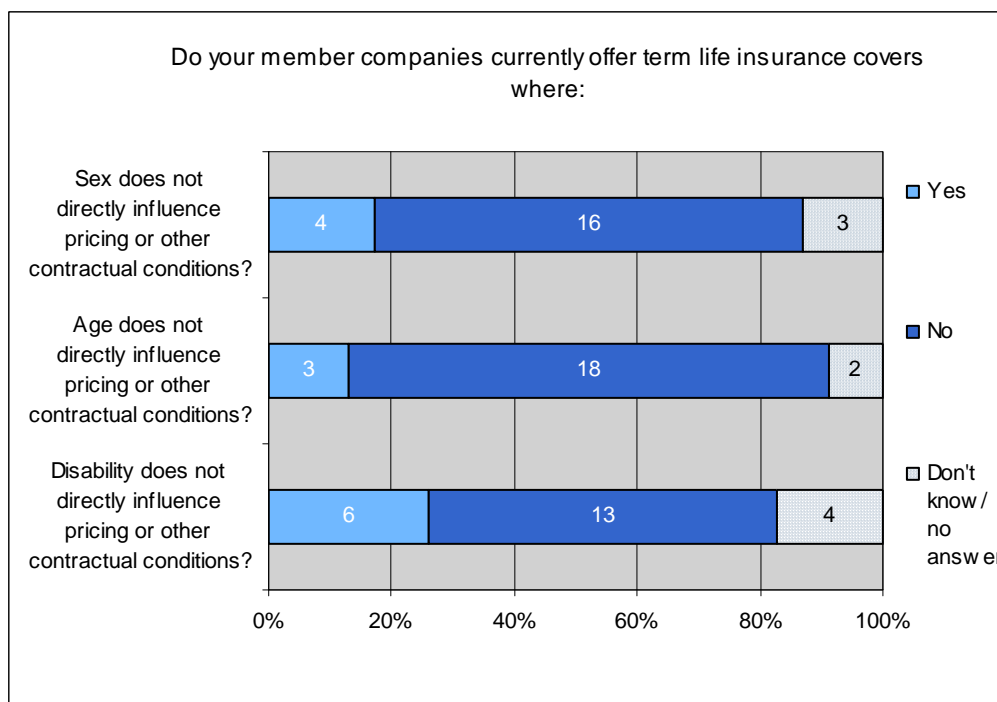
Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Question 13 – Insurance companies**



Source: Civic Consulting surveys of insurance companies (N=81).

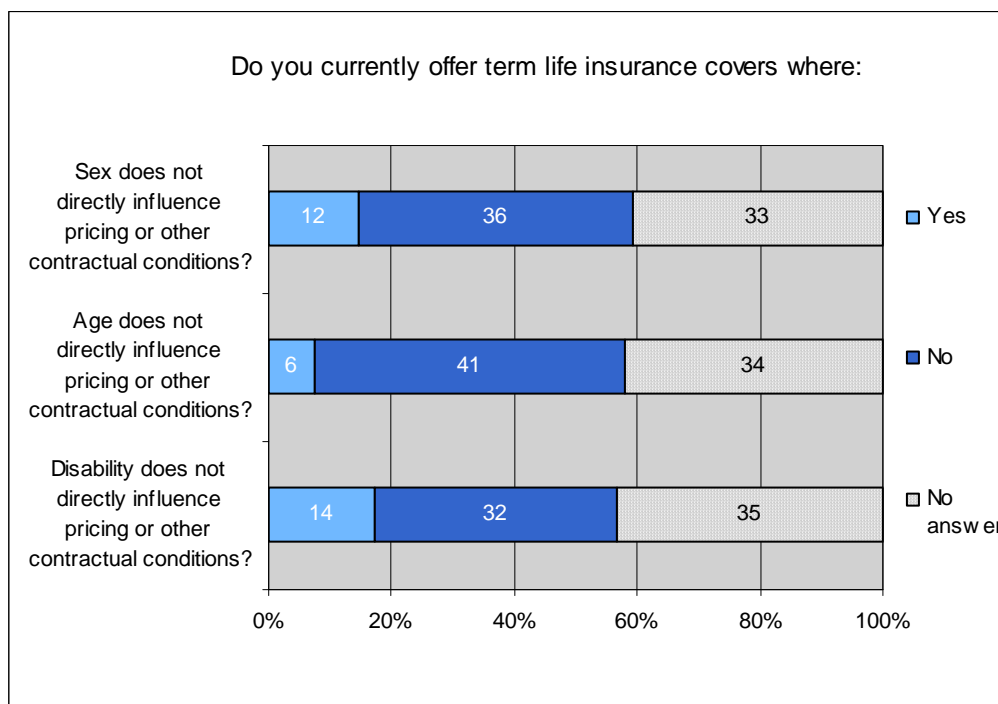
**Question 15 – Insurance/actuarial associations**



Source: Civic Consulting surveys of insurance/actuarial associations (N=23).



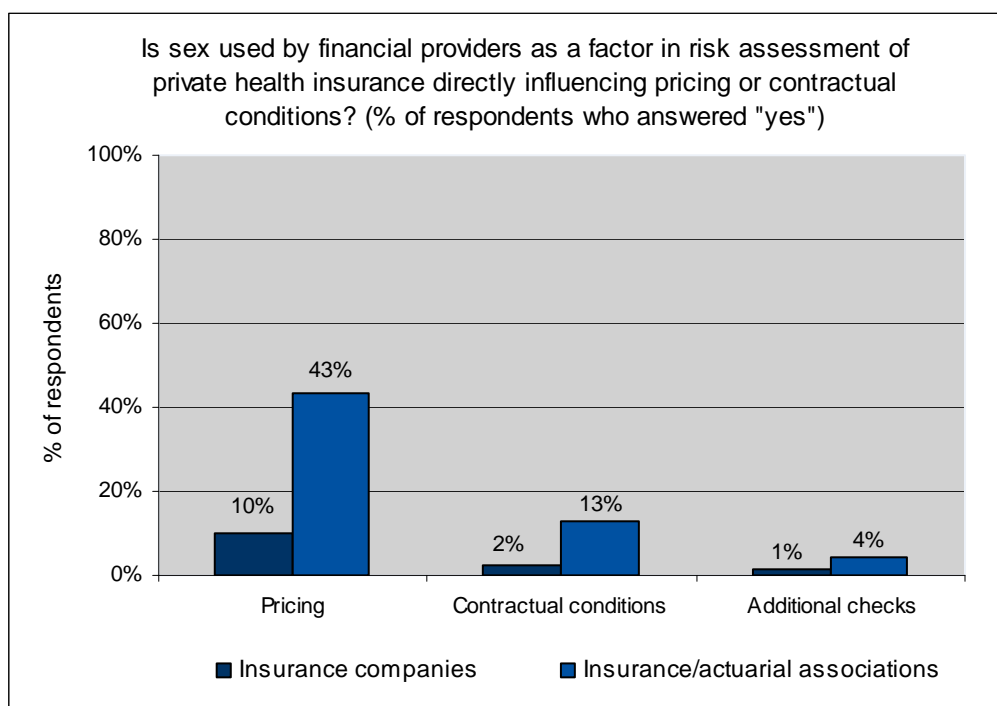
**Question 15 – Insurance companies**



Source: Civic Consulting surveys of insurance companies (N=81).

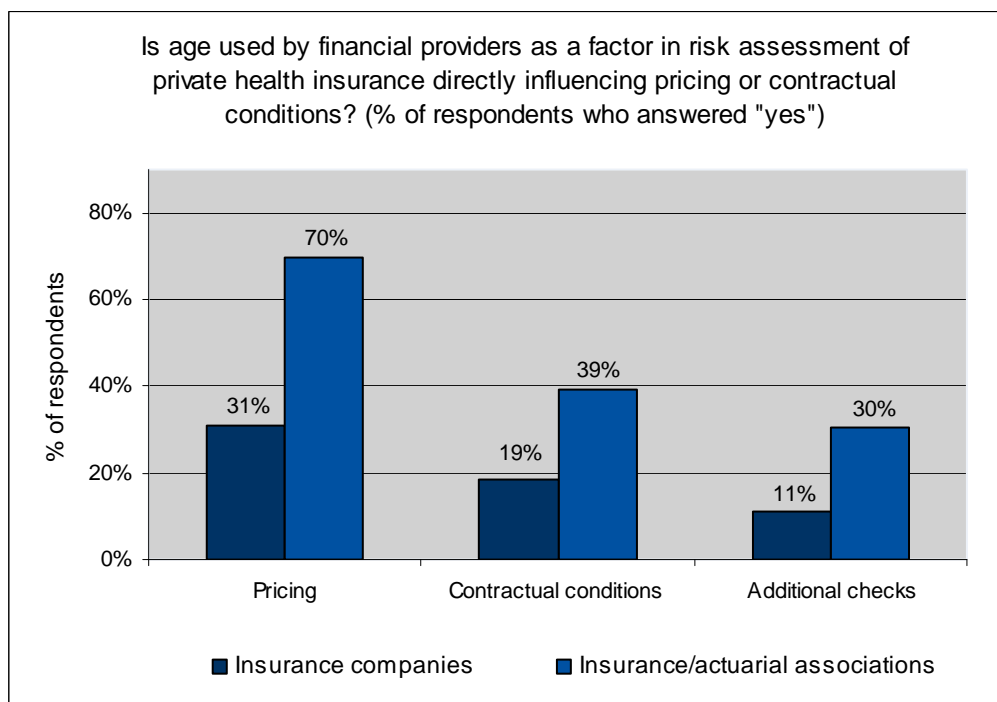
**Private health insurance**

**Question 12 (sex) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

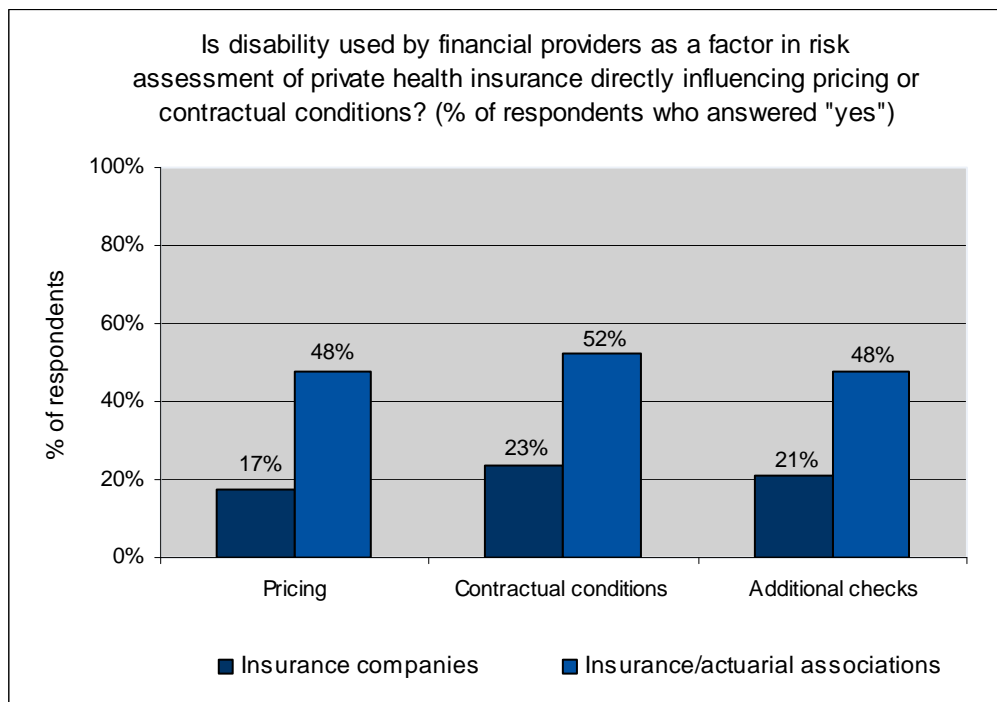
**Question 12 (age) – Insurance companies and associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

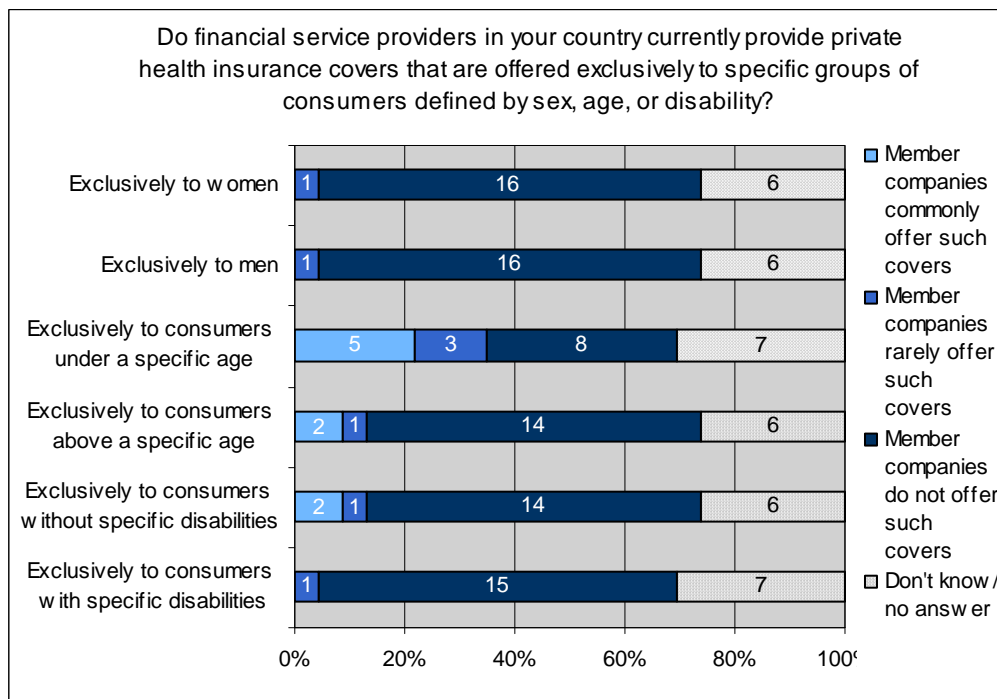
Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Question 12 (disability) – Insurance companies and associations**



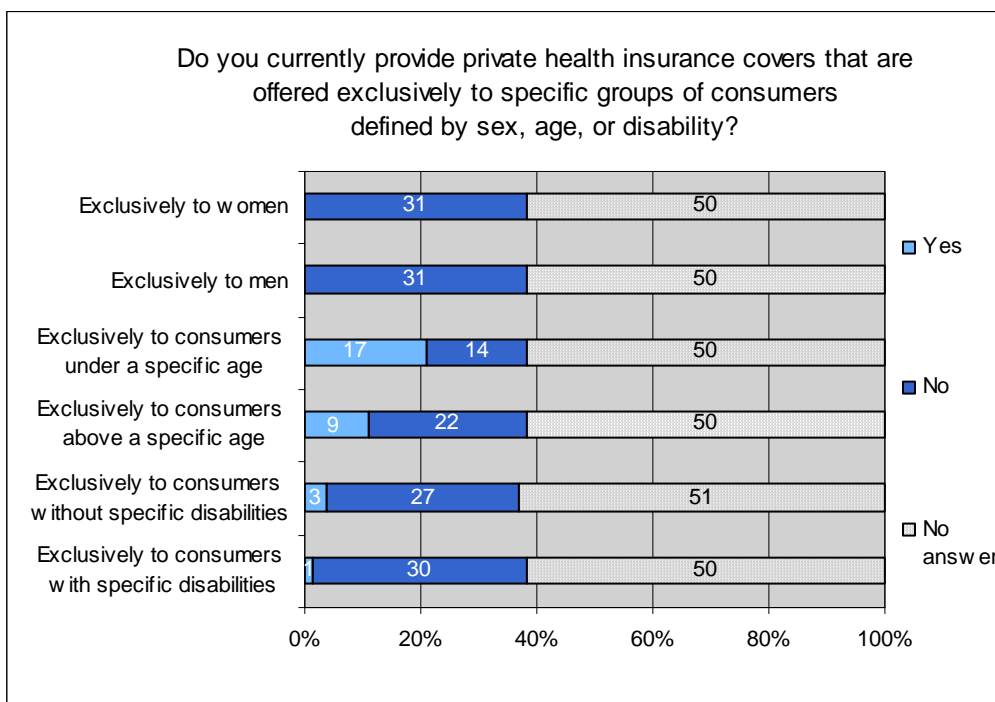
Source: Civic Consulting surveys of national insurance/actuarial associations (N=23) and insurance companies (N=81).

**Question 18 – Insurance/actuarial associations**



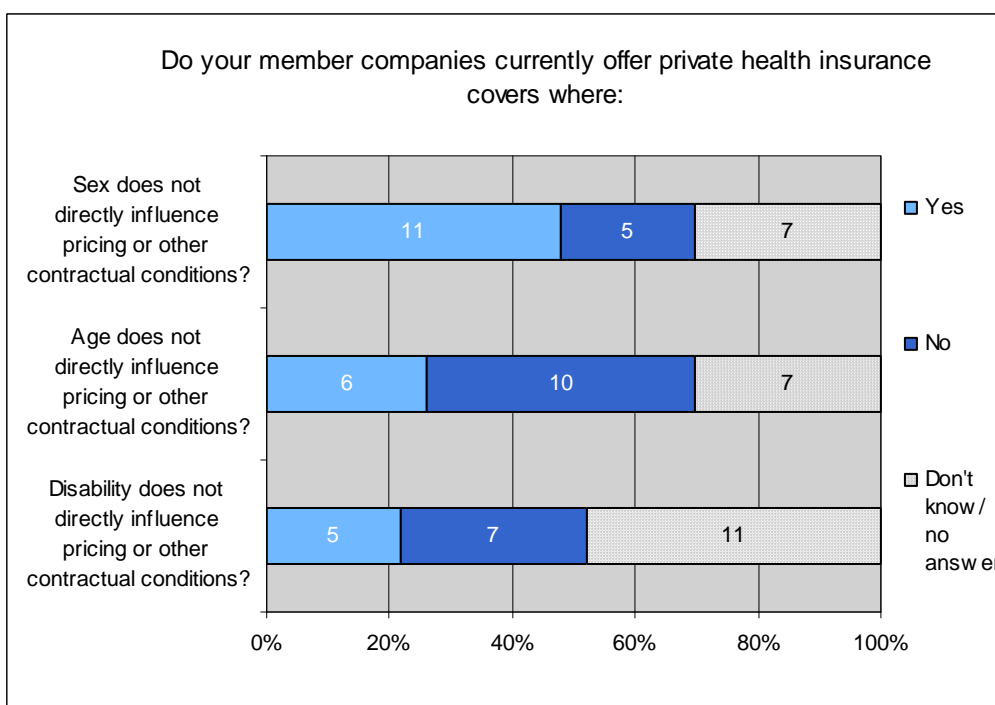
Source: Civic Consulting surveys of national insurance/actuarial associations (N=23).

**Question 18 – Insurance companies**



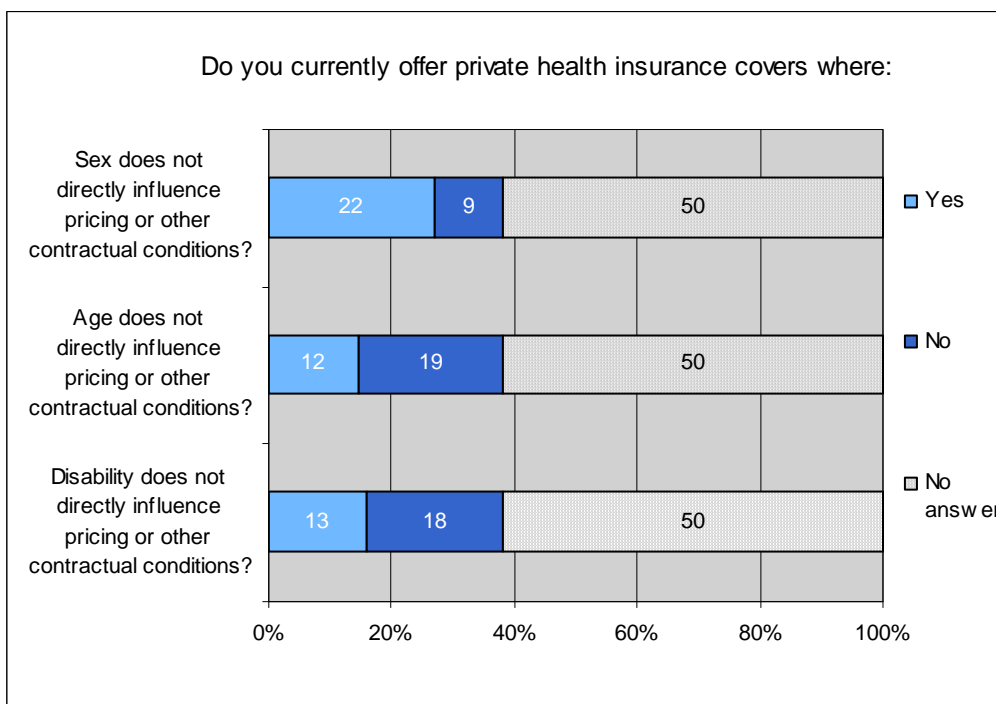
Source: Civic Consulting surveys of insurance companies (N=81).

**Question 20 – Insurance/actuarial associations**



Source: Civic Consulting surveys of national insurance/actuarial associations (N=23).

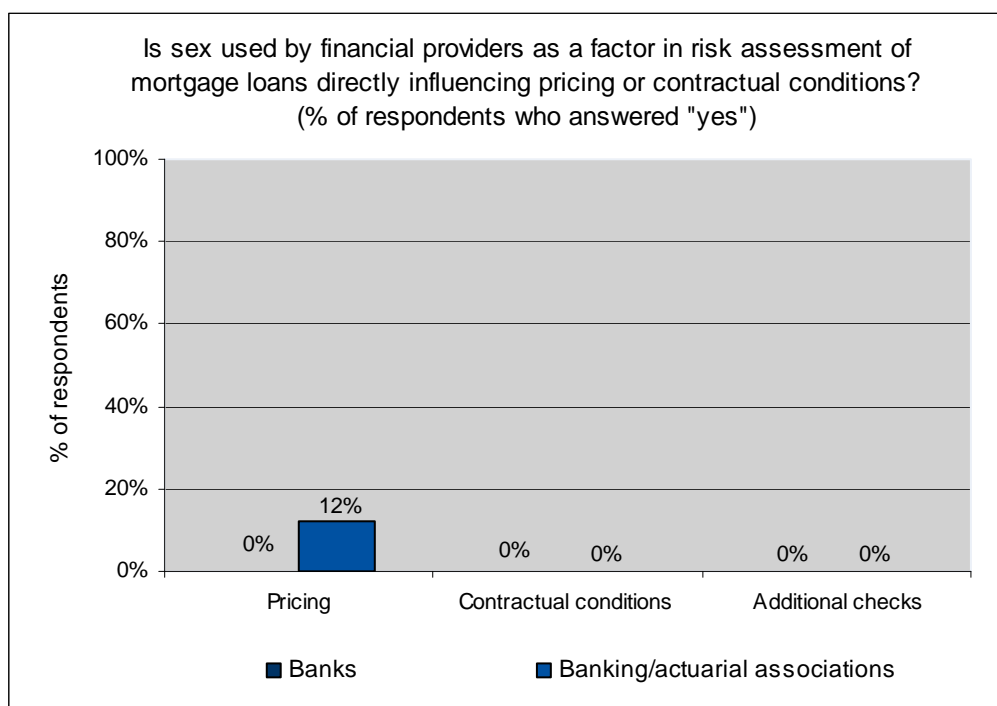
**Question 20 – Insurance companies**



Source: Civic Consulting surveys of insurance companies (N=81).

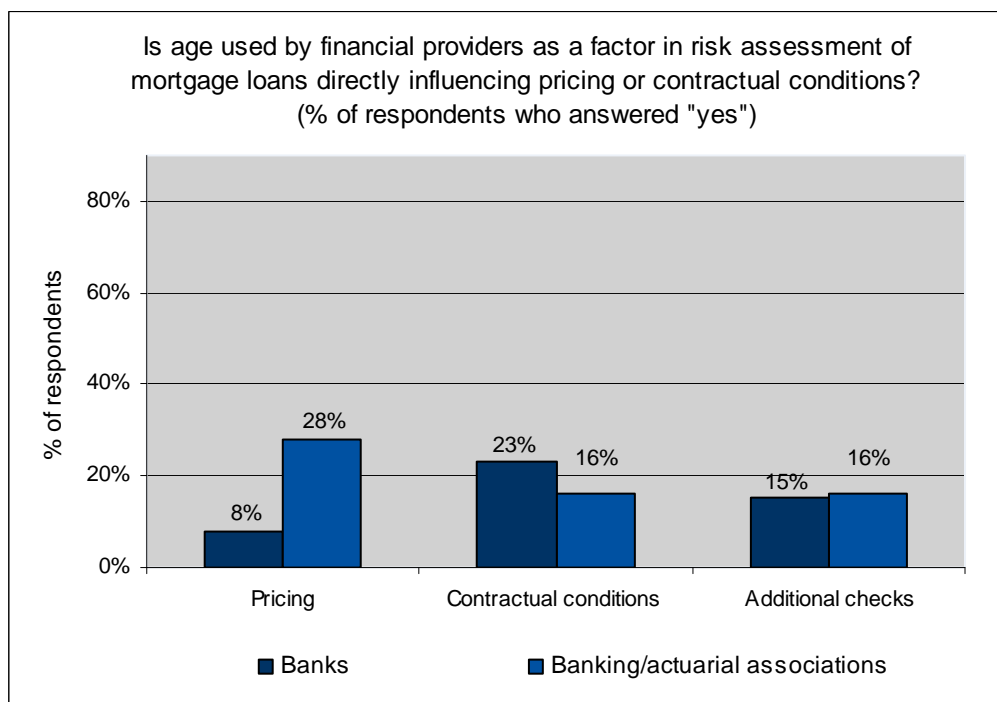
**Mortgage loans**

**Question 22 (sex) – Banks and associations**



Source: Civic Consulting surveys of national banking/actuarial associations (N=25) and banks (N=39).

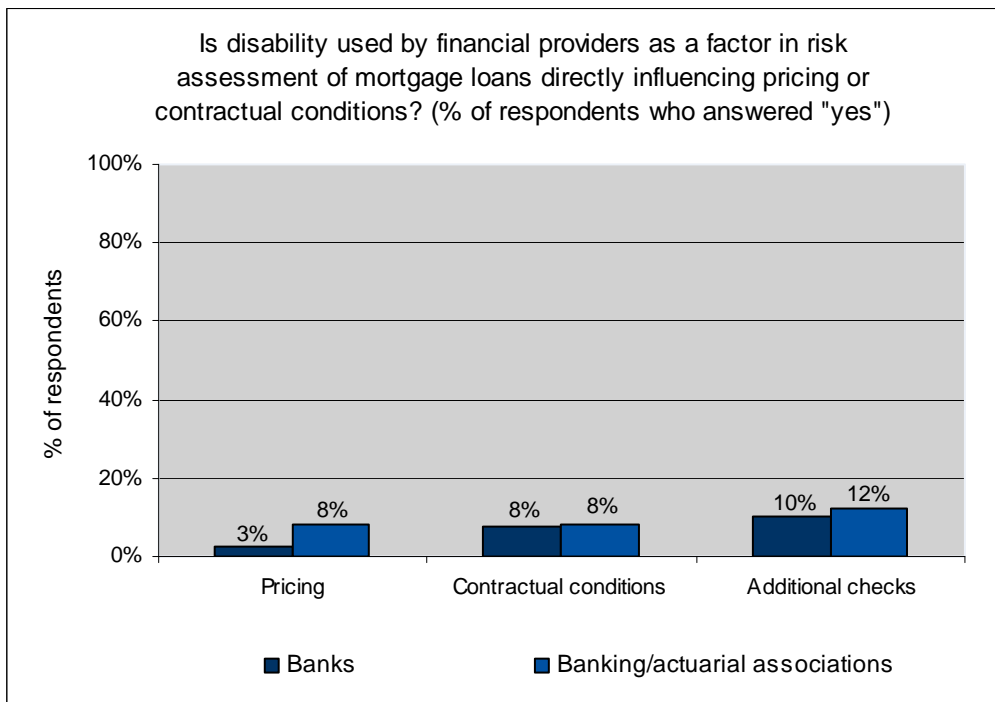
**Question 22 (age) – Banks and associations**



Source: Civic Consulting surveys of national banking/actuarial associations (N=25) and banks (N=39).

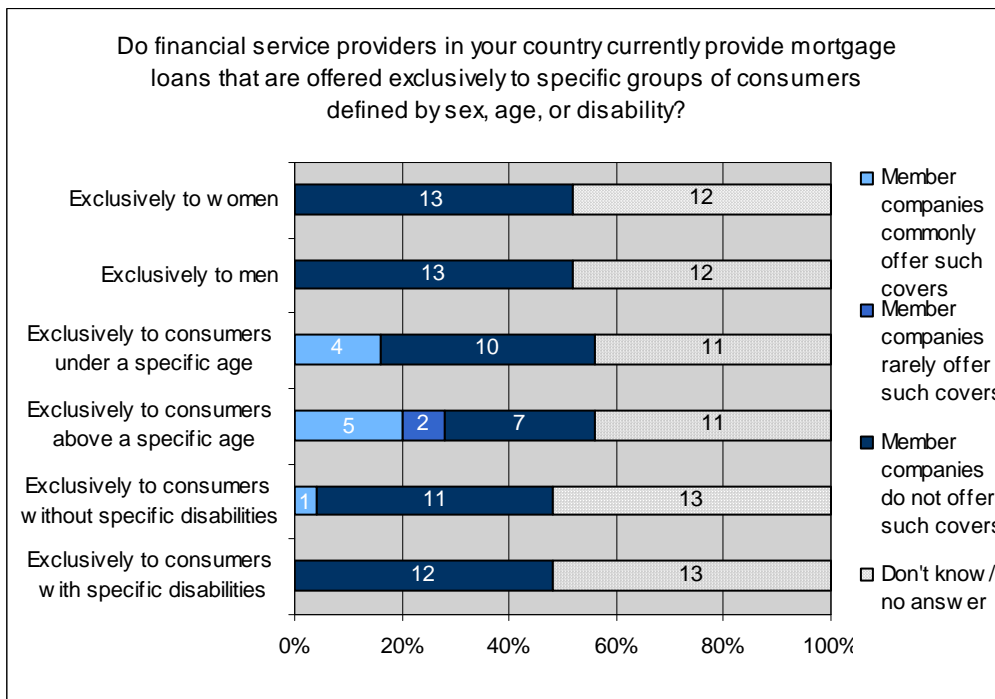
Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Question 22 (disability) – Banks and associations**



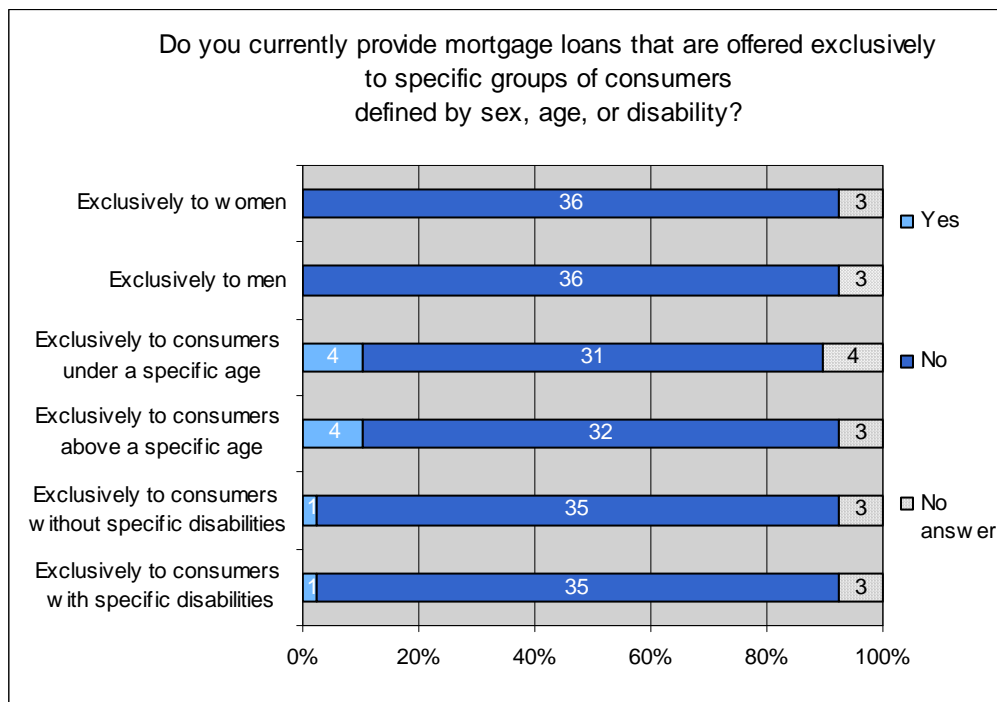
Source: Civic Consulting surveys of national banking/actuarial associations (N=25) and banks (N=39).

**Question 23 – Banking/actuarial associations**



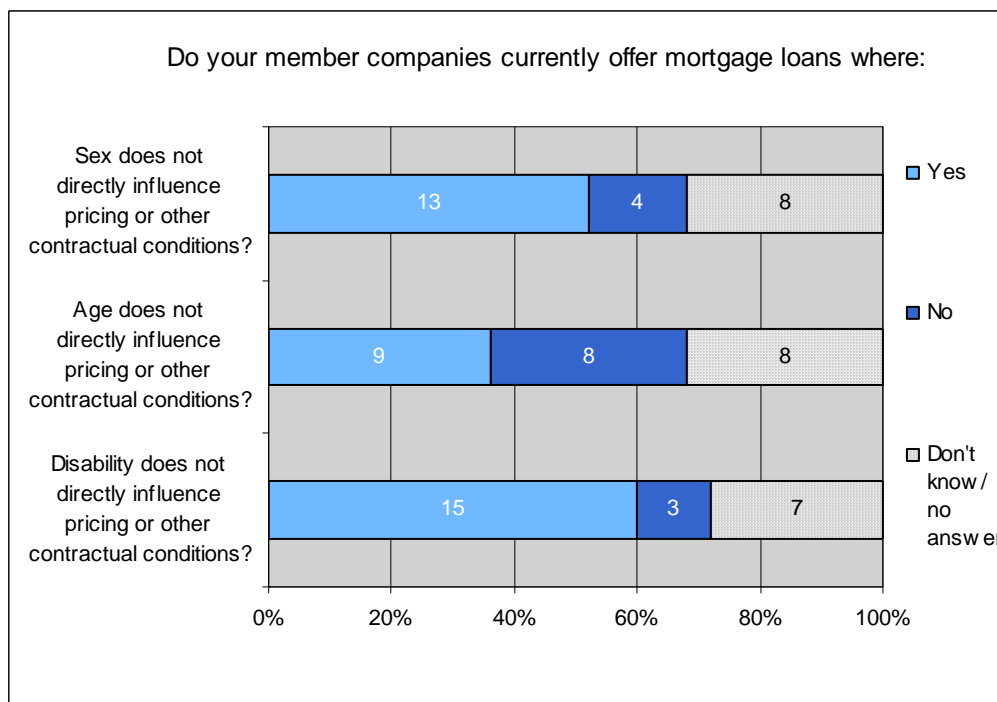
Source: Civic Consulting surveys of national insurance/actuarial associations (N=25).

**Question 23 – Banks**



Source: Civic Consulting surveys of banks (N=39).

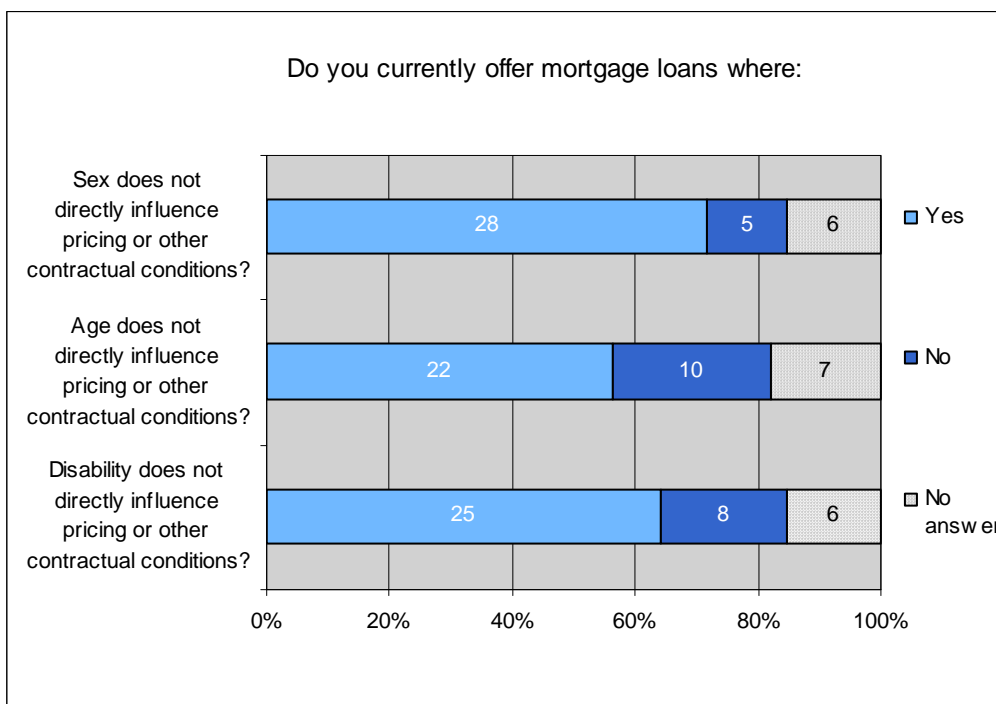
**Question 25 – Banking/actuarial associations**



Source: Civic Consulting surveys of national banking/actuarial associations (N=25).

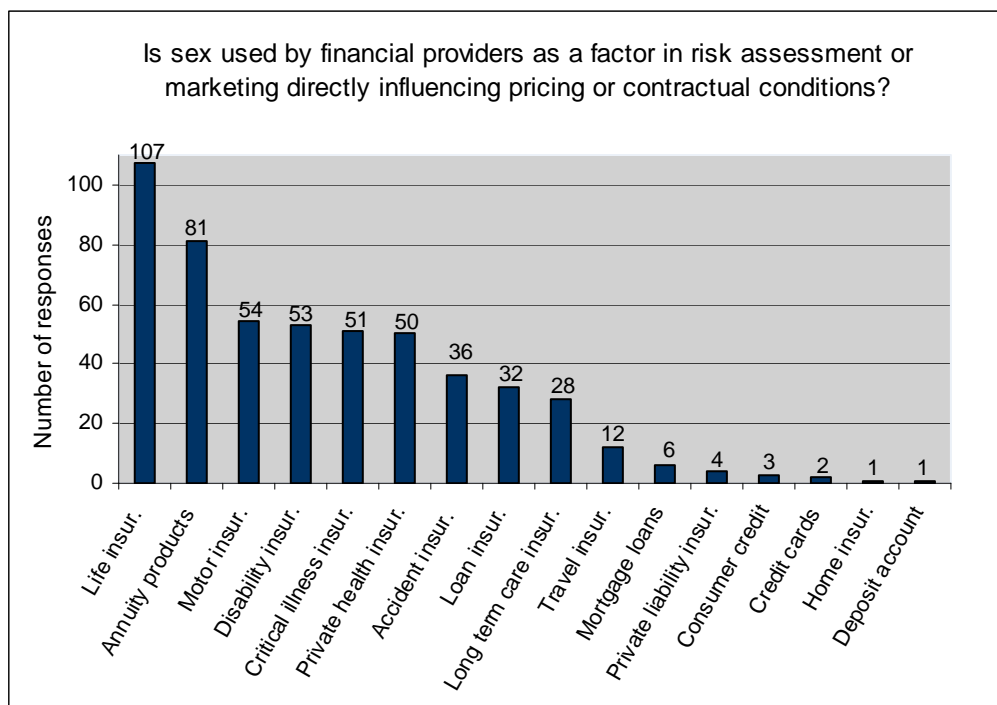


**Question 25 – Banks**



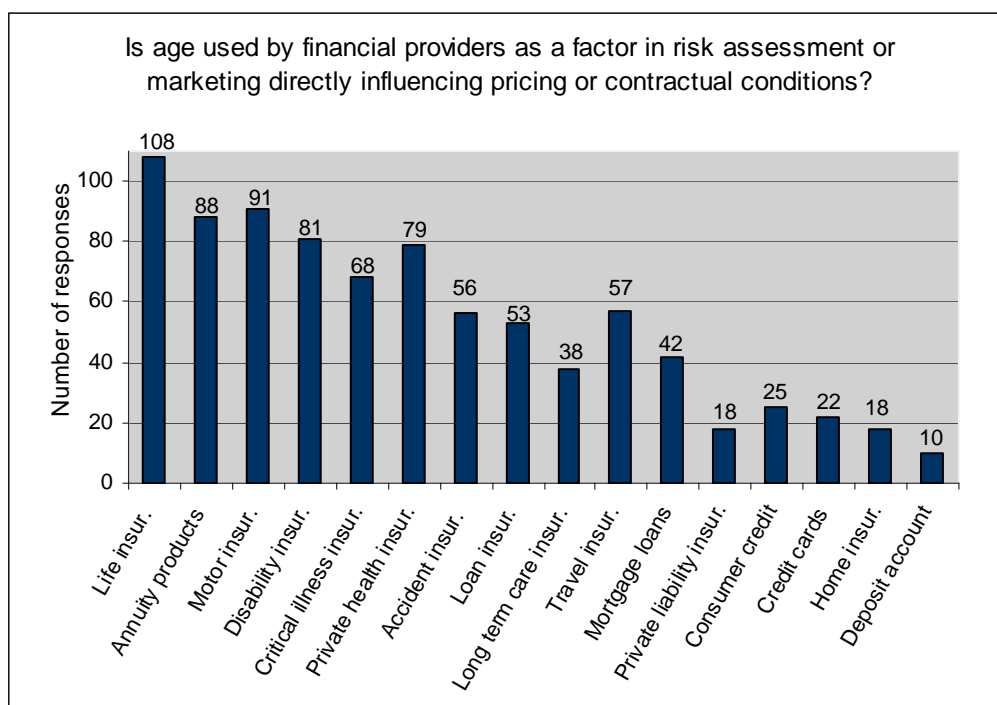
Source: Civic Consulting surveys of banks (N=39).

**All stakeholders (sex) – Summary of all products (Questions 2, 7, 12, 17, 22 and 27 of questionnaire for industry associations and question 2 of questionnaire for national authorities and equality bodies and of questionnaire for civil society organisations)**



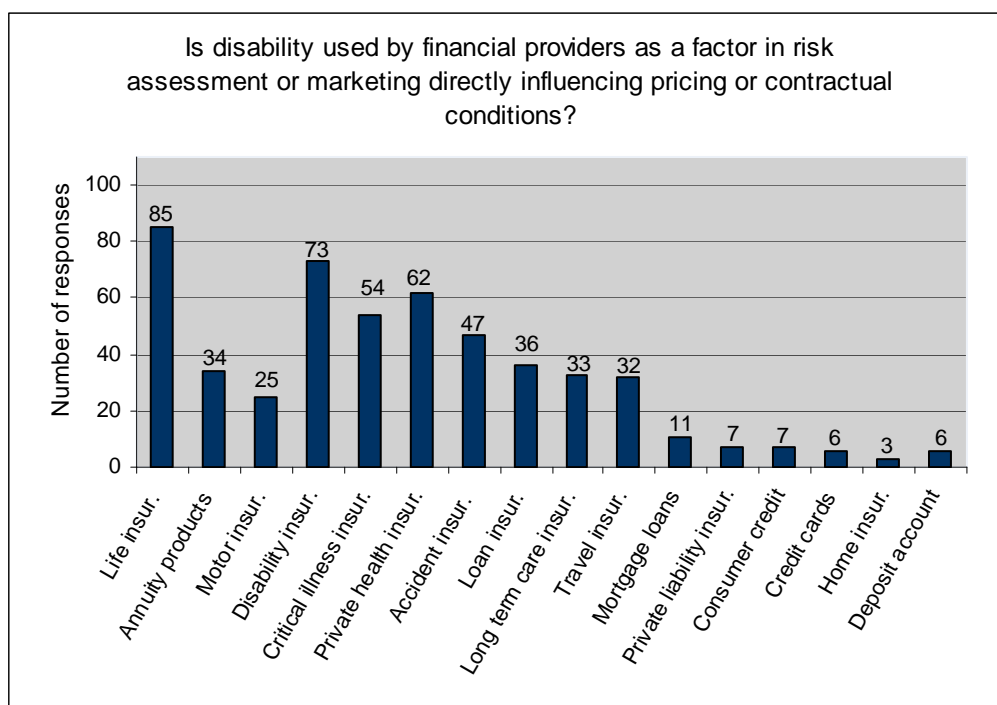
Source: Civic Consulting surveys of national industry/actuarial associations, insurance companies, banks, national authorities and equality bodies and civil society organisations (N=223, multiple answers possible, members of the European Disability Forum were not asked this question).

**All stakeholders (age) – Summary of all products (Questions 2, 7, 12, 17, 22 and 27 of questionnaire for industry associations and question 2 of questionnaire for national authorities and equality bodies and of questionnaire for civil society organisations)**



Source: Civic Consulting surveys of national industry/actuarial associations, insurance companies, banks, national authorities and equality bodies and civil society organisations (N=223, multiple answers possible, members of the European Disability Forum were not asked this question).

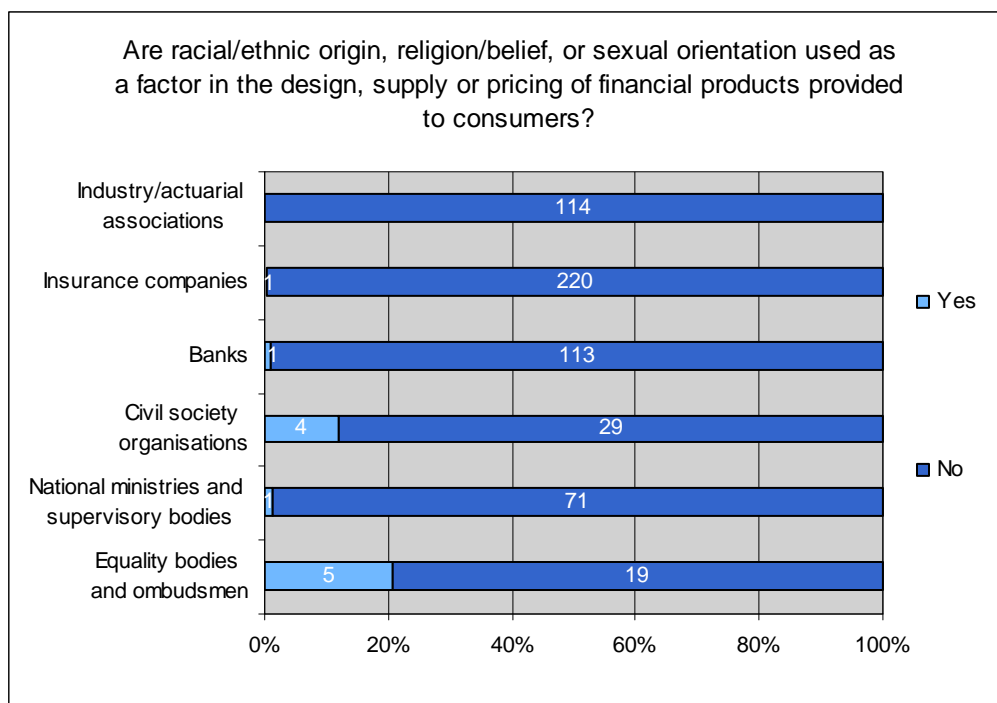
**All stakeholders (disability) – Summary of all products (Questions 2, 7, 12, 17, 22 and 27 of questionnaire for industry associations and question 2 of questionnaire for national authorities and equality bodies and of questionnaire for civil society organisations)**



Source: Civic Consulting surveys of national industry/actuarial associations, insurance companies, banks, national authorities and equality bodies and civil society organisations (N=223, multiple answers possible, members of the European Disability Forum were not asked this question).

### III. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF, OR SEXUAL ORIENTATION

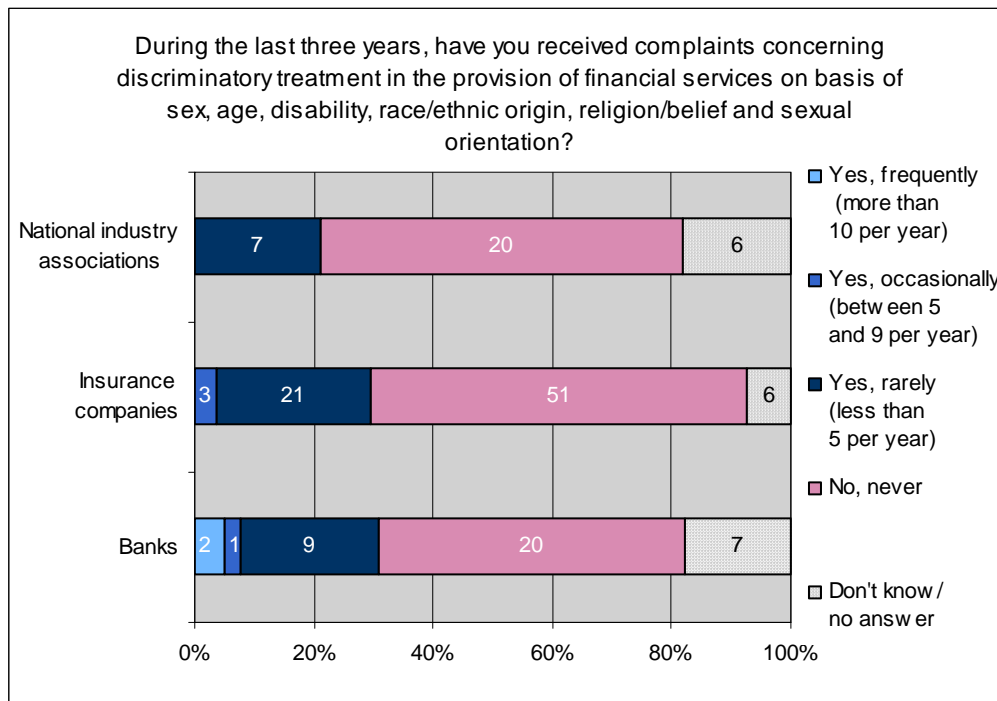
#### Question 28 – All stakeholders



Source: Civic Consulting surveys of national industry/actuarial associations (N=40), insurance companies (N=81), banks (N=39), national ministries and supervisory bodies (N=26), equality bodies and ombudsmen (N=20) and civil society organisations (N=17). Figures indicate the sum of answers for the three factors (racial/ethnic origin, religion/belief, sexual orientation). “Don’t know” and “No answer” not considered in graph.

**IV. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS**

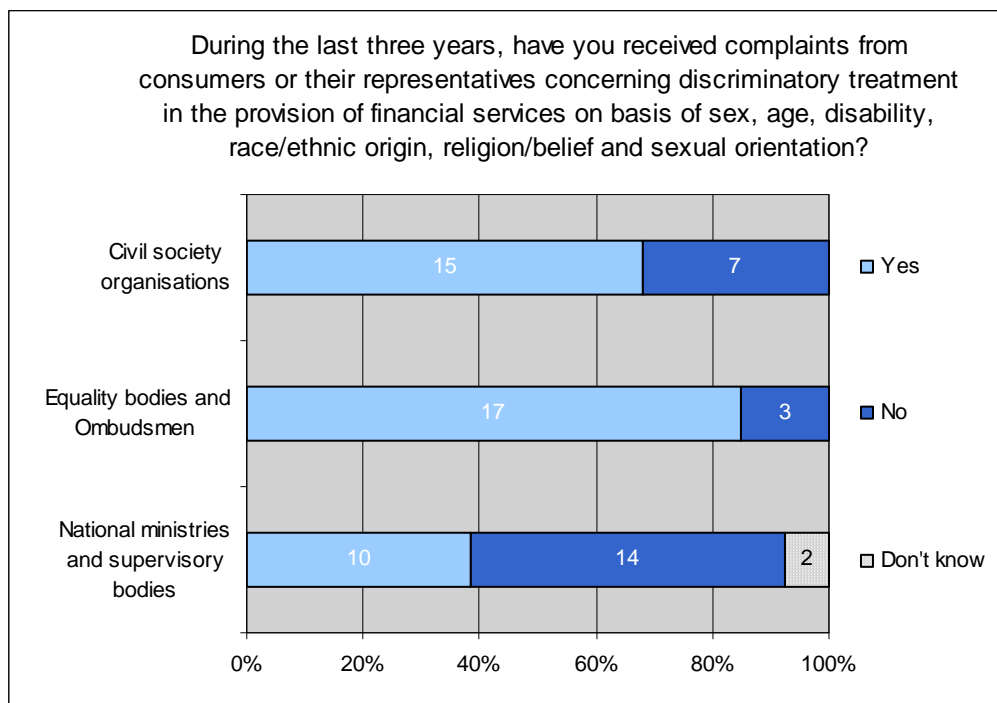
**Question 29 – Industry associations, insurance companies and banks**



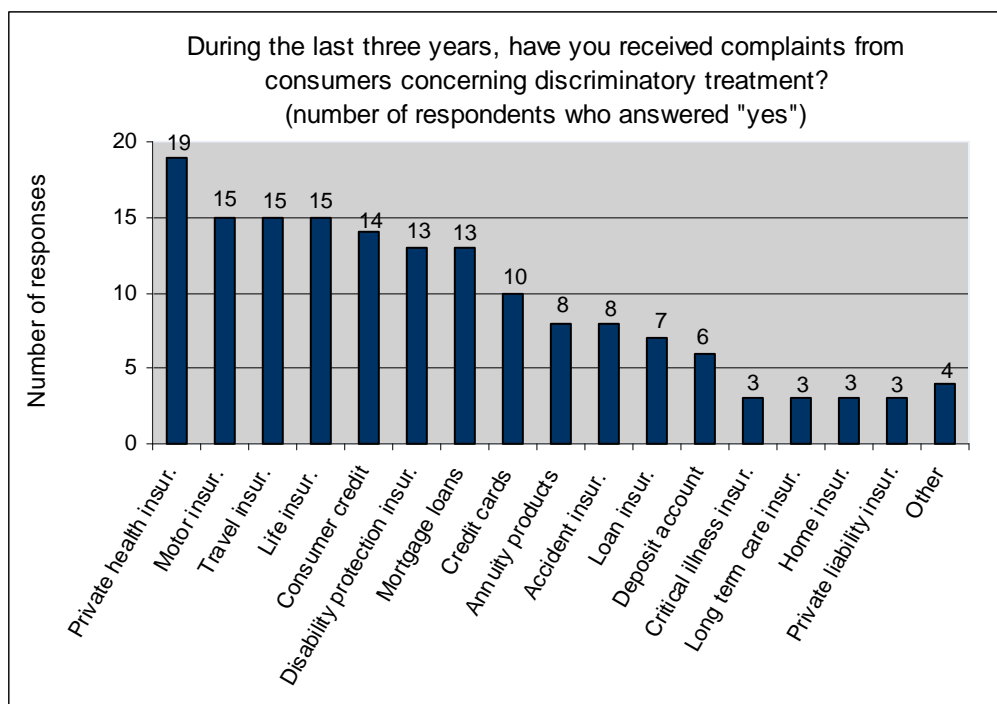
Source: Civic Consulting surveys of national industry associations (N=33), insurance companies (N=81) and banks (N=39).

The numbering of the two following graphs refers to the numbering of the questionnaire for national authorities and equality bodies

**Question 4 – National authorities and equality bodies and civil society organisations**



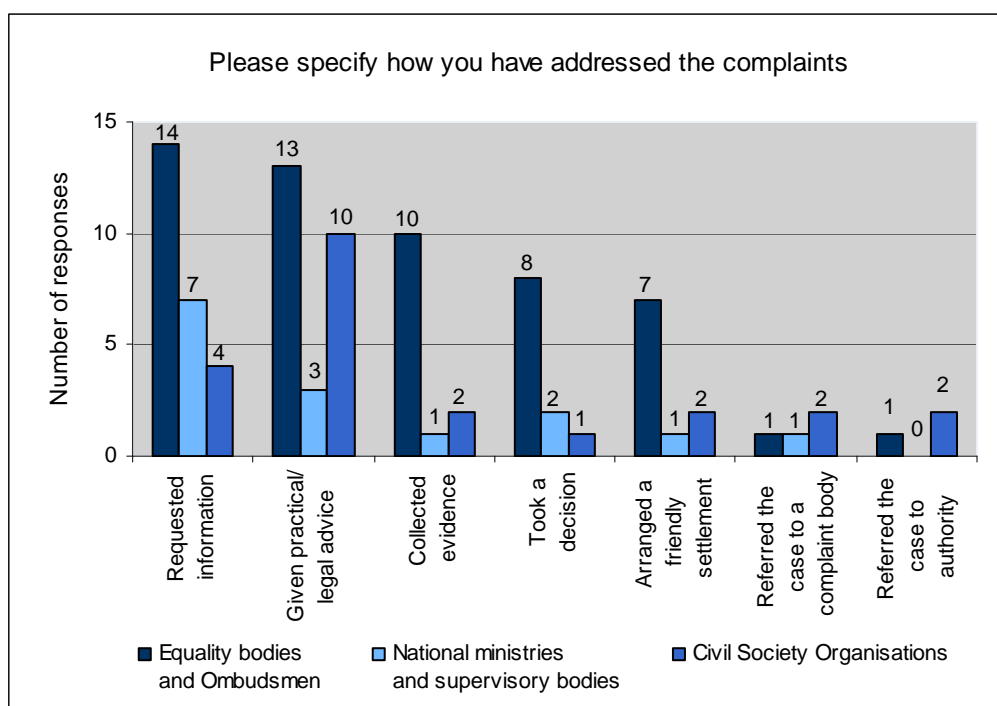
Source: Civic Consulting surveys of national ministries and supervisory bodies (N=26), equality bodies and ombudsmen (N=20), civil society organisations (N=22, including members of the European Disability Forum).



Source: Civic Consulting surveys of national authorities and equality bodies, civil society organisations and members of the European Disability Forum (N=68, multiple answers possible, "Don't know" and "No answer" not included in figure).

Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

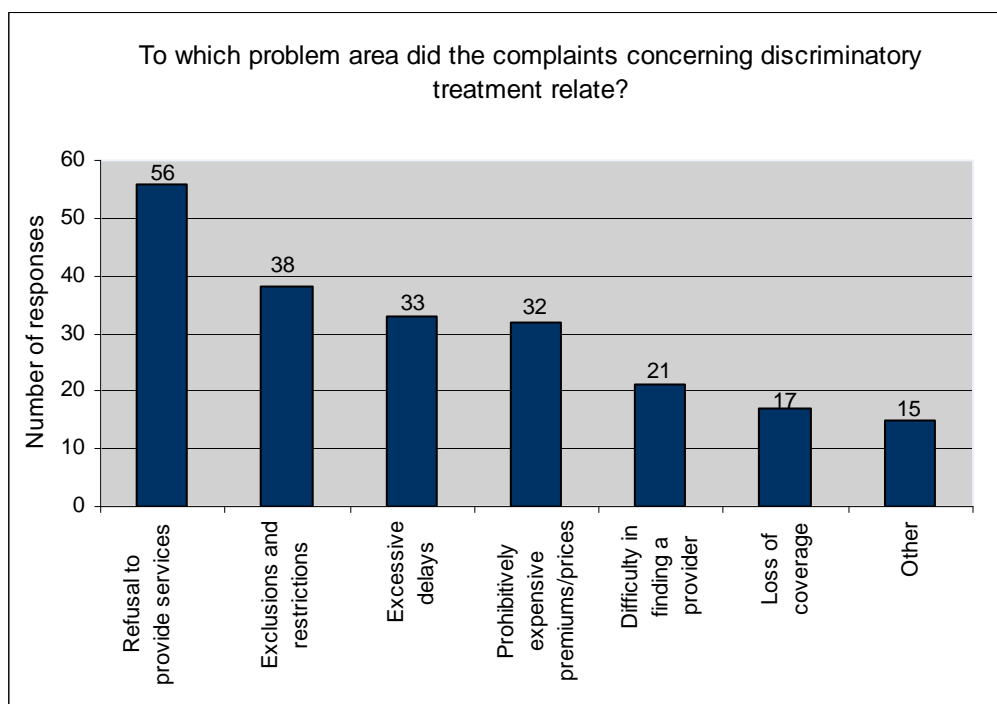
**Question 4f – Civil society organisations, national ministries and supervisory bodies, equality bodies and Ombudsmen.**



Source: Civic Consulting surveys of national ministries and supervisory bodies (N=26), equality bodies and ombudsmen (N=20), civil society organisations (N=22, including members of the European Disability Forum). Multiple answers possible, “Don’t know” and “No answer” not included in figure.

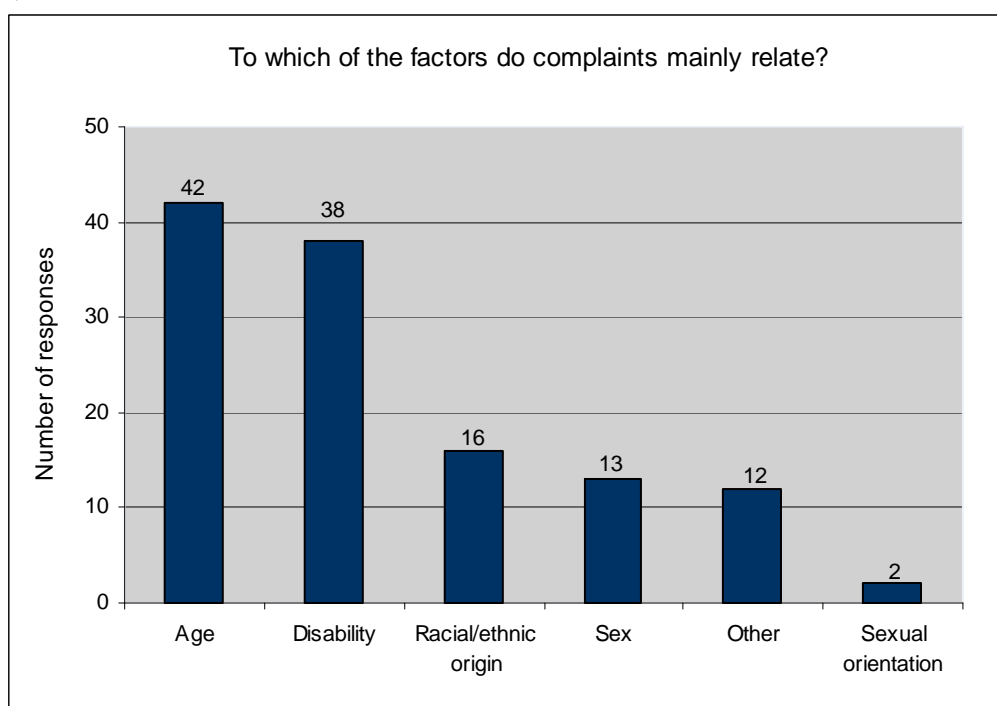


**Question 29a – All stakeholders**



Source: Civic Consulting surveys of national industry associations, insurance companies, banks, national authorities and equality bodies, civil society organisations and members of the European Disability Forum (N=221, multiple answers possible, “Don’t know” and “No answer” not included in figure).

**Question 29b – All stakeholders**



Source: Civic Consulting surveys of national industry associations, insurance companies, banks, national authorities and equality bodies, civil society organisations and members of the European Disability Forum (N=221, multiple answers possible, “Don’t know” and “No answer” not included in figure).

Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

**Table 1: Number of complaints reported in the last three years (2007- 2009)**

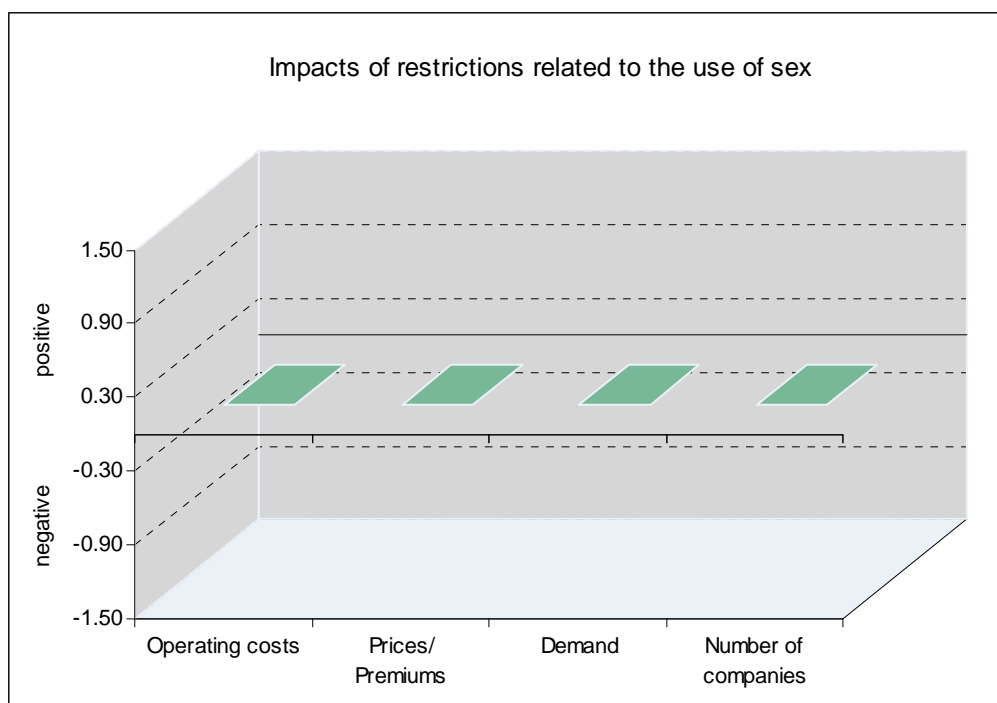
Body	Motor insur.	Travel insur.	Private health insur.	Life insur.	Annuity products	Critical illness insur.	Disability insur.	Accident insur.	Long term care insur.	Home insur.	Loan insur.	Private liability insur.	Mortgage loans	Consumer Credit	Credit cards	Deposit accounts	Other
Flemisch Advisory Council of Older People			20														
Ombudsman des Assurances Belgique (BE)	9	1	20	59			4	3					2				
ZIVOT 90 (CZ)		4															
The Association of Swedish-Speaking Pensioners in Finland (FI)	10	55			6		15	300		10					2		
Campaign Against Homophobia (PL)			2										1				
Federal Anti-Discrimination Agency (DE)	7	4	25	5	4	0	9	11	4	0	0	2	1	25	1	29	
Board of Equal Treatment (DK)														2			
Ombudperson´s Office for the Equality of Women and Men (ES)			1														
Gender Equality Ombudsman (FI)	6		3	3											2		
Office of Equal Opportunities Ombudsmen (LT)		3	2								1						
Centre pour l'égalité de traitement (LU)																1	
Dutch Equal Treatment Commission (NL)			2	1	2		2	1					2	1			
Swedish Equality Ombudsman (SE)	4		6	3	1		2	6		2			3	1	1	8	
Center for Equal Opportunities and Opposition to Racism (BE)	14	2	42	1	1	0	10				42	1	4	8	5	5	6
L'Institut pour l'Egalité entre des Femmes et des Hommes (BE)		1	3	2	1		1										
Equality Commission for Northern Ireland (UK)	6	1		3			1						2	6	1	8	
Office of the Gender Equality and Equal Treatment Commissioner (EE)				1													
Insurance companies control service (CY)	1																
Autorité de Contrôle des Assurances et des Mutuelles (FR)											150						
Hungarian Financial Supervisory Authority (HU)				2									3				
Polish Financial Supervision Authority (PL)				1									2				
Instituto de Seguros de Portugal (PT)				66													
<b>Total</b>	<b>57</b>	<b>71</b>	<b>126</b>	<b>147</b>	<b>15</b>	<b>0</b>	<b>44</b>	<b>321</b>	<b>4</b>	<b>12</b>	<b>193</b>	<b>3</b>	<b>20</b>	<b>43</b>	<b>12</b>	<b>51</b>	<b>6</b>

Source: Civic Consulting surveys of competent authorities, equality bodies and civil society organisations.

Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

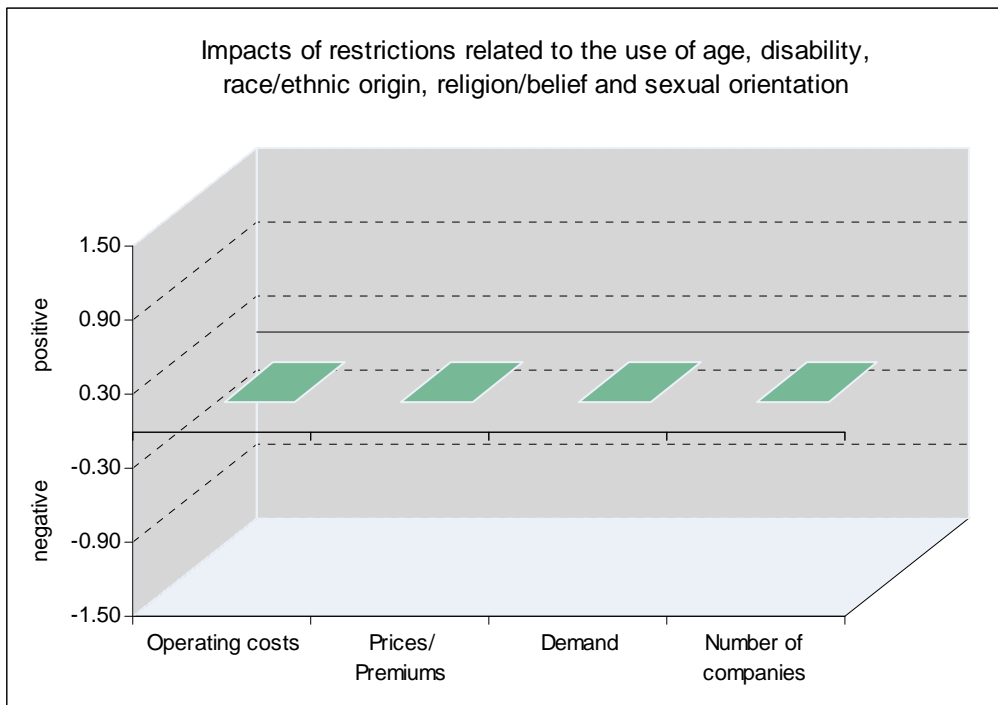
**V. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES**

**Question 31c (sex) – Industry associations**



Source: Civic Consulting surveys of industry/actuarial associations. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=7 to 8, depending on item; "Don't know" and "No answer" not considered).

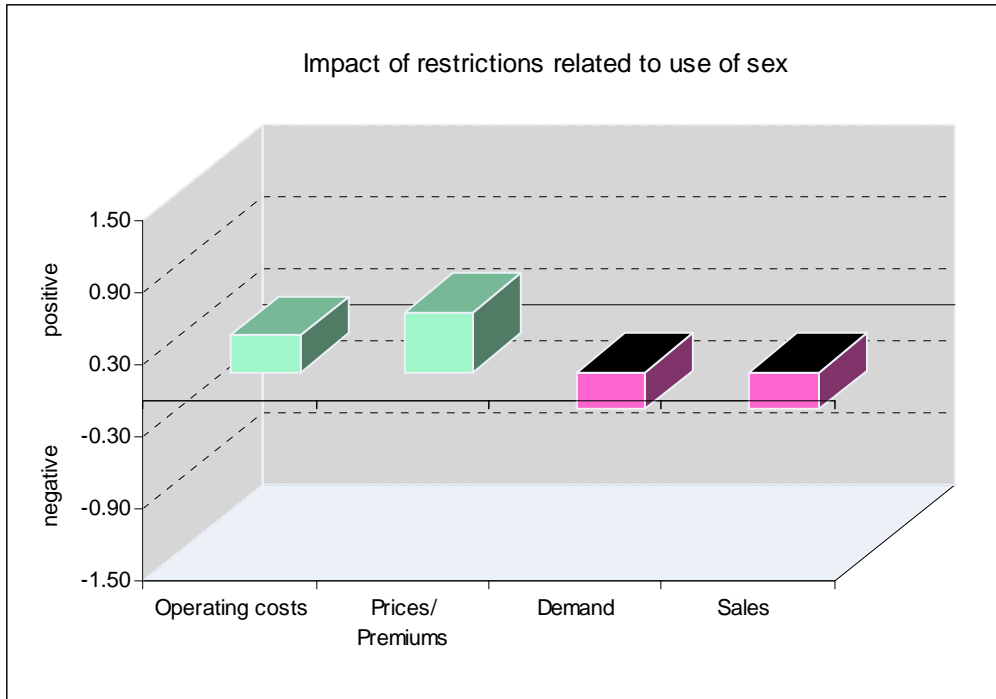
**Question 31c (age, disability, race/ethnic origin, religion/belief and sexual orientation) – Industry associations**



Source: Civic Consulting surveys of industry/actuarial associations. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=7 to 8, depending on item; "Don't know" and "No answer" not considered).

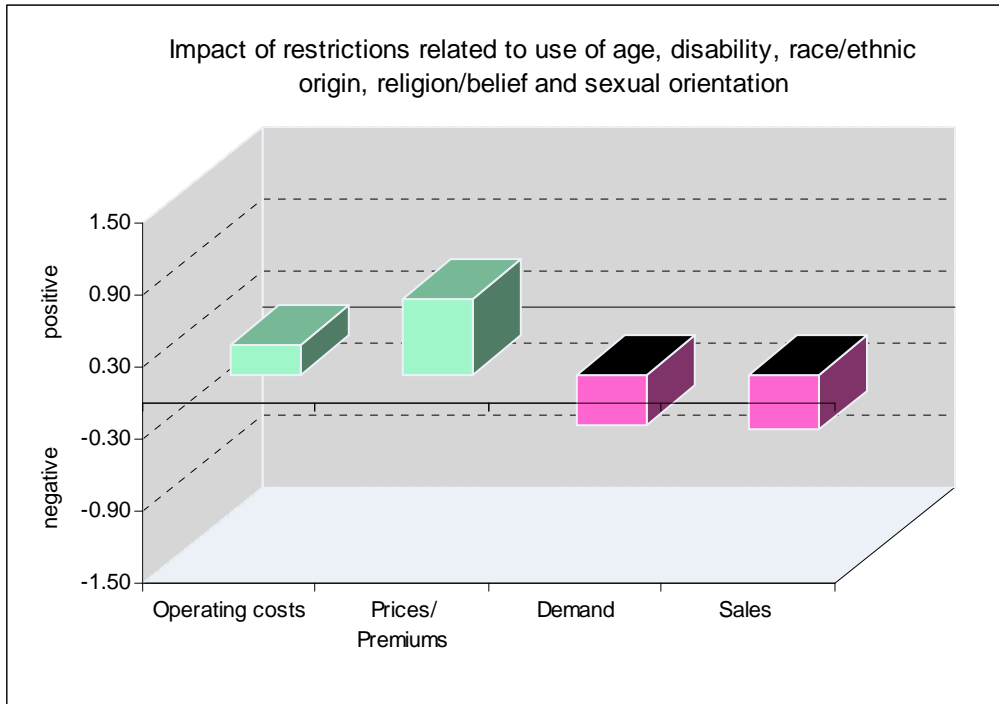
The numbering of the two following graphs refers to the numbering of the questionnaire for insurance companies

**Question 12b (sex) – Insurance companies**



Source: Civic Consulting survey of insurance companies. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=13 to 14, depending on item; "Don't know" and "No answer" not considered).

**Question 12b (age, disability, race/ethnic origin, religion/belief and sexual orientation) – Insurance companies**

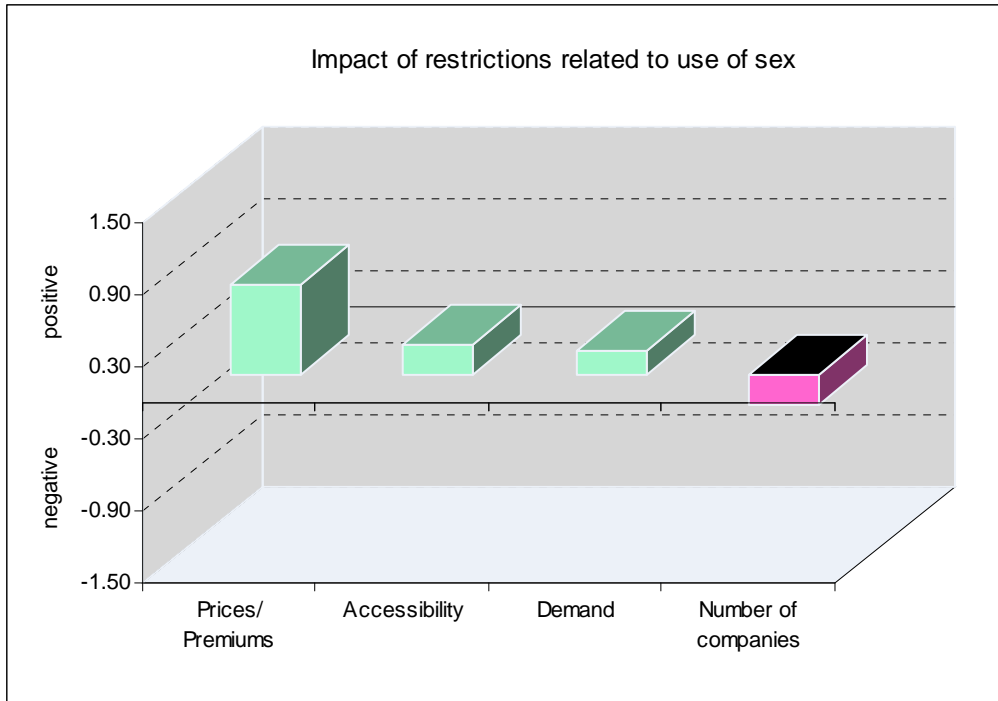


Source: Civic Consulting survey of insurance companies. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=11 to 12, depending on item; "Don't know" and "No answer" not considered).

Note: Banks did not provide any answer to the question on impacts (Question 12b of questionnaire for banks).

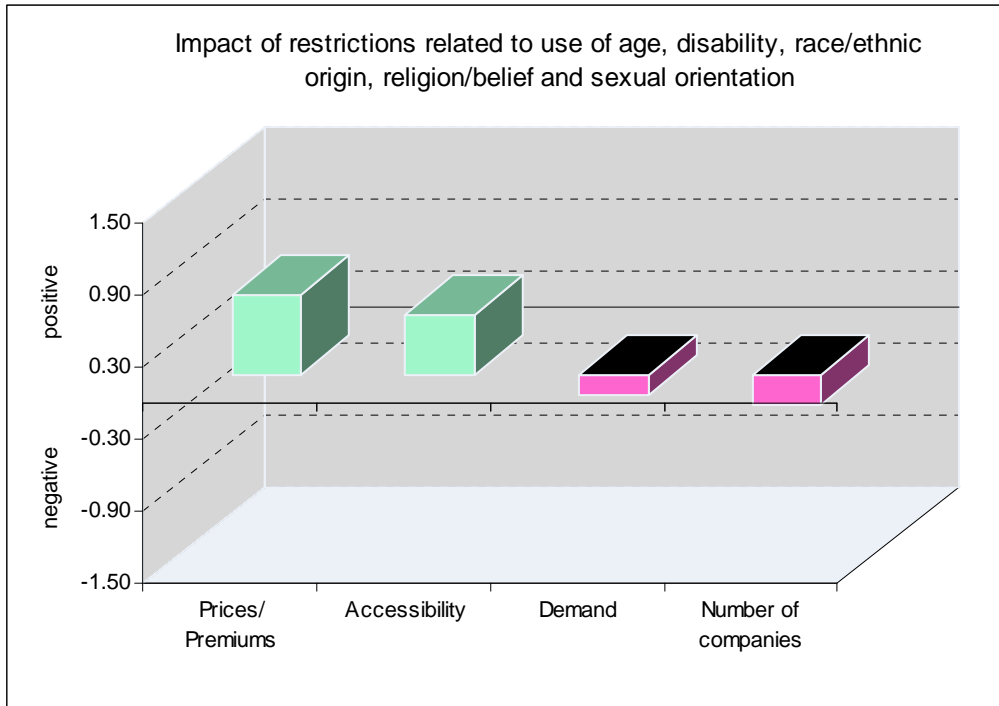
The numbering of the two following graphs refers to the numbering of the questionnaire for civil society organisations

**Question 6c (sex) – Civil society organisations**



Source: Civic Consulting survey of civil society organisations. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=4 to 5, depending on item; "Don't know" and "No answer" not considered).

**Question 6c (age, disability, race/ethnic origin, religion/belief and sexual orientation) – Civil society organisations**

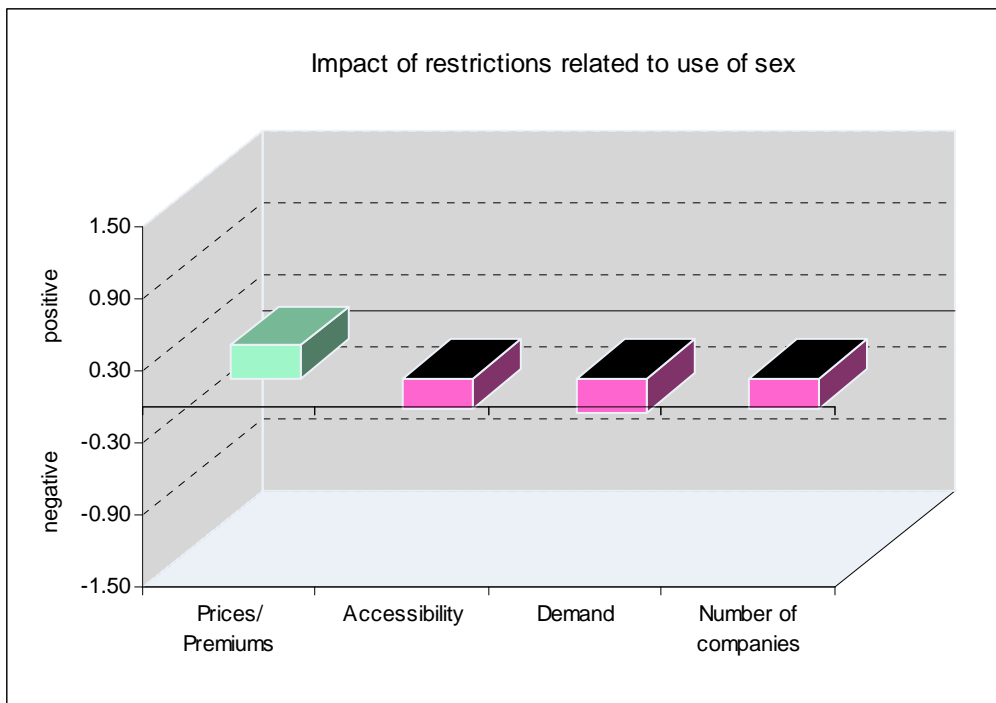


Source: Civic Consulting survey of civil society organisations. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=4 to 6, depending on item; "Don't know" and "No answer" not considered).



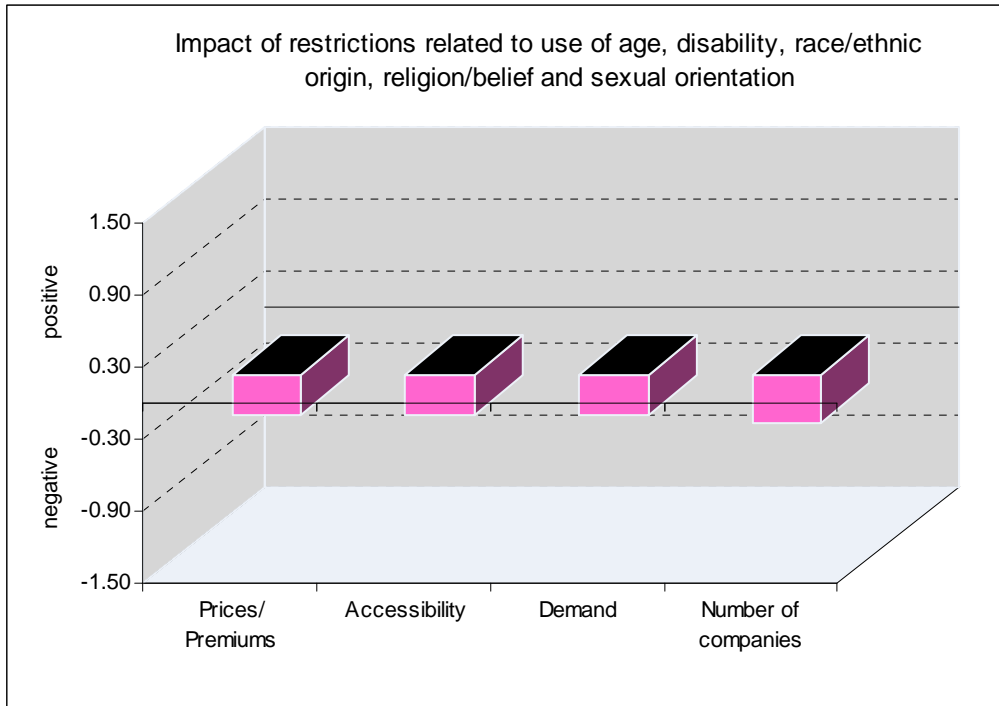
The numbering of the four following graphs refers to the numbering of the questionnaire for national authorities and equality bodies

**Question 6c (sex) – National authorities and equality bodies**



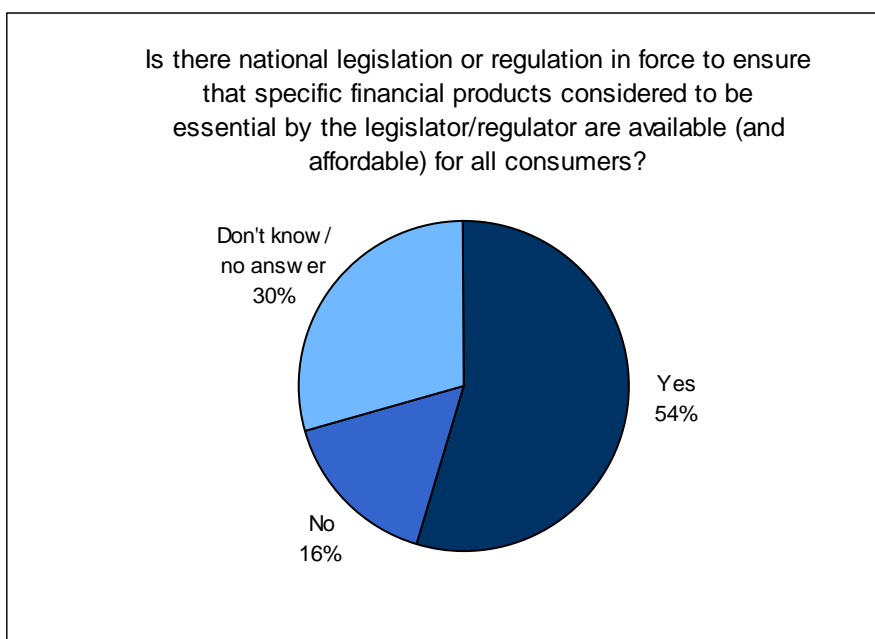
Source: Civic Consulting survey of national authorities and equality bodies. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=7 to 11, depending on item; "Don't know" and "No answer" not considered).

**Question 6c (age, disability, race/ethnic origin, religion/belief and sexual orientation) – National authorities and equality bodies**



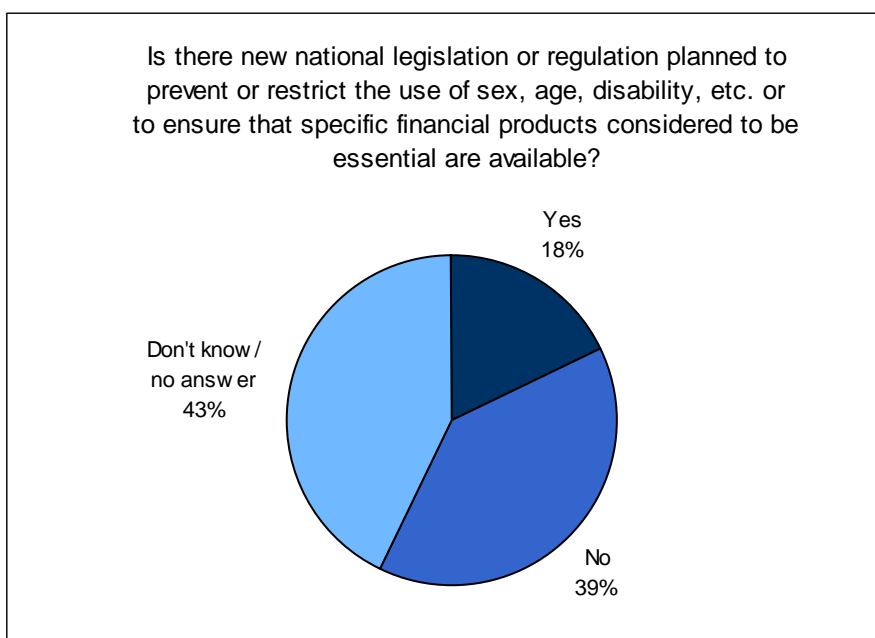
Source: Civic Consulting survey of national authorities and equality bodies. Average rating, where values represent the assessment of impacts on a scale from 'reduced significantly' (-2) to 'increased significantly' (+2) (N=5 to 6, depending on item; "Don't know" and "No answer" not considered).

**Question 8 – National authorities and equality bodies**



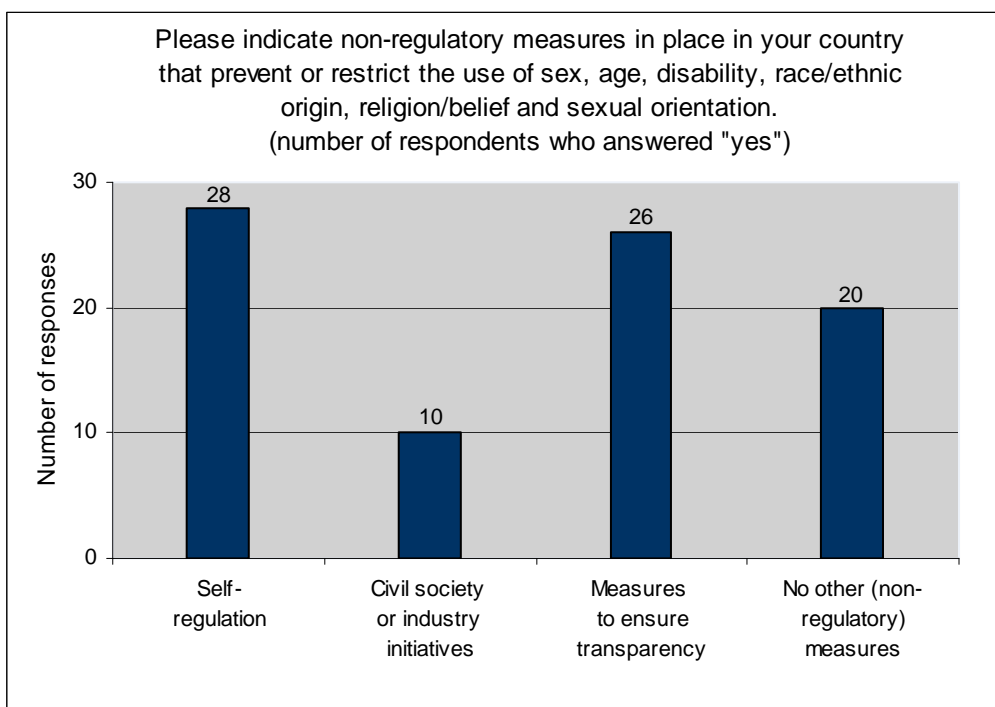
Source: Civic Consulting survey of national authorities and equality bodies (N=44).

**Question 9 – National authorities and equality bodies**



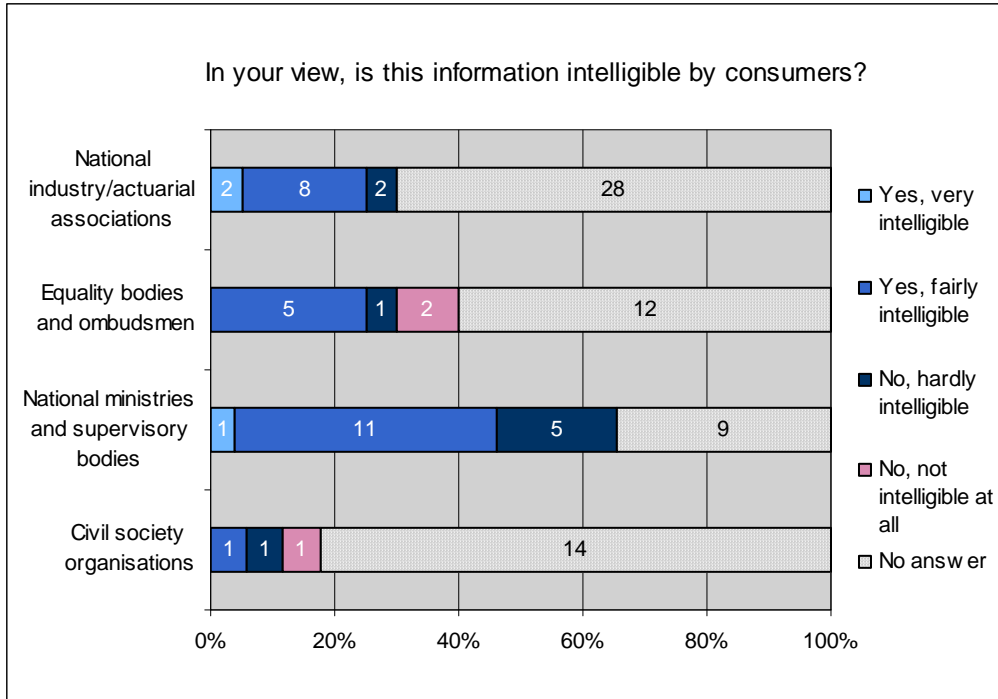
Source: Civic Consulting survey of national authorities and equality bodies (N=44).

**Question 32 – Associations, national authorities and equality bodies and civil society organisations**



Source: Civic Consulting surveys of national industry/actuarial associations, national authorities and equality bodies and civil society organisations (N=103, multiple answers possible, "Don't know" and "No answer" not included in figure).

**Question 34d (publication of information concerning the use of sex, age and disability) – Industry/actuarial associations, national authorities and equality bodies and civil society organisations**



Source: Civic Consulting surveys of national industry/actuarial associations (N=40), national ministries and supervisory bodies (N=26), equality bodies and ombudsmen (N=20), and civil society organisations (N=17).

## **ANNEX 2: NATIONAL LEGISLATION OR REGULATION IN FORCE**

**Table 1: National legislation or regulation in force that restricts the use of sex, age and disability in the design, supply or pricing of financial products.**

Country	Sex	Age	Disability	Relevant legal provisions	Comments
AT	Restrictions	No restrictions	Restrictions	Equal Treatment Act ( <i>Bundesgesetz über die Gleichbehandlung</i> ). Austrian Disability Act 2005 ( <i>Bundes-Behindertengleichstellungsgesetz – BGStG</i> ). Austrian Insurance Contract Act, § 178b para 5. Austrian Insurance Supervision Act § 9 para 2-4 ( <i>Versicherungsaufsichtsgesetz - VAG</i> ).	The Austrian Disability Act 2005 allows for risk differentiation according to risk assessment. Directive 2004/113/EC was transposed in 2006 (cf. section 178b para 5 Austrian Insurance Contract Act). In addition, the Equal Treatment Act was amended in 2008, covering inter alia a prohibition of discrimination on grounds of sex in the field of goods and services.
BE	Restrictions	Restrictions	Restrictions	General Anti-Discrimination Act of 10 May 2007, amending the antidiscrimination law of 25/02/2003. ( <i>Lois tendant à lutter contre certaines formes de discrimination</i> ). The Gender Equality Act of 10 May 2007, ( <i>Loi du 10 mai 2007 tendant à lutter contre les discriminations entre femmes et hommes</i> ). Insurance Contract Act ( <i>Loi du 25 juin 1992 sur le contrat d'assurance terrestre</i> ). Act Verwilghen of 20 July 2007 ( <i>Act modifiant, en ce qui concerne les contrats privés d'assurance maladie, la loi du 25 juin 1992 sur le contrat d'assurance terrestre</i> ). Act of 21 January 2010 <i>modifiant la loi du 25 juin 1992 sur le contrat d'assurance terrestre en ce qui concerne les assurances du solde restant dû pour les personnes présentant un risque de santé accru</i> .	See country report for details on legislation.
BG	Restrictions	Restrictions	Restrictions	Code of Insurance, 2006.	
CY	Restrictions	No restrictions	Restrictions	Gender Equality in products and services, 2007. Disability Act (Law 127(I)/2000).	Directive 2004/113/EC was transposed in the Gender Equality Act, which banned the use of sex in the provision of non-life insurance products. The Disability Act prohibits discrimination in the provision of goods and services on the basis of disability.
CZ*	Restrictions	Restrictions	Restrictions	Antidiscrimination Act (Act. No. 198/2009 Coll.). Insurance Contract Act (Act No. 37/2004 Coll., para	Para 13a of the Insurance Contract Act establishes that the use of gender, age or health as determining factors

Country	Sex	Age	Disability	Relevant legal provisions	Comments
				13a).	for calculation of premium and indemnity in those insurance risks, where the risk assessment is based on appropriate and accurate actuarial and statistical data and difference in premium or claim amount is proportionate, does not contradict the principle of equal treatment. This provision was adopted in relation to the implementation of Directive 2004/113/EC into national law (Antidiscrimination Law of 2009).
DE	Restrictions	Restrictions	Restrictions	General Act on Equal Treatment of August 2006, § 81 ( <i>Allgemeines Gleichbehandlungsgesetz, AGG</i> ). Insurance Act ( <i>Versicherungsaufsichtsgesetz, VAG</i> ).	See country report for details on legislation.
DK	Restrictions	No restrictions	No restrictions	Consolidated act on equal treatment of men and women in occupational social security schemes, Act No 775 of 29 August 2001 with amendments ( <i>Lov om ligebehandling af mænd og kvinder inden for de erhvervstilknyttede sikringsordninger</i> ). Consolidated Act no. 1095 of 19 September 2007 on equality between men and women ( <i>Lov om Ligestilling af mænd og kvinder</i> ).	The Consolidated Act on Equal Treatment of Men and Women in Occupational Social Security Schemes implements both the Council Directive 96/97/EC and Council Directive 2004/113/EC.
EE	Restrictions	No restrictions	No restrictions	Equal Treatment Act, 01.09.2009. Gender Equality Act, 23.10.2009. Insurance Activities Act, 01.01.2008, § 141. Funded Pensions Act, 01.05.2004, § 45.	The Gender Equality Act establishes a prohibition of discrimination based on sex in public and private sectors. A restricted exception concerning insurance was provided by an amendment to the Insurance Activities Act (§ 141) that came into force on 01.01.2008 and was supported by an amendment to the Gender Equality Act coming into force on 23.10.2009. According to the Insurance Activities Act, the use of sex as a factor in risk assessment is not allowed. Proportionate differences in individuals' premiums and benefits in the assessment of risk in case of accident and health insurance and the mortality risk and longevity risk in life insurance are permitted. The Funded Pensions Act of 2004 establishes that, although proportionate differences in individuals' premiums and benefits are permitted in case of life assurance, life assurance undertakings are obliged to use unisex mortality tables in case of our compulsory funded pension annuities (pension contracts).



Country	Sex	Age	Disability	Relevant legal provisions	Comments
ES	Restrictions	Restrictions	Restrictions	Spanish Constitution ( <i>Constitución española</i> ). Decree (or Real act) 1361/2007. Constitutional Act 3/2007. Real Act (or Legislative decree) refunding legislation about consumers and users (in force since 01.12.2007). Act 51/2003 on equal opportunities, non-discrimination and universal accessibility for persons with disabilities.	Article 71 of Act 3/2007 establishes that, while the use of sex as a factor in the calculation of insurance and related financial services premiums and benefits is prohibited, (...) "the regulations may define instances in which the determination of proportionate differences in individuals' premiums and benefits is accepted, providing the use of sex as a determining factor in the assessment of risk is based on relevant and accurate actuarial and statistical data."
FI	Restrictions	Restrictions	Restrictions	Gender Equality Act (609/1986). Insurance Companies Act, 521/2008, Section 31, para 10-12. Sectoral insurance acts. Finnish Constitution 731/1999, para 6.	Gender and gender minorities are regulated by the Gender Equality Act. According to the Act the use of gender as a factor in the calculation of premiums and benefits for the purposes of insurance is restricted. Restrictions on the use of gender have been enacted among others in the Insurance Companies Act. Concerning age and disability, relevant is the Finnish Constitution.
FR	Restrictions	Restrictions	Restrictions	Penal Code, 2001, articles L. 225-1, 225-2, 225-3 ( <i>Code Pénal</i> ). Insurance Code, 2007, article L. 111-7. ( <i>Code des Assurances</i> ). Act no 78-17 of January 1978 relating to data, files and freedoms, amended in August 2004 ( <i>Loi n°78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés</i> ).	The Penal Code includes an explicit exception concerning the health status for some insurance products and a general ban of discrimination based on all other factors, while the Insurance Code includes an explicit exception concerning gender and an implicit exception concerning age.
GR	Restrictions	No restrictions	No restrictions	Law 3769/2009, 01.07.2009.	Law 3769/2009 imposes a general restriction on the use of sex as a factor for the calculation of premiums and services (Art.6, par.1). However, in Art.6, par.2, the law excludes from the above restriction for insurances of life, accidents, illness and third party liability for motor insurance.
HU	Restrictions	Restrictions	Restrictions	Act CXXV of 2003 on the Equal Treatment and Promotion of Equal Opportunities, Art. 30/A, 2007. Act LX of 2003 on the Insurers and Insurance, Art. 96/A, 2007.	Act CXXV of 2003 on the Equal Treatment and Promotion of Equal Opportunities prohibits any form of discrimination, including sex, disability and age. Art 30/A the Equality Treatment Act defines the preconditions for differentiations based on gender applicable to insurance

Country	Sex	Age	Disability	Relevant legal provisions	Comments
					services.
IE**	Restrictions	Restrictions	Restrictions	Equal Status Act of 2000. Equality Acts of 1998 and 2004. Disability Act, 2005.	
IS	Restrictions	Restrictions	Restrictions	Constitution 33/1944, Art. 65.	Discrimination on grounds of sex, age, disability (among others) is prohibited by Art 65 of the Icelandic Constitution 33/1944. The use of sex, age and disability is limited to sensible and justifiable use. Art. 65, in its current wording, has been in force since 1995.
IT	Restrictions	Restrictions <sup>1</sup>	No restrictions	Legislative Decree no. 196/2007 amending Legislative Decree no. 198/2006. ISVAP Regulations 30 of May 2009. Law 40/2007 – Bersani Law.	Directive 2004/113 was implemented by the legislative Decree no. 196/2007 which modified the Decree 198/2006 on equal opportunities between men and women. Art 55 quarter deals specifically with financial services and establishes that differences in premiums and benefits based on sex are allowed where sex is a determining factor in the risk assessment, on the basis of accurate actuarial and statistical data.  The Law 40/2007 enables younger drivers to enter the first insurance contract with the same bonus-malus class of their parents.
LT	Restrictions	No restrictions	No restrictions	Law on Equal Treatment, 2005. Law on Insurance, 2006.	There are no national provisions explicitly forbidding use sex, age and other factors when evaluating insurable risk. In the Civil Code it is said that insurance companies are allowed to use age, health state, profession and other factors to evaluate risk if an insurable interest is related to a person's life or health. One exception is set in the Law on Insurance: even though the insurable risk is related to the sex (or maternity) factor, it is forbidden to use it when evaluating risk, except the exceptions prescribed in the Law, which are similar to those set in the Directive 2004/113/EC.

<sup>1</sup> Restrictions on the use of the factor age are limited to motor insurance policies.

Country	Sex	Age	Disability	Relevant legal provisions	Comments
LU	Restrictions	Restrictions	Restrictions	Law of 28 November 2006 ( <i>Lois du 28 novembre 2006</i> ) Penal Code, Articles 454-456 Law of 21 December 2007 ( <i>Lois du 21 décembre 2007</i> ).	The Law of November 2006 provides that the factors age and disability can be used in insurance contracts when objectively and reasonably justified. For gender, the relevant law is Law of 21.12.2007.
LV	Restrictions	No restrictions	No restrictions	Consumer Protection Law of 23 July 2008. Law On Insurance Companies and Supervision of 5 March 2009.	
MT	Restrictions	No restrictions	Restrictions	Equality for Men and Women Act, 2003. Equal Opportunities (Persons with Disability) Act, 2000. Legal Notice 181 of 2008, Access to Goods and Services and their Supply (Equal Treatment) Regulations, 2008.	Legal Notice 181 of 2008, Access to Goods and Services and their Supply (Equal Treatment) Regulations, 2008 restrict the use sex as a factor in the calculation of premiums and benefits for the purposes of insurance and related financial services. Besides, the Equal Opportunities (Persons with Disability) Act (Cap. 413) Article 13(2) prevents the discriminatory supply of financial products on the grounds of disability.
NL	Restrictions	No restrictions	Restrictions	Equal Treatment Act, 1994. Act on Medical Examinations, 1997.	The Act on Equal Treatment, in force since 1994, includes a general prohibition of the use of sex in the offering of goods and services, as well as an exception for insurance products/services when sex is a determining factor. Data on the influence of gender in risk assessment do not have to be published in the Netherlands. For age there are no restrictions concerning the provision of (non-labor related) financial services in the Dutch equality legislation. The Act on medical examinations covers also pension/life insurance and disability insurance.
PL	Restrictions <sup>2</sup>	No restrictions	No restrictions	Act on Insurance Activities dated 22 May 2003 (as amended), Art. 18a. Act of 29 August 1997 on protection of personal data.	Poland has not yet fully implemented Directive 113/2004. The Office of the Government Plenipotentiary for Equal Treatment is in charge is drafting a horizontal law that will implement the Gender Directive, as well as other European directives on equal treatment. This law is likely to be implemented in the latter half of 2010. Art 18a of

<sup>2</sup> Poland has not yet fully implemented Directive 113/2004/EC. See comments.

Country	Sex	Age	Disability	Relevant legal provisions	Comments
					the Act on Insurance Activities of 22 May 2003 (as amended) allows for the use of gender to determine premiums and benefits when gender constitutes a decisive factor in risk assessment based on relevant and detailed actuarial and statistical data.
PT	Restrictions	No restrictions	Restrictions	Law 14/2008. Law 46/2006, modified by art 15 of Law Decree 72/2008.	The Law 14/2008 implemented Directive 2004/113 and entered fully into force in 2009 (including provisions for pregnancy and maternity). Article 15 of Decree-Law 72/2008 amended Law 46/2006 that prohibits discrimination based on disability and on aggravated risk to health introducing an exception for insurance contracts when the use of disability is objectively justified by statistical and actuarial data.
RO	Restrictions	No restrictions	No restrictions	Ordinance 61/2008 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, amended and completed by Law 62/2009. Order no. 6/2009 for the enactment of the Regulations on implementing the principle of equal treatment between men and women.	There are no special legal provisions for the use of the factors age and disability related to insurance products.
SE	Restrictions	No restrictions	Restrictions	Discrimination Act, 567/2008 ( <i>Diskrimineringslagen</i> ).	See country report for details on legislation.
SI	Restrictions	Restrictions	Restrictions	Insurance Act, 2006.	Article 84 of the Insurance Act defines that gender could be used as a risk factor for life insurance, accident insurance and health insurance if gender is the main risk factor in the process of assessing the risk.
SK	Restrictions	Restrictions	Restrictions	Antidiscrimination Act 365/2004 Coll., amended by Act 85/2008.	The Antidiscrimination Act 365/2004 Coll. permits differential treatment because of sex, age or disability in providing insurance services, if such difference in treatment results from different levels of risk verifiable by

Country	Sex	Age	Disability	Relevant legal provisions	Comments
					statistical data.
UK	Restrictions	No restrictions <sup>3</sup>	Restrictions	Disability Discrimination Act 1975. Sex Discrimination Act 1975, amended in 2008.	See country report for details on legislation.

Source: Civic Consulting surveys. Notes: I) Restrictions might differ from a general proportionality requirement for the use of the factor to a complete prohibition of the use of the factor for specific products (e.g. for certain insurance products sex cannot be used). II) Answers were confirmed by competent authorities and equality bodies, unless otherwise specified. For the case study countries (BE, DE, SE, UK) answers were verified by national experts. \*Answer confirmed by insurance association only. \*\* Answer confirmed by banking association only.

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<sup>3</sup> Restrictions will apply from October 2010.

**Table 2: Use of gender as a rating factor according to national law <sup>(a)</sup>**

Country	Life insur.	Private health insur.	Mortgage loans	Motor insur.	Travel insur.	Disability/ Income insur.	Consumer credit	Annuity products	Accident insur.	Credit cards	Deposit accounts	Loan insur.	Home insur.	Private liability insur.	Long term care insur.	Critical illness insur.
Austria	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Belgium	Yes	No <sup>(2)</sup>	No <sup>(2)</sup>	No	No <sup>(2)</sup>	No	No <sup>(2)</sup>	Yes	No <sup>(2)</sup>	No <sup>(2)</sup>	No <sup>(2)</sup>	No <sup>(2)</sup>	No <sup>(2)</sup>	No <sup>(2)</sup>	No <sup>(2)</sup>	No
Bulgaria	Yes	Yes	n.a.	No	n.a.	n.a.	n.a.	Yes	No	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	Yes
Cyprus	Yes	No	No <sup>(2)</sup>	No	No <sup>(2)</sup>	No	No <sup>(2)</sup>	Yes	Yes	No <sup>(2)</sup>	No <sup>(2)</sup>	n.a.	No <sup>(2)</sup>	No <sup>(2)</sup>	No	No
Czech Republic	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Denmark	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Estonia	Yes <sup>(1)</sup>	Yes <sup>(1)</sup>	n.a.	No	n.a.	n.a.	n.a.	Yes <sup>(1)(b)</sup>	Yes <sup>(1)</sup>	n.a.	n.a.	n.a.	n.a.	n.a.	No	n.a.
Finland	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
France	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Germany	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Greece	Yes <sup>(1)</sup>	n.a.	n.a.	Yes <sup>(1)</sup>	n.a.	n.a.	n.a.	n.a.	Yes <sup>(1)</sup>	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	Yes <sup>(1)</sup>
Hungary	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Ireland	Yes	Yes	n.a.	Yes	n.a.	Yes	n.a.	Yes	No	n.a.	n.a.	n.a.	n.a.	n.a.	Yes	Yes
Italy	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Latvia	Yes	Yes	n.a.	No	n.a.	Yes	n.a.	Yes	Yes	n.a.	n.a.	n.a.	n.a.	n.a.	Yes	Yes
Lithuania	Yes	Yes	n.a.	No	n.a.	Yes	n.a.	Yes	Yes	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	Yes
Luxembourg	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Malta	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Netherlands	Yes <sup>(2)</sup>	No	No <sup>(c)</sup>	No	No <sup>(c)</sup>	No <sup>(2)(c)</sup>	No <sup>(c)</sup>	No <sup>(2)(c)</sup>	No	No <sup>(c)</sup>	No <sup>(c)</sup>	No <sup>(c)</sup>	No <sup>(c)</sup>	No <sup>(c)</sup>	No <sup>(c)</sup>	No <sup>(c)</sup>
Poland	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Portugal	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Romania	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Slovakia	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Slovenia	Yes	Yes	n.a.	No	n.a.	Yes	n.a.	Yes	Yes	n.a.	n.a.	n.a.	n.a.	n.a.	Yes	Yes
Spain	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
Sweden	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes
United Kingdom	Yes	Yes	n.a.	Yes	Yes	Yes	n.a.	Yes	Yes	n.a.	n.a.	Yes	Yes	Yes	Yes	Yes

Sources: Implementation of the Insurance Gender Directive, Group Consultatif 2009, unless otherwise specified: (1) Civic Consulting survey of competent authorities (2) Civic Consulting interviews with competent authorities, equality bodies and industry associations.

Notes: (a) The table illustrates for which financial products national legislation in each Member State allows the use of gender as a rating factor in line with Art. 5(2) of the Gender Directive. (b) Unisex mortality tables in case of our compulsory funded pension annuities. (c) Sex can be considered by insurers in the calculations but it may not lead to a difference in premiums for men and women.

**Table 3: Publication requirement as reported by competent authorities**

Country	Who publishes?				Which type of data?				Is information published online?			Link
	Association of financial service providers	Financial service providers	Central government or other public body	No body	General statements	Detailed methods of calculation	Public aggregate statistical data	Company specific statistical data	Yes, companies publish information online	Yes, a central authority publishes aggregate information online	No	
Austria	X						X	X	X			<a href="http://www.vvo.at/">http://www.vvo.at/</a> ; <a href="http://www.statistik.at/">http://www.statistik.at/</a>
Belgium			X				X			X		The CBFA publish the data. <a href="http://www.cbfa.be">www.cbfa.be</a>
Bulgaria				X								
Cyprus			X				X				X	
Czech Republic	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	
Denmark		X	X		X		X	X	X	X		<a href="http://www.ftnet.dk">www.ftnet.dk</a>
Estonia			X				X					<a href="http://pub.stat.ee/pxweb.2001/Database/Rahvastik/01Rahvastikunaitajad_ja_koosseis/02Demograafilised_pehinaitajad/02Demograafilised_pehinaitajad.asp">http://pub.stat.ee/pxweb.2001/Database/Rahvastik/01Rahvastikunaitajad_ja_koosseis/02Demograafilised_pehinaitajad/02Demograafilised_pehinaitajad.asp</a>
Finland	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	
France			X				X			X		<a href="http://www.minefe.gouv.fr/directions_services/dgtpe/assurance/difference_hf.pdf">www.minefe.gouv.fr/directions_services/dgtpe/assurance/difference_hf.pdf</a>
Germany	X						X	X		X		<a href="http://www.gdv.de/Themen/Querschnittsthem/RechtsundVerbraucherfragen/Beruecksichtigung_des_Geschlechts_bei_Kalkulation/uebersicht.html">http://www.gdv.de/Themen/Querschnittsthem/RechtsundVerbraucherfragen/Beruecksichtigung_des_Geschlechts_bei_Kalkulation/uebersicht.html</a>
Greece				X								
Hungary		X					X		X			<a href="http://www.esb.hu/Default.aspx?menuid=003006">http://www.esb.hu/Default.aspx?menuid=003006</a> ; <a href="https://www.allianz.hu/www/file/klasszikus.pdf">https://www.allianz.hu/www/file/klasszikus.pdf</a>
Iceland				X								

Ireland	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	
Italy	X	X	X				(a)		X	X		
Latvia				X								
Lithuania			X						X	X		<a href="http://www.dpk.lt/draudikams.lyties.php">http://www.dpk.lt/draudikams.lyties.php</a>
Luxembourg <sup>(b)</sup>			X						X		X	
Malta	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	
Netherlands				X <sup>(c)</sup>								
Poland	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	
Portugal		X					(d)		X			<a href="http://www.aiglifep.pt/Docs/Norma_8_2008_informacao.pdf">http://www.aiglifep.pt/Docs/Norma_8_2008_informacao.pdf</a> ; <a href="http://www.mapfre.pt/archive/doc/Norma_8_2008.pdf">http://www.mapfre.pt/archive/doc/Norma_8_2008.pdf</a>
Romania		X	X					X	X	X		<a href="http://www.aiglifep.ro">www.aiglifep.ro</a> ; <a href="http://www.omniasiglifep.ro">www.omniasiglifep.ro</a> ; <a href="http://www.asirom.ro">www.asirom.ro</a> ; <a href="http://www.omniasig.ro">www.omniasig.ro</a> ; <a href="http://www.groupama.ro/tarife-rca">www.groupama.ro/tarife-rca</a> ; <a href="http://www.astrasig.ro">www.astrasig.ro</a> ; <a href="http://www.ingasigurari.ro">www.ingasigurari.ro</a> ; <a href="http://www.general.ro">www.general.ro</a> ; <a href="http://www.otpasigurari.ro/persoane-fizice/viata/principiul-egalitatii-de-tratament">www.otpasigurari.ro/persoane-fizice/viata/principiul-egalitatii-de-tratament</a> ; <a href="http://www.otpasigurari.ro/ro/persoanefizice/auto/rca">www.otpasigurari.ro/ro/persoanefizice/auto/rca</a> ; <a href="http://www.carpaticaasig.ro">www.carpaticaasig.ro</a> ; <a href="http://www.ardaf.ro/ro/site/index.php?do=3page=15">www.ardaf.ro/ro/site/index.php?do=3page=15</a> .
Slovakia			X						X		X	<a href="http://www.nbs.sk/sk/dohlad-nad-financnym-trhom/dohlad-nad-poistovnictvom/zverejnovanieudajov-podla-smernice-c-2004-113-es">http://www.nbs.sk/sk/dohlad-nad-financnym-trhom/dohlad-nad-poistovnictvom/zverejnovanieudajov-podla-smernice-c-2004-113-es</a>
Slovenia	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a	
Spain				X								
Sweden			X						X		X	<a href="http://www.konsumenternasforsakringsbyra.se">www.konsumenternasforsakringsbyra.se</a>
United Kingdom	X								X		X	<a href="http://www.abi.org.uk/">http://www.abi.org.uk/</a> <a href="http://www.actuaries.org.uk/knowledge/cmi/gender">http://www.actuaries.org.uk/knowledge/cmi/gender</a>

Source: Civic Consulting survey of competent authorities. Notes: (a) The list of undertakings which use sex for diversifying premiums, graphs on the insurance classes concerned, aggregate data searchable in public databanks and in databank of the insurance association (b) Answer from the Commissariat aux assurances. (c) Interview with insurance association and equality body. (d) The ratio between the cost of the risk to females and the cost of the risk to males, regarding the product in question, or, when applicable, the insurance branch to which the product is relevant.



## **ANNEX 3: DOCUMENTED COMPLAINTS**

**Annex 3A: Court cases**

**Annex 3B: Complaints that have been subject to an inquiry (other than court cases)**

**Annex 3C: Other documented complaints**

**Annex 3A: Documented court cases**

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
<b>Austria</b>							
AT-3 (court)	Travel insurance	The plaintiff is a man who is using a wheelchair and has had a travel insurance contract with an insurance company for many years. He is a passionate traveller and so far there have been no payments made to him by the company. When he expressed his wish to extend the duration of his insurance contract, this was refused by the insurance company with the explanation that given his disability, further insurance was not possible.	Klagsverband (CSO) Court number 001 C 133/08b-9	Disability	Refusal to provide requested services	In the course of the proceedings, the respondent fully acknowledged direct discrimination on the ground of disability.	The attempt to settle the dispute before the Federal Social Service failed due to the reluctance of the respondent to acknowledge discrimination. So the plaintiff filed a claim with the ordinary court. In the course of the proceedings, the respondent fully acknowledged direct discrimination on the ground of disability and agreed to pay the claimed amount of Euro 1,500 in compensation for immaterial damages and the cost of the proceedings (1,200 Euro). The way the travel insurance company handled the case was clearly discrimination according to the law Behindertengleichstellungsgesetz (BGStG). So the court only had to accept the full acknowledgement and decide fully in favour of the plaintiff without examining the substance

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
							of the case
<b>Belgium</b>							
BE-3 (court)	Private health insurance	A private health insurance company had unilaterally imposed a premium increase that was much higher for older insured than for younger ones. Insured aged 0-19 years: 0%; insured aged 20-39 years: + 8%; insured aged 40-59 years: + 16%; insured aged 60 and over: + 24%.	President of the Brussels Commercial Court, 7 March 2005, Revue de Droit Commercial Belge 2005, ed. 6, 682-688 / Test-Achats / Centre for Equal Opportunities and Opposition to Racism (CEOR) /	Age	Prohibitively expensive premiums/ prices	Increased premiums for older people were explained by an asserted age-related increase in costs, caused by the development of medical science and a trend of reduced coverage by the national health care insurance system. Statistics had been presented by the insurance company, showing the relation between the number of claims and age.	The President of Brussels Commercial Court accepted as a legitimate aim, the experienced difficulties associated with the increase in costs related to the development of medical science and the assertion that the growth rate of the costs increases sensitively with age. The President however ruled that the differential way in which the insurance premiums had been increased was not pertinent to the objective pursued. Statistics had been presented by the insurance company showing, according to the President, the relation between the number of claims and age, but not the way age was related to increases in the cost of hospitalization. Under the necessity criterion, the President argued that the insurance company could also have chosen less burdensome measures.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
							Appeal is still pending.
BE-10 (court) <sup>1</sup>	Life insurance	This case regards an application for annulment of a Belgian federal law that adapted an article of the Gender Equality Act that was submitted with the Belgian Constitutional Court by Test-Achats. Since the coming into force of this Gender Equality Act, the use of gender in the setting of premiums and benefits had temporarily (until 21 December 2007) been allowed in all private insurance contracts. By means of the law change of 21 December 2007, the Belgian legislator eventually foresaw that this allowance could only persist for life insurance contracts (as from the date of 20 December 2007). With this law change, Belgium calls on the opting-out clause of article 5, paragraph 2 of Directive 2004/113/EC. Test-achats however submits that by making use of this option,	Test-Achats Cour Constitutionnelle nr. 103/2009, 18 June 2009.	Sex	Use of gender in the setting of premiums and benefits		The Constitutional Court therefore considered that in order to reach a decision on the action for annulment, the validity of article 5, paragraph 2 would first have to be examined. Since the Court considers itself not competent to judge whether this provision is incompatible with the prohibition of discrimination on grounds of sex as a general principle of EU law, a request was made for a preliminary ruling by the European Court of Justice.

<sup>1</sup> This court case was not counted as a complaint.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		there was a violation of the equality clauses in the Belgian constitution. According to Test-Achats, the Belgian legislature should not have formulated an exception for any insurance contract.					
<b>Germany</b>							
DE-4 (court)	Income protection insurance	A disabled person since his birth had a car accident, after which he had spasms at the neck. Doctors said that the spasms resulted from the disability and not from the accident. A few years later, he started a job and applied for income protection insurance. The applicant informed the insurance about his disability and the accident, but the insurance was refused "only" because of his disability.	Deutscher Antidiskriminierungsverband	Disability	Refusal to provide requested services, prohibitively expensive premiums/prices, loss of coverage, exclusions and restriction.	According to the complainant, the insurance was refused because of his disability, on the basis of risk diagnosis lists, and not on the basis of statistics.	The complainant brought the case to court. The court could not finally decide on the case and the case was transferred to the ECHR (where the inquiry is still ongoing).
DE-5 (court)	Term life insurance	Rescission of the contract due to the concealment of a pre-existing disease of an applicant for term life insurance.	Verssicherungsrecht (VersR) 2009, pp. 1522-1525	Disability	Refusal of payment	Estimate of the insurer	The court clarified, that the notion of "accepted principles of risk-appropriate calculations" in § 20 (2) 3 AGG to justify discrimination because of disability leads to an increased obligation of the insurer to explain and prove its calculation, except the risk relevant for

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
							the insurance contract is obvious. The insurer can choose the statistical data on which its calculations are based on. Besides, the AGG was not applicable in that case, because the relevant facts happened before enactment of AGG.
DE-6 (court)	Private health insurance	A disabled child was denied access to complementary private health insurance.	Court number AZ 3 O 82/09	Disability	Refusal to provide requested services	The insurer claimed that there was only insufficient data on rare diseases and the risk was therefore not insurable.	In the judgement of the court, the denial of contracting was declared compatible with Anti Discrimination Law.
DE-7 (court)	Private health insurance	A pregnant woman applied for private health insurance; the insurer wanted to accept a contract only if all costs for pregnancy and related to pregnancy were excluded.	VersR 2009, pp. 348-349	Sex	Exclusions and restrictions	Not applicable	In the opinion of the court, this practise was justified, because the “insured event” (pregnancy) already happened.
<b>France</b>							
FR-2 (court)	Motor Insurance	The plaintiff purchased a new car and requested a proposal regarding car insurance from the defendant, who is an insurance broker. The defendant refused to quote any prices on the ground that the insurance company did not insure “old people” and	HALDE News Report, European network of legal experts in the non-discrimination field (Nîmes Court of	Age	A person who bought a new car and was looking for insurance was refused a price quote by a motor insurance company based on the person’s	The First Instance criminal court dismissed the complaint on the ground that insurance is a risk evaluation business and that age is a	The Court of Appeal reversed the decision of the Correctional court. It decided that, despite the fact that the insurance contract is based on the evaluation of risks on the basis of statistical data, Article 225-1 et ss. of the

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		that the plaintiff was 78 years old.	Appeal, Lenormand vs Balenci, no 08/00907 of 6.11.2008; Court of Cassation Criminal Chamber, 7 April 2009 no M 08-88.017, No 2074)		age.	recognized relevant factor of evaluation of the risk in auto insurance. Moreover, despite having all her driving points, the plaintiff had declared an accident in the recent past.	Penal Code set a limitative number of 17 grounds that cannot be taken into account by the insurer, amongst which is the criterion of age. According to the Court of Appeal, this is confirmed by the fact that Article 225-3 sets out a list of exceptions applicable to this prohibition: the reference to the ground of health in disability, life and physical damage insurance is expressly authorised. However, the defendant did not invoke the plaintiff's health in order to refuse to estimate the risk. The Court held that, considering that this exception must be interpreted restrictively, insurers cannot invoke age, alone or in combination with other factors, to quote or refuse to cover an insurance risk without committing the penal offence of discrimination on the ground of age. The insurer was condemned to pay a fine of 1,500 Euro by the Court of Appeal. The

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
							case was brought by the insurer to the Court of Cassation. The appeal was dismissed by the Court of Cassation.
<b>Hungary</b>							
HU-1	Consumer credit	The 73-year-old asked for a consumer credit and found that the bank had an age band between 22 and 65 at the time of applying for the credit in order to access the product.	Equal Treatment Authority Hungary	Age	Refusal to provide requested services (denial of access to a product)	No details available.	The Authority established that the bank had breached the principle of equal treatment and found the bank's conduct discriminatory.  The bank appealed the Authority's decision in front of the Metropolitan Court but later repealed its appeal and thus the court case ceased and the Authority's decision became legally binding.
HU-2	Consumer credit	The 77-year-old complainant applied for a consumer credit. After having completed and presented all the necessary documents and having sent them electronically, the employee of the credit institution refused his credit application without specifying the reason for refusal. The complainant's financial standing provided sufficient security for the repayment of	Equality Treatment Authority Hungary	Age	Refusal to provide requested services (denial of access to a product)	The bank argued that age does not give grounds to the automatic refusal of the credit application, which takes into account several different aspects. The bank informed the authority that it had several	The Equal Treatment Authority found that the financial institution's contract should focus primarily on the particular client's financial standing. It is not lawful to follow a practice where conclusion of contract with a client having a proper financial background and otherwise not representing special risk is refused merely due



Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		the loan and he had no other credit contracts of debts.				clients over the age of 70 and it offered specific financial products to elderly clients. Upon the authority's request, the bank stated that it approved credit applications in 92% of the cases if the client had a similar financial standing to that of the complainant and asked for an amount similar to that of the complainant.	to their age. The Authority found that the bank could have used several other ways of securing the payback of the loan. The bank appealed the Authority's decision in front of the Metropolitan Court, which in 2009 approved the Authority's decision.
<b>Sweden</b>							
SE-1 (court)	Private health insurance	A young boy (1 year old at the time of the complaint) was denied health insurance, because of an undefined hearing loss (the hearing loss was established but the reasons for it could not be found). The insurance company offered an accident insurance and the possibility of a renewed evaluation after 18 months of observation. The provider argued that the	Swedish Equality Ombudsman (Court case at the Equality Ombudsman: HO 2007/371)	Disability	Refusal to provide requested services	Information from the applicant regarding the handling of the case. Information from the provider regarding the handling of the case and their grounds for refusal (including medical data).	The Ombudsman found that the reasons given were not proportionate. The Ombudsman filed a complaint at the district court of Stockholm, arguing that it should have been possible for the insurance company to grant insurance, with the exception of future damages related to the established hearing loss.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		overall risk was too high and that it could not exclude the hearing loss from the insurance, since the reason for the hearing loss had not been ascertained.					
SE- 2 (court)	Money transfer services	Two of the complainants contacted a money transfer service's local agents to send money within Europe. The third complainant was in London, where he was about to receive money via a money transfer service from a friend in Sweden. The money transfer service's data system found possible matches between the names of the complainants and names on lists of persons subjected to financial sanctions. In all three cases, names matched the consolidated EU list, which consists mainly of names of Arabic and/or Islamic origin. The provider halted the transactions. The transfers were delayed for a few days, up to several weeks. Controls were carried out in regard to sanctions lists. Meanwhile, it was not possible for the complainants to withdraw or receive the	Swedish Equality Ombudsman Court case number T3176-08 (District Court of Stockholm)	Racial/ethnic origin	Transfer delays and freezing of money	Information from the applicants regarding the actual procedure. Information from the provider regarding the cases and the control system. Information from the The Swedish Financial Supervisory Authority and the Swedish Financial Police. An evaluation of the consolidated list by a professor of Islamic studies.	The Ombudsman came to the conclusion that the provider had not acted appropriately, since its actions were inefficient, even careless. For instance, according to the Ombudsman, it was not possible for the sender to provide additional birth data on the transaction form, in order to limit the number of possible matches. The Ombudsman filed the complaint to court.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		money. The provider argued that they are obliged to carry out controls. Furthermore, the provider argued that their routines and procedures were appropriate.					
<b>United Kingdom</b>							
UK- 3 (court)	Debit Card	A Lithuanian woman living in Northern Ireland was denied a debit card by her Bank. A counter assistant told her that denial may be due to the fact that she was from another country.	Equality Commission for Northern Ireland	Racial/ethnic origin (Nationality)	Refusal to approve application for debit card	The branch manager stated that she was refused a debit card due to her credit score following a credit reference check. The credit reference check looks at features such as employment status, income, UK address history, age, marital status, length of time a UK bank account is held, savings and investments with her Bank.	The Commission brought the case to court. The case was settled. The bank acted on its own accord and offered £2,000 compensation to the plaintiff without admission of liability. It took further steps to make sure in the future it will act in compliance with European Equality Law and relevant codes of practice.
UK-8 (court)	Health insurance	A dentist, brought the case as she objected to paying rates for permanent health insurance that were higher than those paid by a	Pinder v Friends Provident Westminster County Court 1985	Sex	Prohibitively expensive premiums/prices	The provider argued that they had acted within the terms of section 45, and	The court accepted the argumentation of the provider.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		comparable man.				exemption relating to “an annuity, life assurance policy, accident insurance policy or similar matter involving the assessment of risks”. This exemption covers treatment that a) was effected by reference to actuarial or other data from a source on which it was reasonable to rely and b) was reasonable having regard to the data any other relevant factors”.	

Source: Case collection sheets and additional information provided by stakeholders.

**Annex 3B: Complaints that have been subject to an inquiry (other than court cases)**

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
<b>Austria</b>							
AT-1	Private health insurance	<i>Die Versicherung X bietet eine Zusatzversicherung für Zahnbehandlungen an mit einer monatlichen Prämie von 29,44 Euro für Frauen und 23,41 Euro für Männer</i>	Ombudsman for Equal Treatment	Sex	Other (unterschiedliche Tarife für Frauen und Männer)	<i>Die Versicherung X rechtfertigte die geschlechtspezifisch unterschiedliche Tarifkalkulation mit den ihr zur Verfügung stehenden Bestands- und Leistungsdaten, die jährlich erhoben werden. Demnach würden sich bei Frauen und Männern signifikante Unterschiede bei den Leistungen pro VersicherungsnehmerIn ergeben. Aufgrund dieser unterschiedlich zu erwartenden Leistungen (Kopfschaden) wurde ein unterschiedlicher Tarif kalkuliert.</i>	<i>Mangels ausreichendem versicherungsmathematischen ExpertInnenwissen der Gleichbehandlungs-anwaltschaft konnte die Stichhaltigkeit dieser Argumentationslinie nicht weiter geprüft werden. Daher sind wir derzeit dabei, ein Gutachten in Auftrag zu geben, das die versicherungsmathematisch korrekte Vorgangsweise der Versicherung X im Lichte des Gleichbehandlungsgrundsatzes prüfen soll.</i>

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
AT-2	Consumer credit	<i>Ein Mann, der schon seit einigen Jahren in Österreich lebt und hier unbefristet beschäftigt ist, stellt eine Kreditanfrage zur Finanzierung eines PKW. In dem Formular gibt er seine Staatsbürgerschaft korrekterweise mit „Deutschland“ an. Das Bankinstitut teilt ihm mit, dass seine Bonität sehr gut ist. Dennoch kann ihm ein Kredit nur dann gewährt werden, wenn er einen österreichischen Bürgen/ eine österreichische Bürgin oder erhöhte Sicherheiten vorweisen kann, da er deutscher Staatsbürger ist.</i>	Ombudsman for Equal Treatment	Racial/ethnic origin (Nationality)	<i>Erhöhte Sicherungsanforderungen für die Erteilung des Kredites</i>	<i>Nach kostenlosen und vertraulichen Beratungsgesprächen richtet die Gleichbehandlungsanwaltschaft ein Schreiben an das Bankinstitut, welches in Reaktion darauf in einer Stellungnahme erklärte, dass ein Missverständnis vorlag und sich einer ihrer Mitarbeiter missverständlich ausgedrückt habe.</i>	<i>Die Gleichbehandlungsanwaltschaft erreicht schließlich, dass dem betroffenen Mann Schadenersatz bezahlt wird und das Bankinstitut in Zukunft Schulungen über das Diskriminierungsverbot verpflichtend für alle Mitarbeiter und Mitarbeiterinnen einführt. Aus der Stellungnahme des Bankinstitutes konnte geschlossen werden, dass kein korrektes Verhalten vorgelegen hat.</i>
AT-4	Motor Insurance	A woman and her partner, both do not have Austrian citizenship, want to obtain auto insurance. On the phone, the insurance company said that both would have to pay higher premiums than Austrian citizens and recommended that the car only be insured in the woman's name because, she being Slovenian, is qualified for a better premium than her partner, who is Bosnian.	Ombudsman for Equal Treatment	Racial/ethnic origin (Nationality)	Excessive premiums	The representative of the insurance provided evidence that this was an isolated incident.	This case was found to be a case of direct discrimination on the ground of ethnic origin. The Ombudsman decided that direct discrimination cannot be justified by proportional measures. The case ended with an agreement between a representative of the insurance company, the person concerned and the Ombud for Equal

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
							Treatment. After this meeting no legal proceedings have been initiated.
<b>Belgium</b>							
BE-1	Consumer credit (customer credit card)	<p>Department store X offers a customer card with a credit function (issued by financial institution Y). The CEOOR received two identical complaints from single customers whose application for this card was turned down because of their age (70+).</p> <p>In its initial response, the financial institution referred to its obligations under the Belgian Consumer Credit Act, which states that a credit company is only allowed to conclude a credit agreement with a consumer when it can reasonably assume that he/she will be able to fulfil the contractual obligations. The company also mentioned the average life expectancy in Belgium, and stated that there exist more appropriate (limited duration) credit arrangements for elderly people.</p>	Centre for Equal Opportunities and Opposition to Racism (CEOOR)	Age	Refusal to provide requested services (including the “best prices and promotions” and “extra benefits” mentioned to promote the use of this card).	<p>According to CEOOR, the company did not reveal the relative weight of the age factor, nor did it present any actuarial or statistical data. The financial institution argued that 25% of their customers over the age of 70 are behind on their payments (as opposed to a general average of 1%). The National Bank of Belgium provided CEOOR with general, or macro-level, statistics stating that there are no difficulties of</p>	<p>According to CEEOR the argument of the provider does not justify the age limit, and doubts even the reliability of this information. In addition, age as such is not determining for the customer’s financial standing and creditworthiness, therefore the use of a standard age limit is - in principle - arbitrary and not objectively justified. Even if the financial institution’s policy would have been inspired by actuarial or statistical data, the CEOOR was not convinced that age is a key risk assessment factor for this particular financial product.</p> <p>The CEOOR has not been able to receive the relevant statistics necessary to</p>

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						repayment by older consumers. The CEOOR has asked the Banking, Finance and Insurance Commission for more detailed statistics, but they could not provide them because the CEOOR is not mentioned in their law applicable to the exchange of statistical information.	verify if the age limit imposed by the company was justified.
BE-2	Motor insurance	The CEOOR received a complaint from an organisation that defends the rights of elderly people, claiming that a person had his/her application for a motor insurance turned down because of his/her age (+75 years).	Centre for Equal Opportunities and Opposition to Racism (CEOOR)	Age	Refusal to provide requested services	The agency of the insurance company that denied the cover did not provide any statistical or other relevant information to support their refusal. According to the agency, the decision was based on internal guidelines from the insurance company. The management of	According to CEOOR, setting an arbitrary age limit on providing motor insurance without a reasonable and objective justification is -in principle- a direct discrimination on the base of age and therefore is prohibited. The Centre referred the case to the Insurance Ombudsman, which informed the insurance company that such discriminating policy was not allowed.



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						the company, however, denied the existence of such guidelines and talked about "misunderstanding". They mentioned that older persons can receive a reduction because they believe that older people drive less than the average Belgian.	
BE-4	Loan insurance	Ms X suffered from hepatitis C. Recovered, she has difficulties in obtaining a loan insurance.	Insurance Ombudsman	Chronic disease	Denial of access	After being addressed by the Ombudsman, the insurer proposed to cover this woman through a surcharge, based on and justified by statistics. During negotiations, the Ombudsman learns that the surcharge was fixed on the oral recommendation of the advisory physician of the insurance	The Ombudsman asked to review the case. After new analysis, the company agreed to cancel the surcharge.

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						company. Documentary proof was however not available.	
BE-5	Loan insurance	<i>Monsieur X achète un appartement qu'il finance par un emprunt hypothécaire de 260.000 euros sur 30 ans. Pour le garantir, il doit souscrire une assurance Solde Restant Dû. Afin de bénéficier en plus d'une réduction du taux d'intérêt, son banquier lui propose de la souscrire auprès de l'assureur faisant partie du même groupe que la banque. Afin de conclure le contrat, monsieur X remplit le questionnaire médical qui lui est transmis par l'entreprise d'assurances et y indique qu'il souffre d'arythmie cardiaque. Sur cette base, l'assureur propose à monsieur X un contrat d'assurance Solde Restant Dû moyennant une surprime de 100%. Monsieur X n'accepte pas cette surprime et se tourne vers l'Ombudsman.</i>	Insurance Ombudsman	Disease	Prohibitively expensive premiums/prices	<i>L'Ombudsman interroge l'entreprise d'assurances qui lui répond qu'elle se base sur différentes études réalisées sur le marché, démontrant les risques élevés liés à l'arythmie cardiaque. Par conséquent, elle estime que la surprime se fonde sur des éléments objectifs.</i>	<i>La loi anti-discrimination prévoit que les entreprises d'assurances doivent également proposer des solutions raisonnables en fonction du risque. Or, le médecin traitant de monsieur X estime que le risque plus élevé de décès se situe après 60 ans. Comme le contrat de monsieur X prendrait fin à 66 ans, la période de risque plus élevé n'est que de 6 ans. Sur la base de cette argumentation, l'Ombudsman a obtenu que l'entreprise d'assurances revoie sa proposition. Elle a proposé à monsieur X de souscrire un contrat d'assurance Solde Restant Dû pour une durée de 25 ans et a limité la surprime à 50%.</i>

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<b>Cyprus</b>							
CY-1	Motor insurance	The complainants claimed that the insurance companies refuse to offer to Pontiacs the same insurance services that they offer to Greek-Cypriot citizens. The insurance companies either did not insure Pontiacs or insure them at a higher insurance fee than what they charge their Cypriot clients.	Office of the Commissioner for Administration (Ombudsman)	Racial/ethnic origin	Refusal to provide requested services & prohibitively expensive premiums/prices	An officer did situation testing by calling 3 insurance companies and expressing an interest for motor insurance “on behalf of a Pontian acquaintance”. It proved that one company totally refused to insure Pontians, while the other 2 stated that they “avoided” insuring them. Furthermore, written views of several insurance companies were collected and, although they dismissed the allegation of discrimination, by the wording of the letters it was clearly evident that they were discriminating	The investigation concluded that a large number of insurance companies apply policies or practices which either exclude Pontiacs from insurance services or put them at a disadvantageous position compared to similar services offered to Cypriots. The Commissioner established that, although the law allows insurance companies to diversify policies on the basis of certain criteria when this is objectively justified, the ban of the use of race or ethnic origin is absolute. The Commissioner decided not to take action but to only inform the insurance companies about the anti-discrimination legislation and to suggest to insurance companies to re-examine their policy on the subject.

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						Pontians.	
CY-2	Motor insurance	According to the complainants, the insurance companies classified the persons with disabilities in the category of high-risk drivers, requiring them to pay premiums 25% higher than premiums demanded to people without disabilities. They further argued that the practice was agreed between insurance companies.	Office of the Commissioner for Administration (Ombudsman)	Disability	Prohibitively expensive premiums/prices	The Association of Insurance Companies dismissed the allegation that there was a “cartel” on the premiums for disabled people, arguing that each insurance company had the right, under the insurance companies law, to freely determine the criteria on which to assess insurance risk - and, therefore, to set the premiums.	The Commissioner noted that the autonomy granted to insurance companies by insurance legislation is not absolute, but it is restricted by other laws prohibiting discrimination on disability and other grounds. Furthermore, the Commissioner expressed the view that the existence of a disability alone cannot justify an increased risk of causing an accident, therefore legitimizing the difference in the amount of the premium. Since the complaints were general and did not refer specifically to persons who suffered unfavourable discrimination, the Commissioner did not to take actions. The Commissioner suggested that the insurance companies re-examine their policy vis-à-vis the persons with disabilities, in case they not comply with the principle of non-discrimination set in the law.

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CY-3	Travel insurance and motor insurance	An NGO for the protection of the rights of older people, complained that insurance companies have an agreed policy/ practice not to insure persons who have reached the age of 70, or to require much higher premiums from them, compared to younger clients.	Office of the Commissioner for Administration (Ombudsman)	Age	Refusal to provide requested services & prohibitively expensive premiums/prices	The Association of Insurance Companies dismissed the allegation that its member companies apply any pre-agreed policy towards people who are over 70.	The Commissioner gave a general view on the subject by stating that any diversification in the provision of insurance services on the grounds of a person's age, should, in order to be compatible with the legislation against discrimination, be based or reinforced by comparable and reliable statistical data or any other data documenting and justifying the different treatment in a sufficient and reliable way. The Commissioner expressed the view that, despite the lack of EU level regulation, the existing national legal framework also created a legal obligation to the providers of goods and services to objectively and persuasively justify any different treatment on their part on the grounds of a person's age. The Commissioner decided not to take any other action and recommended to insurance companies to review their practices.

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<b>Germany</b>							
DE-1	Bank account	The application for a current account was denied to a woman of foreign origin married to a German and living in Germany for a year by several banks. They solely offer the opening of an account in conjunction with her husband.	Federal Anti-Discrimination Agency (FADA)	Racial/ethnic origin (Nationality)	Refusal to provide requested services	The banks pointed out the fact that in this case no credit assessment was possible and that the woman had no bankable collateral either. Therefore, the opening of the account was denied due to her credit risk and not on the ground of her ethnic origin.	According to FADA, the banks did not make distinctions on the grounds of race or ethnic origin, age, gender or alike. The bank denied indiscriminately applications for current accounts to all persons who might have an incalculable credit risk. No discrimination within the meaning of the General Act on Equal Treatment was found.
DE-2	Bank account	A man could not sign personally because he is physically handicapped. Even though his mother had general power of attorney attested by a notary the bank denied her the opening of the account on behalf of her son.	Federal Anti-Discrimination Agency (FADA)	Disability	Refusal to provide requested services	The bank works as an online bank without a network of branch offices so no personal customer contact is possible. The mandatory credentials are solely managed by the so-called Post-Ident-Method in an German Post-office. Post-Ident means that the applicant signs	FADA gathered information that in exceptional cases the Post-Ident-Method can be used by an authorized person with general power attorney. Therefore this person signs personally in front of the post-official on behalf of the disabled.

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						personally in front of the post-official who concurrently proves his identity card.	
<b>Denmark</b>							
DK-1	Consumer credit	The loan-taker had lived in Denmark for 16 years and had become a Danish citizen since 9 years. He applied for a loan when buying a car and was asked to identify himself. He presented his Danish drivers license and his national health insurance card. The company subsequently requested copy of his Danish passport or permanent residence permit when they learnt that he was not born in Denmark. The loan-taker found this discriminatory.	Board of Equal Treatment	Racial/ethnic origin, religion/belief	Exclusions and restrictions	The provider stated that it needed to proof that the loan would be paid back so it needed to know that the loan-taker had permanent residence in the country throughout the loan period. A Danish act related to money laundering also requires that the provider requests this information.	The Board found that the requirement was not proportionate. It was a legitimate aim that the provider was interested in ensuring that the loan would be paid back, but the means of achieving the aim were not appropriate and necessary. In this regard the Board attached importance to the fact that the loan taker already had provided proof of his legal stay in Denmark by providing copies of his drivers licence and his social security - information that was subsequently verified through check with the Central Office for Civil Registration. Documentation for citizenship and legal residence could not guarantee that the loan taker would remain in

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							Denmark throughout the loan period. Thus, no additional guarantee for the continued stay in Denmark would be given by asking for additional information about citizenship and legal residence in Denmark. The act on Money Laundering could not be used as a reason for asking for this additional information.
<b>Spain</b>							
ES-1	Private health insurance	A private health insurance refused to provide the medical service for assisted reproduction to a single woman, because the insurance company provides that service only if two partners pay out of the "Gold" insurance policy.	Ombudsperson's Office for Equality of Women and Men	Sex	Refusal to provide requested services	According to the Ombudsperson, there is no evidence that the company tried to know if there was a health problem, rather the company decided that she did not get pregnant because she did not try to. As a result the data provided was not considered to be appropriate by the Ombudsman.	The Ombudsperson, established that the fact of refusing assisted reproduction to a single woman who has paid out the "Gold" insurance policy was discrimination by sex. The Ombudsperson offered two legal reasons: 1) the health insurance company cannot force a woman to have a partner to get pregnant; and 2) the company is not legally allowed to impose double policy (on the two partners).



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<b>Finland</b>							
FI-7	Credit cards and consumer credit	A male claimant alleged that a certain financial institution would not grant him a credit card, because he is still within call-up age and has not yet performed his military service. Another claim presented in the case was that another credit institution declined the man consumer credit for the same reason.	Office of the Ombudsman for Equality	Sex and age	Refusal to provide requested services (denial of access to a product); excessive delays in obtaining cover/loan; exclusions and restrictions	Written evidence was attempted to seek by sending an inquiry to all parties involved in the case	The behaviour of the providers in both cases was found appropriate: both made it obvious that neither of them had set such a condition that the claimant had alleged.
<b>France</b>							
FR-1	Loan protection insurance	<i>La personne souhaitait bénéficier d'un paiement différé en trois fois sans frais (paiement échelonné sur 3 mois) pour l'achat d'un matériel électroménager (environ 500 Euro au total) mais le magasin a refusé du fait de son âge. Il apparaît que le refus n'est pas lié à la solvabilité de la personne mais au refus de lui accorder l'assurance décès / invalidité censé garantir ce prêt à la consommation.</i>	Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE)	Age	Refusal to provide requested services (denial of access to a product)	<i>Selon la HALDE, le fournisseur de services financiers n'a donné aucune justification; il a invoqué sa liberté contractuelle.</i>	<i>Il n'a pas été possible de déterminer si le fournisseur de services financiers a agi de manière appropriée. Cependant, d'après la HALDE, vu la somme concernée et la durée du crédit, le refus semble excessif.</i>
<b>Greece</b>							
GR-1	Life insurance	An insurance firm used the man's military service record, which stated that he had not served because of his sexual	Hellenic Data Protection Authority	Sexual orientation	Refusal to provide requested services (denial of access to a		The Hellenic Data Protection Authority imposed a 60,000 Euro fine. The Authority held

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		orientation, to deny him life insurance coverage.			product)		that the company did not have the right to use the personal data concerning the man's sexual orientation in order to decide whether to conclude a contract with him, as this violated the man's right to privacy. According to its decision, the fact that the person had not served his military service due to his sexual orientation, results neither in danger of his health nor in actual damage that could potentially justify the refusal to provide him with life insurance.
<b>Hungary</b>							
HU-1	Consumer credit	The 73-year-old asked for a consumer credit and found that the bank had an age band between 22 and 65 at the time of applying for the credit in order to access the product.	Equal Treatment Authority Hungary	Age	Refusal to provide requested services (denial of access to a product)	No details available.	The complaint led to a court case (see table on court cases for more details).

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HU-2	Consumer credit	The 77-year-old complainant applied for a consumer credit. After having completed and presented all the necessary documents and having sent them electronically, the employee of the credit institution refused his credit application without specifying the reason for refusal. The complainant's financial standing provided sufficient security for the repayment of the loan and he had no other credit contracts of debts.	Equality Treatment Authority Hungary	Age	Refusal to provide requested services (denial of access to a product)	The bank argued that age does not give grounds to the automatic refusal of the credit application, which takes into account several different aspects. The bank informed the authority that it had several clients over the age of 70 and it offered specific financial products to elderly clients. Upon the authority's request, the bank stated that it approved credit applications in 92% of the cases if the client had a similar financial standing to that of the complainant and asked for an amount similar to that of the complainant.	The complaint led to a court case (see table on court cases for more details).

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<b>Ireland</b>							
IE-1	Consumer credit	The case concerned a woman who was refused a car loan by her bank because of her age, i.e. because she was over 65 and retired.	Equality Tribunal	Age	Refusal to provide requested services (denial of access to a product)	According to the Equality Authority, the provider denied that there was a policy in place against customers over 65. It transpired however that there was a practice of refusing loans to people over 65 or not in employment.	According to the Equality Authority, the refusal of a service based on the age of the customer was in contravention of the Equal Status Acts, 2000-2008. It was established that the bank never considered the risk or ability to repay the loan but made a decision based solely on the age of the applicant. The Equality Authority awarded the complainant the sum of 2,000 Euro in compensation for the upset and humiliation experienced.
IE-2	Motor insurance	An insurance company refused to provide a quotation for motor insurance to a person aged 77 stating that it did not accept new customers aged over 70.	Equality Tribunal	Age	Refusal to provide requested services (denial of access to a product)	The insurance company claimed that the refusal was not unlawful as it fell within the exception provided for the insurance sector by the Equal Status Act for difference in treatment based on actuarial or statistical data and which is	The Tribunal Equality Officer found that the company failed to satisfy the complainant that the actuarial or statistical data had come from a source on which it was reasonable to rely. Furthermore, the Equality Tribunal concluded that the company's "across the board" policy was unreasonable as it did not take all relevant factors into account in considering

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						reasonable having regard to the data or other relevant factors.	individual requests. The Equality Officer said that the complete refusal based solely on a person's age was not acceptable and ordered the company to pay a sum EUR 2,000 for loss of amenity suffered.
IE-3	Motor Insurance	The complainant claimed that he was discriminated against on the ground of age when he sought two insurance quotations using two different ages on the Web based on-line motor insurance quotation system of the insurance company (the lower quotation being for the older proposer).	Equality Tribunal	Age	Prohibitively expensive premiums	The insurance company maintained that the quotations offered to the complainant reflected the element of risk which was calculated through the use of their actuarial modelling system, a statistical model which is in common use throughout the insurance industry. They also maintained that any other difference that is apparent in the quotations arose from commercial factors which the	The Equality Officer decided that the insurance company based the quotations on actuarial or statistical data obtained from a source on which it is reasonable to rely and that the complainant did not provide sufficient evidence to establish a prima facie case of discrimination on the age ground.

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						company would apply in order to maintain competitiveness in various sectors of the insurance market.	
IE-4	Accident insurance	The complainant, when seeking to cash in an insurance policy after an accident, was told by the financial provider that he was disqualified from the Payment Protection Scheme because he was not in good health when the insurance commenced two years before.	Equality Tribunal	Disability	Exclusions and restrictions	The provider claimed that the complainant failed to meet the eligibility criteria at the time of subscription of the policy. Despite a longstanding back problem for which he suffered disablement, the complainant declared in the application that he was in "good health".	The Equality Officer concluded that the policy form did not include a definition of "good health" and accepted that the complainant could have considered himself in "good health". Furthermore, there was no evidence that the on-going back problem was in any way linked with the acquired injury and the insurer also failed to demonstrate that there were no alternative means, having less discriminatory effect, to achieve the same objective. The Equality Officer confirmed a prima facie case of indirect discrimination on the disability ground and ordered the respondent to pay the complainant €1000 as redress.
IE-5	Credit card,	The complainant, a Nigerian	Equality Tribunal	Race (ethnic	Refusal to provide	The bank stated	The Equality officer

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	deposit account, consumer credit	national, claimed that he was discriminated against on the grounds of his nationality by the bank over a period of time, in not being provided with standard banking facilities which are generally available to the public and that he was victimised when he complained to the CEO of the organisation. 6 “incidents” were investigated by the Equality Tribunal		origin)	requested services (denial of access to a product)	that each individual application from the complainant was assessed in accordance with standard banking practices. The bank claimed that it was required by law to report suspicion of money-laundering and to maintain confidentiality in relation to its actions.	accepted that the complainant failed to establish a prima facie case of discrimination in all but one of the incidents. Only with regard to a loan application, the Officer decided that the bank failed to rebut the allegation and condemned the bank to pay €500 for any humiliation and distress suffered by the complainant.
IE-6	Deposit account	The complainant, a Nigerian national, was an existing customer of the bank (he had opened a savings account) Having read some promotional literature he requested to open a Loyalty Current Account, so that his wages could be paid into it and by doing so to avail of the free banking service offered by this type of account. When the complainant presented his full Irish driving licence and an authentic current household bill, i.e. the requirements for opening a		Race (ethnic origin)	Refusal to provide requested services (denial of access to a product)	The bank claimed that it was entitled, and indeed obliged, to take reasonable steps to ensure that it is compliant with its obligations under the Criminal Justice Act, with regard to procedures for the identification of customers when opening new accounts. In	The Equality Officer accepted that any applicant would have been subjected to the same documentary requirements as the complainant. Accordingly, found that the complainant failed to establish a prima facie case of discrimination on the race ground.

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		Loyalty Current Account, as requested in the promotional literature, he was informed that it would have also been necessary to provide six months bank statements from a previous bank account.				addition, after experiencing a very high level of fraudulent activity, imposed extra requirements internally at branch level for opening new accounts.	
<b>Netherlands</b>							
NL-1	Mortgage loan	The applicant was excluded from mortgage financing because he had a temporary residence permit in the Netherlands.	Dutch Equal Treatment Commission	Racial/ethnic origin, Other (Nationality)	Refusal to provide requested services (denial of access to a product)	No details available.	The Commission concluded that there was indirect discrimination based on nationality and that there was no objective justification for the indirect discrimination.
NL-2	Term life insurance	A man felt discriminated on the grounds of his sex, because he had to pay a higher premium for his term life insurance than a woman.	Dutch Equal Treatment Commission	Sex	Higher premium for men than for women	The insurer has motivated that the difference in premium between men and women was exclusively based on the difference in life expectation between men and women.	The Commission assumed that in this case sex was a determining factor. The Commission considered that the defendant sufficiently demonstrated that the difference in premium between men and women in the term life insurance was based on differences in life expectancy between men and women. According to the law, the prohibition on discrimination on grounds of sex does not apply in



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							cases in which sex is a determining factor (Art. 2 Equal Treatment Act).
<b>Poland</b>							
PL-8	Life insurance	A man older than 70 was refused a life insurance. The company judged that there was a very high possibility of occurrence of one of the risks defined in the insurance agreement.	Polish Financial Supervision Authority	Age	Refusal to provide requested services (denial of access to a product)	Elderly age increasing the likelihood of the risks identified in the insurance contract.	According to the Polish Financial Supervision Authority, the refusal was appropriate to the risk assessment.  The KNF- the Polish Financial Supervision Authority has no knowledge of what further action (apart from making a complaint to KNF) have been taken. Besides KNF does not have the power to take administrative decision or adjudicate as to complaints on the supervised entities.
PL-9	Mortgage loan	A pregnant woman was refused a mortgage loan. The bank judged that she did not have any/enough income to pay instalments because of her pregnancy and maternity.	Polish Financial Supervision Authority	Sex	Refusal to provide requested services (denial of access to a product)	Pregnancy and staying on maternity leave may affect the amount of income and consequently influence the repayment of the loan installments.	According to the Polish Financial Supervision Authority, the refusal was appropriate to the risk assessment.  The KNF- the Polish Financial Supervision Authority has no knowledge of what further action (apart from making a complaint to KNF) have been taken. Besides KNF

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							does not have the power to take administrative decision or adjudicate as to complaints on the supervised entities.
<b>Portugal</b>							
PT-1	Life insurance	A person who had no longer cancer (cured) applied for a life insurance. In a proposal for life insurance, the insurer imposed terms of acceptance aggravating the premium by 20% for each thousand of insured capital and excluding the pathology of oncology.	Instituto de Seguros de Portugal	Disability	Prohibitively expensive premium	The insurer based its decision on the clinic evaluation and applied the increase resulting from the applicable Reinsurance Underwriting Manual.	According to the <i>Instituto de Seguros de Portugal</i> , the justification provided by the insurer was sufficient for the premium differentiation. The insurer position was based on specific medical evaluation. The contractual consequence of such evidence reflected specifically the terms of the Reinsurance Underwriting Manual.
PT-2	Life insurance	In the solicitation of a life insurance as a condition for granting a loan, the insurer did not accept the contract with a disabled person (60 percent of disability) because he had multiple sclerosis.	Instituto de Seguros de Portugal	Disability	Refusal to provide requested services (denial of access to a product)	The insurer based his decision on the clinic evaluation and the indication that resulted from the applicable Reinsurance Underwriting Manual.	According to the <i>Instituto de Seguros de Portugal</i> , the insurer position was based on specific medical evaluation. The proportionality of the disability in the multiple sclerosis case resulted from that evaluation. The contractual consequence of such evidence reflected specifically the terms of the Reinsurance Underwriting Manual.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
<b>Sweden</b>							
SE-1	Private health insurance	A young boy (1 year old at the time of the complaint) was denied health insurance, because of an undefined hearing loss (the hearing loss was established but the reasons for it could not be found). The insurance company offered an accident insurance and the possibility of a renewed evaluation after 18 months of observation. The provider argued that the overall risk was too high and that it could not exclude the hearing loss from the insurance, since the reason for the hearing loss had not been ascertained.	Swedish Equality Ombudsman	Disability	Refusal to provide requested services	Information from the applicant regarding the handling of the case. Information from the provider regarding the handling of the case and their grounds for refusal (including medical data).	The Ombudsman found that the reasons given were not proportionate. The Ombudsman argued that it should have been possible for the insurance company to grant insurance, with the exception of future damages related to the established hearing loss. The Ombudsman filed the complaint to court. The case was still ongoing at the time of reporting.
SE-2	Money transfer services	Two of the complainants contacted a money transfer service's local agents to send money within Europe. The third complainant was in London, where he was about to receive money via a money transfer service from a friend in Sweden. The money transfer service's data system found possible matches between the names of the	Swedish Equality Ombudsman	Racial/ethnic origin	Transfer delays and freezing of money	Information from the applicants regarding the actual procedure. Information from the provider regarding the cases and the control system. Information from the Swedish Financial	The Ombudsman came to the conclusion that the provider had not acted appropriately, since its actions were inefficient, even careless. For instance, according to the Ombudsman, it was not possible for the sender to provide additional birth data on the transaction form, in order to limit the

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		complainants and names on lists of persons subjected to financial sanctions. In all three cases, names matched the consolidated EU list, which consists mainly of names of Arabic and/or Islamic origin. The provider halted the transactions. The transfers were delayed for a few days, up to several weeks. Controls were carried out in regard to sanctions lists. Meanwhile, it was not possible for the complainants to withdraw or receive the money. The provider argued that they are obliged to carry out controls. Furthermore, the provider argued that their routines and procedures were appropriate.				Supervisory Authority and the Swedish Financial Police. An evaluation of the consolidated list by a professor of Islamic studies.	number of possible matches. The Ombudsman filed the complaint to court (see table on court cases). The case is still ongoing at the time of reporting.
<b>United Kingdom</b>							
UK-3	Debit Card	A Lithuanian woman living in Northern Ireland was denied a debit card by her Bank. A counter assistant told her that denial may be due to the fact that she was from another country.	Equality Commission for Northern Ireland	Racial/ethnic origin (Nationality)	Refusal to approve application for debit card	The branch manager of the bank stated that she was refused a debit card due to her credit score following a credit reference check. The credit reference check looks at features	The Commission brought the case to court. See table on court cases for more details.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
						such as employment status, income, UK address history, age, marital status, length of time a UK bank account is held, savings and investments with Nationwide.	
UK-7	Mortgage loan	The petitioner is 70 years of age and experiencing difficulties in taking out a mortgage loan as the number of mortgage loans available to him is decreasing due to age restrictions. The age restrictions vary between 65, 70, 75 or 80 years in terms of maximum final age at the end of the contract.	European Parliament, Petition 1480/2008	Age	The applicant was not able to qualify for a mortgage loan based on his age	Based on age, mortgage loan companies can deny a person access to a loan on grounds that it is a risk for the lender that the borrower may not be able to pay back the loan	The EP concluded that such age limits could indeed be inconvenient for citizens, but do not breach Community law.
UK-8	Health insurance	A dentist, brought the case as she objected to paying rates for permanent health insurance that were higher than those paid by a comparable man.		Sex	Prohibitively expensive premiums/prices	The provider argued that they had acted within the terms of section 45, and exemption relating to "an annuity, life assurance policy, accident insurance policy or similar matter	The complaint led to a court case (see table on court cases for more details)

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
						involving the assessment of risks". This exemption covers treatment that a) was effected by reference to actuarial or other data from a source on which it was reasonable to rely and b) was reasonable having regard to the data any other relevant factors".	

Source: Case collection sheets and additional information provided by stakeholders.

**Annex 3C: Other documented complaints**

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
<b>Belgium</b>							
BE-6	Life insurance	<i>Une personne transsexuelle qui voulait bénéficier d'une assurance vie reçoit de la part de la compagnie d'assurance une réponse que le consommateur devrait payer une sur-prime.</i>	Institut pour l'Egalité des Femmes et Hommes (IEFH)	Sex	Prohibitively expensive premiums/ prices	<i>L'assureur se justifie en disant que le preneur d'assurance aurait un problème de santé plus élevé en raison de sa transsexualité. D'après l'IEFH, le fournisseur n'a donné aucune information/preuve de risque plus élevé.</i>	No inquiry took place.
BE-7	Travel insurance	<i>Une femme enceinte voulait bénéficier d'une assurance voyage. La compagnie d'assurance refuse de lui fournir une couverture pour son billet d'avion.</i>	Institut pour l'Egalité des Femmes et Hommes (IEFH)	Sex	Refusal to provide requested services	<i>D'après l'IEFH, l'assureur se justifie en disant que la preneuse d'assurance présente un risque presque certain. Le fournisseur n'a donné aucune information ou preuve.</i>	No inquiry has taken place yet. The case is still being processed by IEFH.
BE-8	Assurance de protection	<i>Une femme enceinte veut bénéficier d'une couverture pour son assurance (groupe)</i>	Institut pour l'Egalité des Femmes et	Sex	Exclusions and restrictions	<i>D'après l'IEFH, l'assureur ne s'est pas encore justifié</i>	No inquiry has taken place yet. The case is still being processed by IEFH.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
	<i>du revenu en cas d'incapacité de travail.</i>	<i>de protection de revenu. La compagnie d'assurance refuse de lui fournir une couverture pour sa période d'accouchement.</i>	Hommes (IEFH)			<i>pour cette exclusion contractuelle.</i>	
BE-9	<i>Assurance hospitalisation</i>	<i>Une compagnie d'assurance exige un délai d'attente de 12 mois pour les frais liés à la grossesse et la maternité.</i>	Institut pour l'Egalité des Femmes et Hommes (IEFH)	Sex	Excessively delays in obtaining cover/loan	<i>D'après l'IEFH, l'assureur se justifie en disant qu'il ne peut pas assurer un risque certain ou connu.</i>	No inquiry has taken place. The case is still being processed by IEFH.
<b>Czech Republic</b>							
CZ-1	Mortgage loan	In Czech Republic, there is a common maximal age of 70 until which a mortgage must be repaid. For this reason, people over 55 do not have access to loans, except in rare cases when they are able to pay back the loan within ten years, in which case they are accepted until 60.	Zivot 90	Age	Refusal to provide requested services		No legal complaint was made.
<b>Germany</b>							
DE-3	Call money account	An employer contacted FADA submitting that the opening of bank giro account (call money) was denied to his deaf employee on the grounds that deaf customers are expected to cause many problems.	Federal Anti-Discrimination Agency (FADA)	Disability	Refusal to provide requested services	No evidence was obtained from provider.	No details available.



Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
<b>Finland</b>							
FI-1 (two other identical cases reported)	Deposit account	A Finnish citizen with a Russian background (had or still have Russian citizenship) and living in Russia wanted to open a bank account. The request for opening was denied. The bank referred to the money laundering legislation.	Ombudsman for Minorities	Racial/ethnic origin (Nationality)	Refusal to provide requested services (denial of access to a product)	The bank referred to money laundering legislation and claimed that it could not obtain enough data about the complainant.	No inquiry took place.
FI-2	Mortgage loan	A US citizen married to a Finn living in the UK wanted to get a loan from a Finnish bank to buy an apartment in Finland. The complainant felt that the bank requested excessive documents from him.	Ombudsman for Minorities	Racial/ethnic origin (Nationality)	Other (unspecified)	The bank claimed that they needed to know the liability of their client, especially in this case when the client was living abroad and his salary did not come to the bank.	No inquiry took place.
FI-3	Deposit account	Banks refuse to open a bank account to asylum seekers unless they have passports or verified IDs. According to Finnish legislation, asylum seekers have a right to work three months after they have applied for asylum. If they cannot get an account for their salary, they usually cannot work.	Ombudsman for Minorities	Racial/ethnic origin	Refusal to provide requested services (denial of access to a product)	No details available.	No inquiry took place.
FI-4	Deposit account	Two Polish citizens who worked in a Finnish company	Ombudsman for Minorities	Racial/ethnic origin	Refusal to provide requested	No details available.	No details available.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		wanted to open a bank account. The bank did not accept Polish IDs as identification but required passports, which the complaints did not have with them. The bank refused to open bank accounts for the complainants.		(Nationality)	services (denial of access to a product)		
FI-5	Deposit account	Banks refuse to open bank accounts for refugees until they get alien's passports, which can take a year.	Ombudsman for Minorities	Racial/ethnic origin	Refusal to provide requested services (denial of access to a product)	No details available.	No details available.
FI-6	Motor insurance	The insurance premiums of motor insurances are defined as more expensive for men than for women, based on statistical information about the number of traffic accidents among men and women in general. In this case a man felt that he was being discriminated against as an individual, because the amount of his personal premium is based simply on the above-mentioned statistical information.	Office of the Ombudsman for Equality	Sex	Prohibitively expensive premiums/prices	No details available.	No details available.
FI-8	Accident insurance	The insurance premiums of accident insurances are defined as more expensive for men than for women, based on statistical	Office of the Ombudsman for Equality	Sex	Prohibitively expensive premiums/prices	No details available.	No details available.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		information about the number of accidents among men and women in general. In this case a man felt that he was being discriminated against as an individual, because the amount of his personal premium is based simply on the above-mentioned statistical information.					
<b>Luxembourg</b>							
LU-1	Deposit account	<i>Il s'agissait d'un simple renseignement.</i>	CET (Centre pour l'Egalité de Traitement)	Racial/ethnic origin	Exclusions et restrictions	<i>Information non disponible.</i>	<i>Information non disponible.</i>
LU-2	Deposit account	<i>Refus d'ouverture d'un compte en banque dû à son origine (selon la personne qui s'estime victime d'une discrimination)</i>	CET (Centre pour l'Egalité de Traitement)	Racial/ethnic origin	Exclusions et restrictions	<i>Information non disponible.</i>	<i>Le Centre pour l'Egalité de Traitement a essayé d'obtenir une solution à l'amiable, mais le requérant ne s'est plus manifesté lorsqu'il devait donner son accord à la divulgation des ses données/coordonnées.</i>
<b>Malta</b>							
MT-1	Travel insurance	Increase of premiums with age and rejection of over 80s	National Council for the Elderly	Age	Prohibitively expensive premiums/prices	According to the National Council for the Elderly, insurers cannot provide details (cf. Data Protection Act).	No inquiry took place.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
<b>Poland</b>							
PL-1	Mortgage loan	Same-sex couple applied for a mortgage loan. They were refused with a very vague explanation. It was commonly known, opposite-sex couples (which don't enjoy any legal recognition either) were allowed to apply for this kind of product.	Campaign against Homophobia	Sexual orientation	Refusal to provide requested services (denial of access to a product)	No details available.	No inquiry took place.
PL-2	Private health insurance	Collaborators of a television channel were excluded from the opportunity of benefiting from a private health insurance policy. The general conditions of the insurance (provided by an external insurance provider) included an explicit provision excluding same-sex partners of the policyholders from the possibility of being treated as a family member. Opposite-sex partners were granted the status of family members.	Campaign against Homophobia	Sexual orientation	Refusal to provide requested services (denial of access to a product); exclusions and restrictions	No details available.	No inquiry took place.
PL-3	Mortgage loan	Mortgage loans have to be paid fully before the client's 70 <sup>th</sup> birthday. Therefore, people older than 70 cannot get a loan; people of 55 years old can get a mortgage for 15 years; people of 65 years old can only get a	FORUM 50+	Age	Refusal to provide requested services (denial of access to a product)	No details available.	No details available.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		mortgage for 5 years.					
PL-4	Credit cards	A person 65+ cannot obtain a credit card at the same conditions as younger consumer. An amount equal to the limit of the card must be deposited in a special account to guarantee the card. The money is blocked until the card is cancelled. Younger people can get genuine credit, i.e. they do not have to deposit an amount equal to the credit card limit.	FORUM 50+	Age	Exclusions and restrictions	No details available.	No details available.
PL-5	Private health insurance	According to FORUM 50+, there is no private health insurance company in Poland that is willing to insure people over 60 or 65, with reasonable costs.	FORUM 50+	Age	Refusal to provide requested services (denial of access to a product)	No details available.	No details available.
PL-6	Life insurance	The complainant had a life insurance since 2003. In 2008, when he turned 65 years old, he was informed by the insurance company that, according to terms and conditions of the insurance agreement, he did not have any cover starting from his 65th birthday.	Polish Insurance Ombudsman	Age	Loss of coverage; exclusions and restrictions	General Terms and Conditions of the insurance agreement.	An inquiry has been made by the Ombudsman but no information could be obtained concerning the decision.
PL-7	Life	The consumer had a life	Polish Insurance	Disability	Exclusions and	General Terms	An inquiry has been made

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
	insurance	insurance. She died and her daughter tried to obtain death benefit from the insurance company but was denied. The insurance company stated that since the consumer died of disease suffered 12 months before taking up life insurance, such claim was excluded and no benefit could be paid.	Ombudsman		restrictions	and Conditions of the insurance agreement.	by the Ombudsman but no information could be obtained concerning the decision.
<b>Slovenia</b>							
SI-1	Motor insurance	Anonymous citizen pointed out that an insurance company approves certain additional discounts based on age of the insured.	Office for Equal Opportunities	Age	Other (additional discounts based on age)	No details available.	No inquiry took place. According to the Office for Equal Opportunities, this practice should constitute a breach of the Insurance Act, the Act on Protection of Competition and Act on the implementation of the principle of equal treatment.
<b>United Kingdom</b>							
UK-1	Motor insurance	The complainants (a same sex couple) alleged less favourable treatment (delay in changing their banking arrangements) and harassment (denigratory comment) when attempting to secure motor insurance.	Equality Commission for Northern Ireland	Sexual orientation	Less favourable treatment and harassment	The insurance provider denied that harassment had taken place and indicated that an administrative error has occurred as regards the delay in changing	The complainants withdrew their case.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
						banking arrangements.	
UK-2	Consumer credit	The complainant was refused membership to a members' based organisation providing consumer credit.	Equality Commission for Northern Ireland	Religion/belief	Refusal to provide requested services	No evidence was obtained from provider.	The Equality Commission concluded that the anti-discrimination legislation did not extend to the actions of the provider and closed the case.
UK-4	Motor insurance	The driver was employed by his county council's passenger transport group to drive a minivan transporting disabled passengers and his insurance was a group scheme insurance covering all his employer's vehicles. He was licensed to drive minivans and he also held an HGV license which involved a medical each year, ensuring he was fit to drive, a medical he had been taking each year up to his seventieth birthday. On reaching 70, his employer's insurance no longer covered him and he lost his employment. He also was no longer able to carry out his mini-bus driving duties for a voluntary organisation he worked part time for, as their group insurance would not cover him because of his age.	Age Concern and Help the Aged	Age	Refusal to provide requested services & loss of coverage	Apparently age limit. No data provided.	No inquiry took place.

Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
UK-5	Car Break-down Insurance	The complainant requested an online quotation for motor breakdown cover from X motoring assistance, but found he was not eligible as X had an arbitrary cut off age of 80. On complaining to X, he was told that, X would not accept a new membership if a person was 80 years or over at the commencement date of cover, due to restrictions and underwriting criteria (the potential risk factor).	Age Concern and Help the Aged	Age	Refusal to provide requested services	The insurer supplied no data or other verifiable fact to show why covering the complainant would increase their risk.	No details available.
UK-6	Mortgage loan	The complainant wanted to move house. He had a £30,000 mortgage on the house he was living in which he had obtained before he retired. He approached his mortgage provider to transfer his existing mortgage of £30,000 to the property he was intending to buy. His income consisted of a private pension and state retirement pension (SRP) and was adequate to satisfy the mortgage multiple requirements of his provider for this transfer. His mortgage provider refused to take his SRP into account when deciding whether his income	Age Concern and Help the Aged	Age	Refusal to provide requested services & exclusions and restrictions	No evidence available.	No inquiry took place.



Case-ID	Product	Description of complaint	Source	Factor	Problem area	Evidence	Proportionality
				To the use of which factor does complaint relate?	What is the main problem area?	Differences in treatment are based on which evidence?	Has proportionality been established by inquiry of ombudsman or authority, or by court?
		was adequate to support a loan on the new property, even though he was paying a £30,000 mortgage on the same income without any problems.					

Source: Case collection sheets and additional information provided by stakeholders.

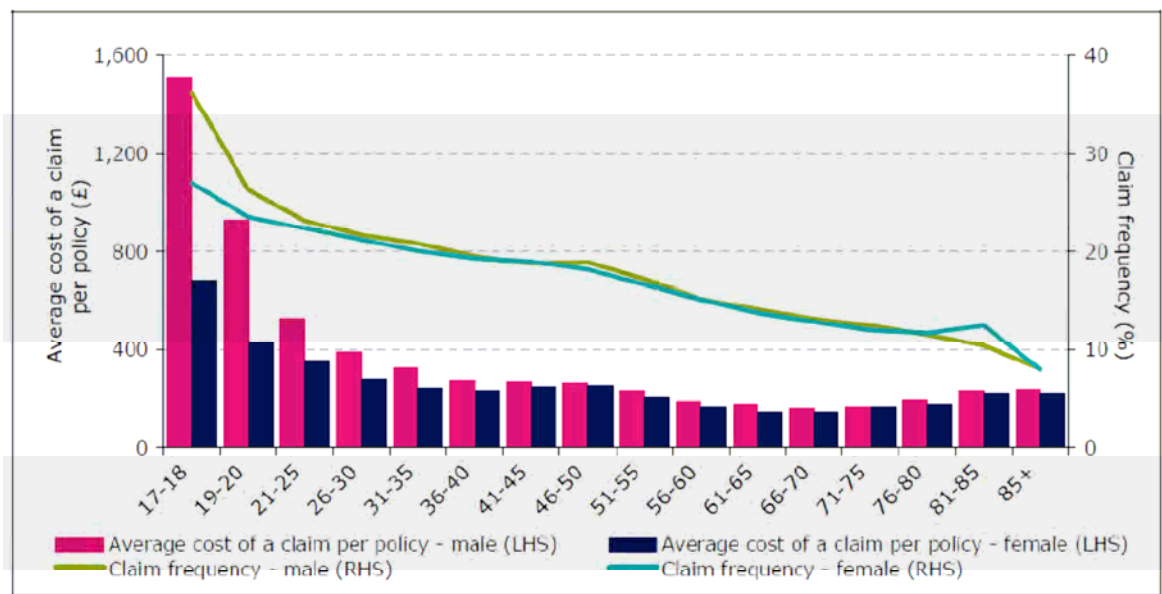
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## ANNEX 4: ACTUARIAL ANALYSIS OF THE RELEVANCE OF THE FACTORS

This study focuses on how factors such as age and sex are used in design, supply and pricing of selected financial products. Actuarial analysis of the relevance of the factors (e.g. to determine how exactly age/life expectancy of the insured population in a specific country or otherwise defined group influences claim costs) was outside the scope of this study. However, for illustrative purposes this Annex presents exemplary statistical data showing how the factors sex and age can influence claim costs for selected products in some countries as reported by the insurance industry and selected literature.

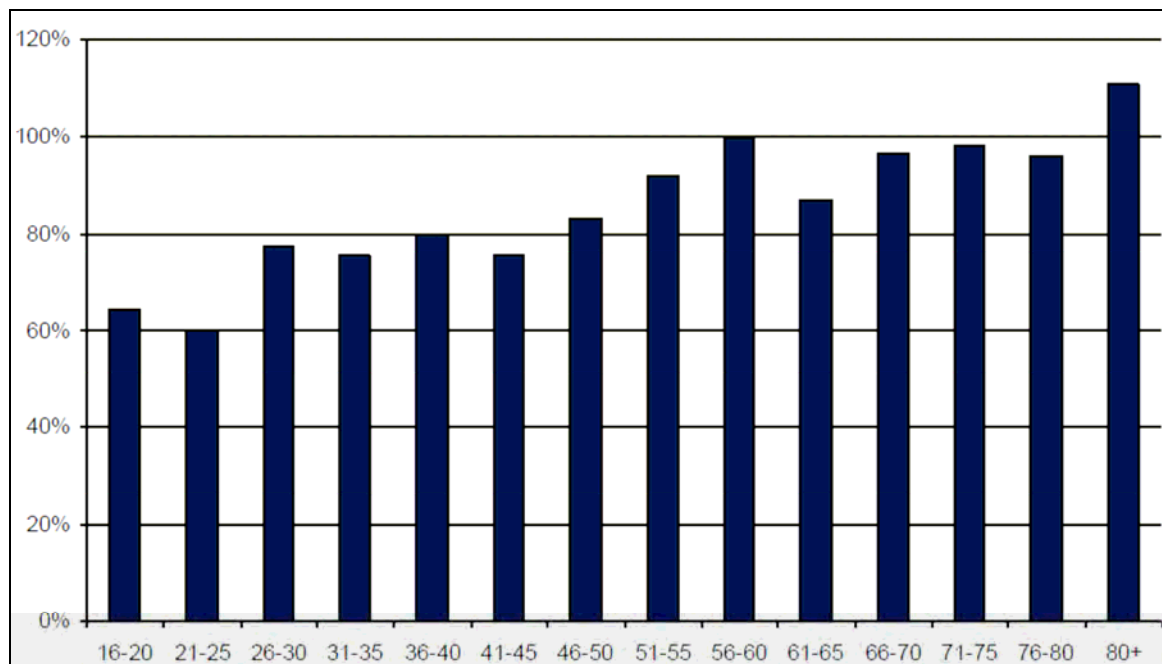
**I. MOTOR INSURANCE**

**Figure 1: Average claim cost and frequency by age and sex in the UK**



Source: Association of British Insurers, in *Retail Insurance Market Study MARKET/2008/18/H, Final Report by Europe Economics, 2009.*

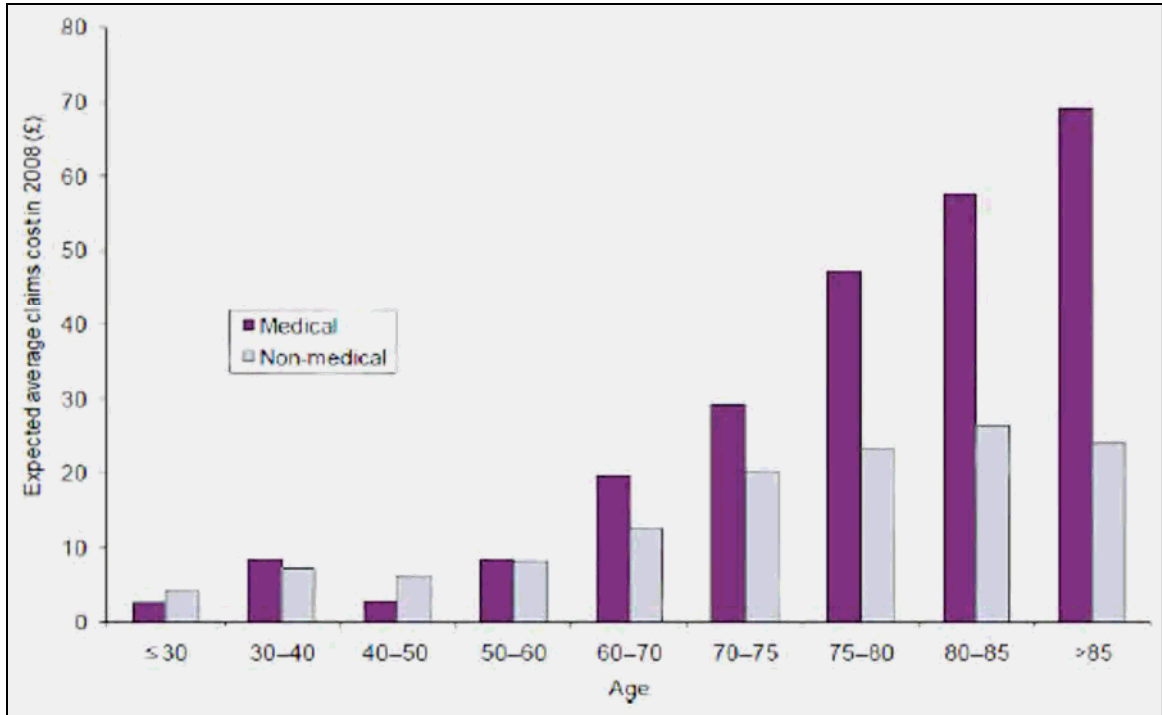
**Figure 2: Average cost of a claim per policy for women as a percentage of average cost of a claim per policy for men within each age group for Private Motor Insurance, 2006**



Source: Private Motor Insurance by age and gender, Association of British Insurers, 2009.

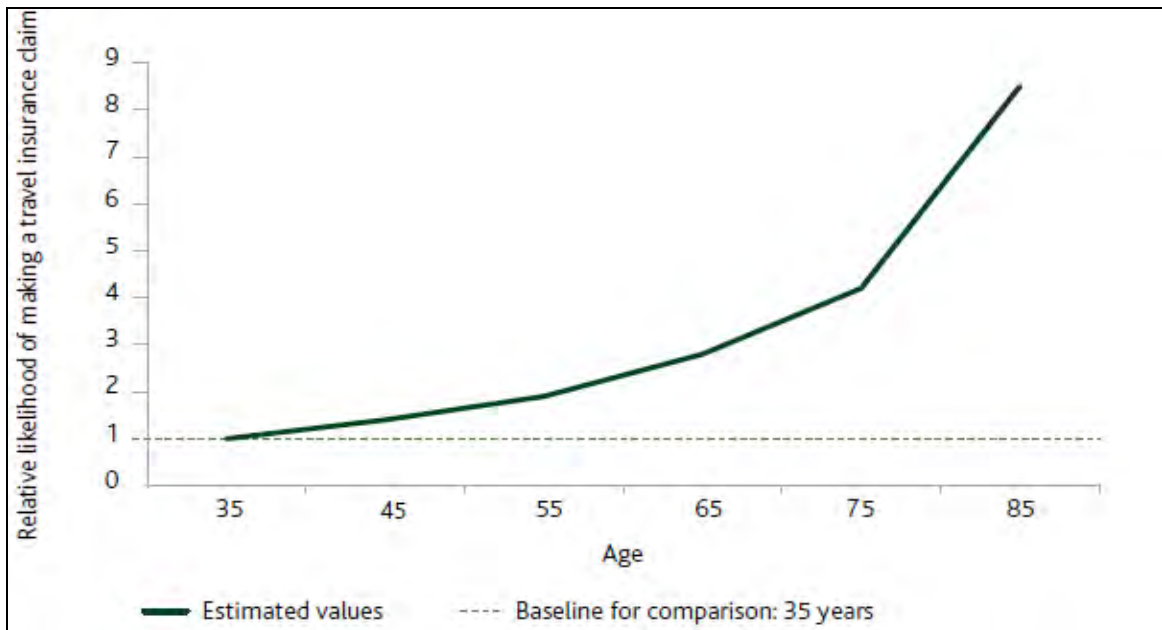
**II. TRAVEL INSURANCE**

**Figure 3: Expected average claims cost per travel insurance policy, by age group**



Source: Oxera, *The use of age-based practices in financial services*, 2009.

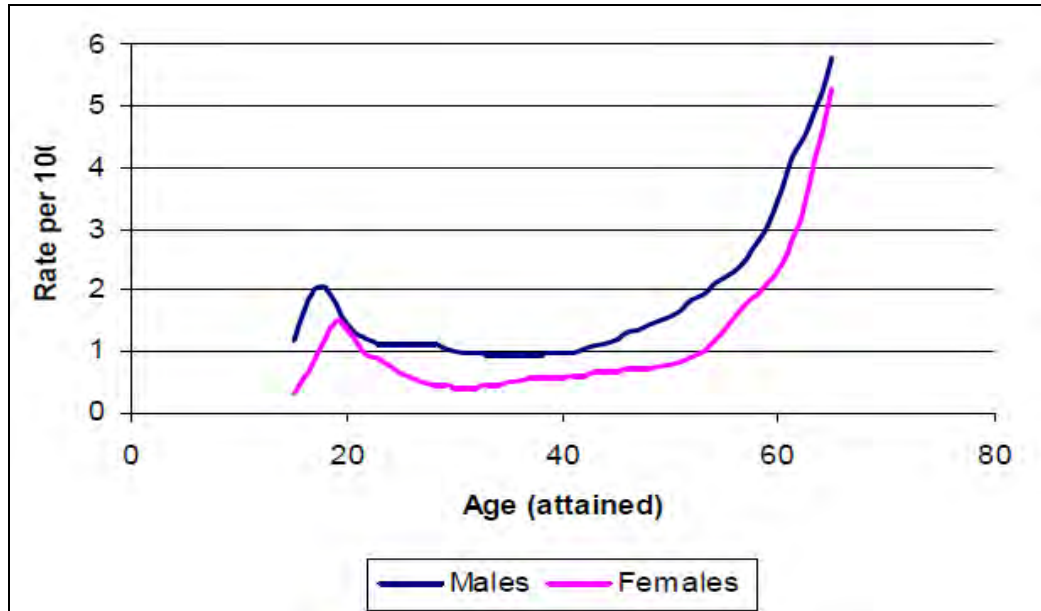
**Figure 4: Likelihood of claim by age**



Source: Ipsos MORI, in *Age and Insurance: Helping older customers find the cover they need*, ABI 2009.

**III. LIFE INSURANCE**

**Figure 5: Age related mortality rates**



Source: Cyprus Association of Actuaries, *Investigation on the mortality of insured lives under individual policies in Cyprus, 2007*.

**Figure 6: Period life expectancy at birth, 1991-93 and 2006-08 in the UK**

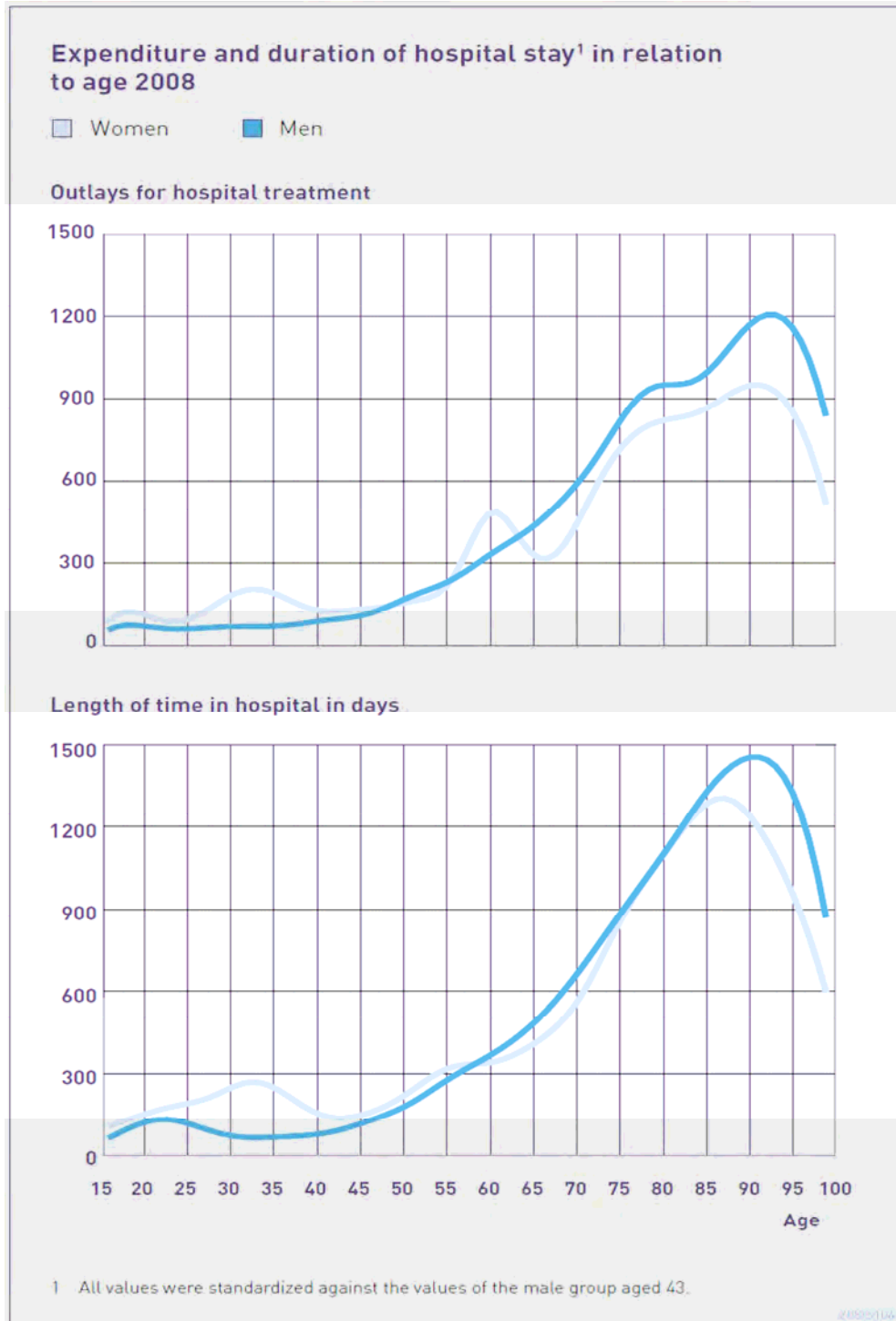
Region	Years			
	Males		Females	
	1991-93	2006-08	1991-93	2006-08
<b>United Kingdom</b>	73.4	77.4	78.8	81.6
<b>England</b>	73.6	77.7	79.0	81.9
North East	72.0	76.4	77.4	80.6
North West	72.4	76.3	77.9	80.6
Yorkshire and The Humber	73.1	77.1	78.6	81.3
East Midlands	73.7	77.8	79.0	81.8
West Midlands	73.2	77.2	78.7	81.6
East of England	75.0	78.9	80.1	82.7
London	73.3	78.2	79.3	82.7
South East	74.9	79.2	80.1	83.0
South West	74.9	79.0	80.3	83.1
<b>Wales</b>	73.2	76.9	78.8	81.2
<b>Scotland</b>	71.5	75.0	77.1	79.9
<b>Northern Ireland</b>	72.7	76.3	78.6	81.2

Source: Office for National Statistics (UK), Life expectancy at birth, October 2009.

Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes

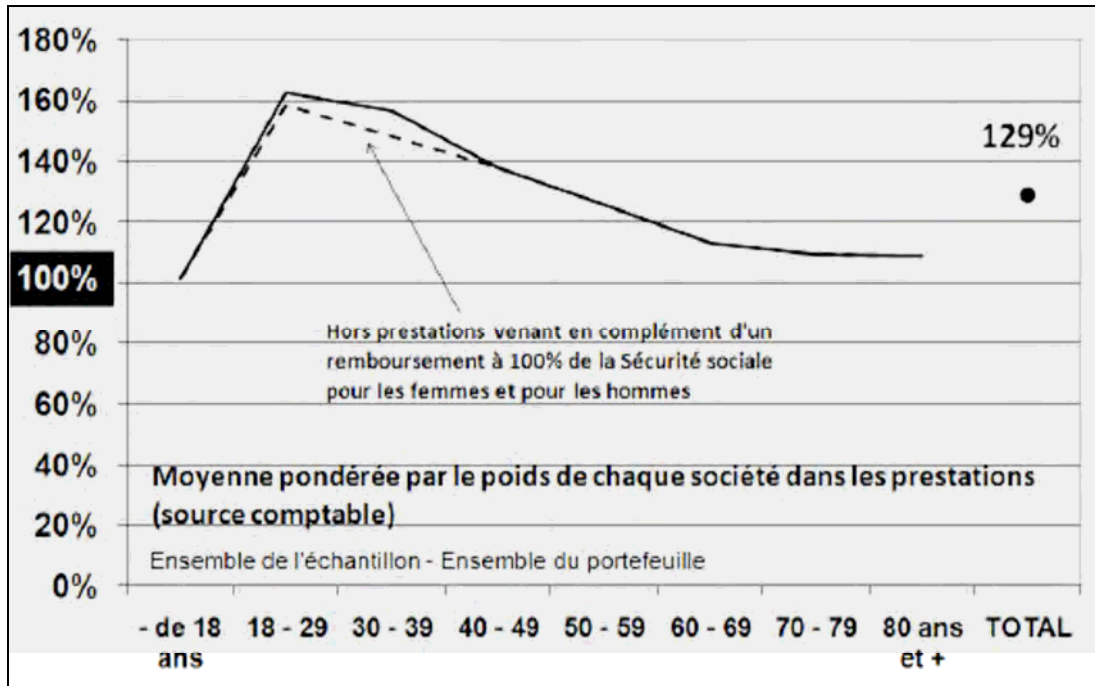
**IV. PRIVATE HEALTH INSURANCE**

**Figure 7: Expenditure and duration of hospital stay in relation to age and sex**



Source: Association of German private healthcare insurers, *Financial report for private healthcare insurance 2008/2009*, p.75.

**Figure 8: Ratio average benefits for women / average benefit for men**



Source: French Insurance Association, *Données relatives aux différences entre les hommes et les femmes dans les prestations en assurance*, 2008.

## ANNEX 5: CONVENTION AERAS



### **The Convention AERAS (France)**

The Convention AERAS (*S'Assurer et Emprunter avec un Risque Aggravé de Santé*) was negotiated between the state, the insurance and banking associations, consumer associations, and associations representing people affected by severe illnesses in order to give people with aggravated health risks better access to home and consumer loans.

In France, the decision for accepting mortgage is not based on the property value, but on the actual income of the borrower. The bank looks at the actual income of the borrower and requires him/her to apply for loan insurance. Before the Convention AERAS was adopted, people with aggravated health risks found it very difficult to obtain loan insurance, and therefore home loans. The debate started in the late '90s, with the increasing number of AIDS cases and the increasing concern that people with AIDS could not get insurance. In 2001 a first convention, the Convention Belorgey, was adopted. However, this convention was very restrictive regarding the conditions to access the procedure, resulting in a limited number of people benefiting from it. Further negotiations led to the adoption of the Convention AERAS in 2006.

The Convention applies to both consumer loans and home loans. For some consumer loans, insurance is not mandatory. If the consumer is aged over 50 years, the credit period is higher than 4 years, and the amount of credit exceeds 15,000 Euro, the consumer might be required to fill in a medical questionnaire and the bank might require him/her to get loan insurance. Loan insurance is always required for home and business loans.

The Convention AERAS establishes three levels of evaluation that a case must go through when insurance is requested. The request must pass through all three levels before a consumer can be denied insurance. At the first level, if the borrower does not present any aggravated health risk, the insurer offers him/her a general/standard contract (potentially with special conditions). If the general contract cannot be offered due to severe health conditions, the case is automatically evaluated at the second level. At this level, the insurer evaluates the possibility of proposing a special contract with the support of a reinsurer who bears the risk that the insurer cannot bear. In the event that even this special contract cannot be offered, the case is passed to the 3rd level, the "AERAS level" or "Level 3," where another reinsurer examines the case and gives a third opinion on the possibility to grant loan insurance. This process is automatic and invisible both for the consumer and for the bank, which collects data but is not involved in the medical evaluation process.

Additionally, the Convention AERAS foresees a mechanism of resource sharing between insurance companies and credit institutions to limit the premium paid by people with severe diseases and whose income does not exceed the given thresholds. In particular, for home and business loans, the Convention establishes that the banks and insurers take over the difference in price that the aggravated risks create. If the insurance premium represents more than 1.5 points of the effective annual percentage rate of charge of the loan (in French, TEG, *Taux Effective Globale*), the amount which is above this limit is paid by the bankers and insurers. In other words, the difference between the cost of the loan and the cost of the insurance should not be more than 1.5 points. For instance, if the loan rate is 4%, and if the loan rate including the insurance premium is 6%, the consumer will only pay the amount corresponding to 1.5% and the bank and the insurer will share the additional 0.5%. The possibility of paying a reduced premium is subject to conditions: the loan must not exceed 300,000 Euro and the consumer's age at the end of the loan cannot be higher than 70. At the end of the year, the FFSA collects all the premiums above 1.5% paid by the insurers, calculates the total amount that was spent by the insurance industry, asks banking associations to pay for half of it, and compensates member companies at the pro-rata of insurance premiums. It is important to note that the state does not give direct compensation to the banks and insurance companies for the additional costs that they bear. Nevertheless, the State contributes to the AERAS Convention by financing administrative costs, surveys, and studies for analysis purposes.

Three bodies are responsible for monitoring the implementation of the Convention: the *Commission de suivi et de propositions*, which monitors the enforcement of the Convention, makes recommendations to improve its functioning and issues an annual report to the Government and the Parliament; the *Commission des études et recherches*, responsible for collecting and studying available data on mortality and morbidity of major diseases; and the *Commission de médiation*, which examines individual claims filed by loan candidates, e.g. people who were refused a loan, and facilitates amicable settlements between consumers and providers.<sup>1</sup> Each commission meets at least four times per year.

<sup>1</sup> Complaints of illegal discrimination have to be addressed to the HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité). HALDE can only judge whether a refusal based on health status is permitted by law or not. When refusal is legal (under French criminal law it is not illegal to refuse death, health, incapacity, or integrity insurance because of the health status, Art. L225-3) consumers have to address their complaints to the Commission for Mediation.

According to the report on the Convention AERAS published in 2009 (*Bilan de l'application de la convention AERAS "s'assurer et emprunter avec un risque aggravé de santé"*), in 2008, approximately 400,000 people were eligible to benefit from the Convention (approximately 10% of the total market). Thanks to the Convention and the three levels of evaluation established by it, 93% of the people who asked for loan insurance were able to receive an insurance proposition. A total of 1,345 people benefited from the reduction of premiums above 1.5% (i.e. people having extremely severe health conditions). This number is not as high as the insurance association FFSA would have expected. First, people are not often taking advantage of the reduction. Consumers do not fully understand the amount that they could potentially save over the whole loan period. Since they must prove their financial status in order to benefit from the cut in premium, they prefer not to engage in the procedure in the first place. Second, banks report that people with health problems are inhibited when asking for a loan because they believe that they would be refused. This occurs despite the efforts that have been made to inform consumers about the Convention (leaflets are available in every bank, including help lines and links to the Convention's website). Third, the procedures established by the Convention are fairly new for insurers and the mechanism took some time to be completely digitalized. The FFSA expects the number of people who benefit from the Convention to be much more significant in the coming years.

## ANNEX 6: METHODOLOGY FOR THE STUDY

## 6 Methodology

### 6.1 Overview of methodological approach

The main methodological tools employed in the study are:

- In-depth desk research;
- Exploratory interviews with key stakeholders;
- Interrelated and complementary surveys targeting key stakeholders in EU Member States and EEA countries;
- In-depth interviews in selected countries;
- Collection of documented examples of alleged discrimination from various sources.

Civic Consulting has adopted:

1. A parallel approach towards the activities: different methodological tools were employed simultaneously, allowing for a shorter overall time frame for the study and more efficient data collection;
2. A two-stage approach toward analysis of design and pricing of financial products: for all relevant financial products Civic Consulting investigated at general level whether or not the protected grounds of Art. 19 of the Treaty are relevant for product design/pricing, while five financial products have been selected for in-depth scrutiny;
3. A two-stage approach toward the research activities: surveys and literature review covered all 27 Member States, while four Member States (and 2 non-EU OECD countries) are subject to closer scrutiny;
4. Multi-layered analysis of the issues to be addressed, including an analysis of the implementation of Directive 2004/113/EC, the assessment of relevance of actual discrimination problems experienced by consumers and a qualitative assessment of the impact of selected specific measures in case study countries.

### 6.2 Selection of products for analysis

#### 6.2.1 *Relevant products*

Based on a brainstorming exercise, desk research, and exploratory interviews, the following main product categories targeted at consumers have been identified:

**Table 1: Main product categories**

Insurance products	Banking products
<ul style="list-style-type: none"> <li>▪ Motor insurance</li> <li>▪ Travel insurance</li> <li>▪ Private health insurance</li> <li>▪ Life insurance</li> <li>▪ Annuity products</li> <li>▪ Critical illness insurance</li> <li>▪ Disability/income protection insurance</li> <li>▪ Accident insurance</li> <li>▪ Long-term care insurance</li> <li>▪ Home insurance</li> <li>▪ Loan/payment protection insurance</li> <li>▪ Private liability insurance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mortgage loans</li> <li>▪ Consumer credit</li> <li>▪ Credit cards</li> <li>▪ Deposit accounts</li> </ul>

For the surveys to stakeholders Civic Consulting clarified that the questions referred to product categories, and not to individual products, and that mixed/bundled products were not to be considered when answering the questions. In addition, definitions of each product category were included in the first page of the questionnaires distributed to stakeholders.

### **6.2.2 Selection of products for in-depth scrutiny**

In a second stage, on the basis of the results of the exploratory interviews, desk research and discussion with the European Commission, five financial products have been selected for in-depth scrutiny.

#### **Relevance for product design and observed discrimination problems**

The exploratory interviews of stakeholders included questions concerning the following issues:

- For which financial products one or more of the discrimination grounds of Art 19 of the Treaty (sex, age, disability, racial or ethnic origin, religion or belief, or sexual orientation) are considered, in their view, relevant factors for product design, pricing and access.
- For which financial products the institution they represent received complaints about harmful discrimination in the provision of financial services, or whether they are aware of complaints in this area. If so, stakeholders were asked to identify for which financial products consumers experience problems related to one or more discrimination grounds of Art 19 of the Treaty.

When analysed according to the use of relevant factors for product design, pricing, and access, products could be divided into two groups according to the frequency with which stakeholders assessed a factor as being relevant for the product category:

Products frequently mentioned by stakeholders were:<sup>1</sup>

- Life insurance
- Complementary private health insurance
- Annuity products
- Motor insurance
- Disability/income protection insurance
- Critical illness insurance
- Travel insurance
- Mortgage loans
- Consumer credit

Products less frequently mentioned by stakeholders were:<sup>2</sup>

- Long-term care insurance
- Accident insurance
- Housing insurance
- Loan insurance
- Credit cards
- Current accounts/savings accounts

Similarly, products could be analysed according to the degree to which complaints about harmful discrimination were reported regarding a specific product.

The products that were most frequently mentioned by stakeholders as being products for which consumers experience problems related to one or more discrimination grounds of Art 19 of the Treaty, are:<sup>3</sup>

- Motor insurance
- Complementary private health insurance
- Travel insurance

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<sup>1</sup> Mentioned by at least 5 stakeholders for which at least 3 of the factors (protected grounds) were considered relevant for product design and pricing.

<sup>2</sup> Mentioned by less than 5 stakeholders for which less than 3 of the factors (protected grounds) were considered fairly relevant for product design and pricing.

<sup>3</sup> Mentioned by more than 4 stakeholders.

Products that were occasionally mentioned by stakeholders are:<sup>4</sup>

- Annuity products
- Life insurance
- Mortgage loans
- Consumer credit

Products rarely identified by stakeholders as being subject to a complaint are:<sup>5</sup>

- Critical illness insurance
- Disability/income protection insurance
- Long-term care insurance
- Accident insurance
- Housing insurance
- Loan insurance
- Credit cards
- Current/savings accounts

### **Suggestions from stakeholders during exploratory interviews**

All stakeholders involved in the exploratory interviews have been asked to suggest some financial products on which, according to their view and experience, the study should focus. The products suggested by the stakeholders interviewed are listed in the table below.<sup>6</sup>

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<sup>4</sup> Mentioned by 2 or 3 stakeholders.

<sup>5</sup> Mentioned by 1 or no stakeholder.

<sup>6</sup> Two stakeholders could not provide an answer.



**Table 2: Selected product suggested by the stakeholders**

Stakeholder	Suggested insurance products					Suggested banking products		Other
	Motor insurance	Complementary private health insurance	Life insurance	Travel insurance	Annuity products	Mortgage loans	Consumer credit/ credit cards	
MS supervisory body	✓	✓	✓					Disability/ income protection insurance
Association of actuaries	✓		✓					Disability/ income protection insurance
EU-level civil society organisation 1	✓	✓		✓		✓	✓	Car rental
MS equality body 2		✓	✓					
MS competent authority	✓	✓	✓			✓		
MS civil society organisation	✓			✓		✓	✓	
EU-level civil society organisation 3		✓			✓	✓		
MS equality body 1	✓		✓		✓		✓	
EU-level banking industry association 1						✓	✓	Insurance products
EU-level insurance industry association	✓	✓		✓				
EU-level civil society organisation 2		✓			✓			
<b>Frequency</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>4</b>	

Source: Civic Consulting exploratory interviews.

### Complementary criteria for selection and proposals for selected products

When selecting products for in-depth scrutiny, the use of the factors in product design, the reported complaints, and stakeholder suggestions were all of crucial importance and led to relatively consistent results, as has been indicated in the previous sections. However, other factors were also of relevance. These include:

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- The nature of the product (i.e. is there a clear definition of the product? Is the product offered as a single product or bundled with other financial products? Is the product homogeneously offered in different markets?);
- The availability of the product (i.e. is it offered in potentially all Member States?);
- The dependence of the product on the national legislative framework (i.e. do product characteristics depend significantly on the legal framework in the specific area?);
- The potential consumer detriment of discriminatory practices.

### **Final selection of products for in-depth scrutiny**

Based on these considerations, and taking into account stakeholder suggestions, we therefore focused the in-depth scrutiny on the following products:

- Motor insurance
- Travel insurance
- Term life insurance
- Private health insurance
- Mortgage loans

**Motor insurance** has been defined as insurance for private cars covering at least third party liability. The study focuses on the main product in the relevant category, i.e. motor third party liability insurance. Motor insurance was one of two most frequently suggested candidates for in-depth scrutiny and it was also relevant based on available information on use of the protected grounds of sex, age, and disability, and on documented complaints. In addition, motor insurance covering at least third party liability is available throughout the EU, as it is required by law.

**Travel insurance** has been defined as temporary insurance that covers, for the duration of the trip only, at least medical expenses, as well as potentially financial and other losses incurred while travelling. Travel insurance was among the most frequently mentioned products by stakeholders as being a product for which consumers experience problems of access, mainly related to age.

**Term life insurance** has been defined as insurance that provides the payment of a death benefit to the beneficiary if the insured dies during the relevant term. Term life insurance was one of the most frequently suggested candidate products and belongs to the products where the protected grounds were most frequently reported to be used. In addition, term life insurance is a relatively homogenous product that is frequently used and that can be expected to be available throughout the EU.

**Private health insurance** has been defined as insurance that covers health risks in addition to (or for those not covered by) the national health care system. Private health

insurance was one of the products where the protected grounds were most frequently reported to be used and where complaints were reported. In addition, given the nature of the cover, the consumer detriment of discriminatory practices or lack of access is potentially significant.

**Mortgage loans** have been defined as loans secured against a property. Mortgages were the most frequently suggested banking product where age and disability reported to be relevant factors in product design and pricing. Also, the consumer detriment deriving from lack of access is potentially high in this product area.

### **6.3 Methodological tools**

#### **6.3.1 Desk research**

In-depth desk research aimed to identify, collect, and review literature, published data, and other materials that provided essential information for the study. The initial desk research had covered selected technical literature regarding key issues of the study, as well as the documentation provided by the European Commission. In the course of the stakeholder consultation, several stakeholders provided additional materials such as court cases, annual reports, position papers and in-house research together with their response to the surveys. The study team also conducted a review of academic literature and other relevant analyses, such as price comparisons of insurance and banking products conducted by consumer bodies, with a special emphasis on the Member States which have been subject to country studies (Belgium, Germany, Sweden, and the UK) and follow-up research (France, Cyprus, and the Netherlands).

A bibliography with key documents identified and/or reviewed to date is provided in Annex 9 of this report.

#### **6.3.2 Survey of stakeholders**

Civic Consulting implemented interrelated and complementary online surveys targeting the following stakeholder groups in EU Member States and EEA countries:

Competent authorities, equality bodies, and ombudsmen:

- Supervisory authorities in the field of financial services
- Ministries of finance/Treasuries
- Equality bodies
- Ombudsmen

Industry:

- National insurance and banking associations
- National associations of actuaries
- Banks
- Insurance companies

Civil society organisations:

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- National civil society organisations representatives of the interests of potential victims of discrimination (such as organisations promoting gender equality, defending the rights of the elderly, or defending the interests of people with disabilities);
- National civil society organisations defending consumer interests (such as consumer organisations).

The questions in each survey were as similar as possible to allow for a high degree of consistency and complementarity of the surveys. The language of the industry surveys was English, while the questionnaire for civil society organisations, national authorities and equality bodies was provided in English, French, and German.

European level associations were requested to provide contact details of their national member associations. In addition, national industry associations were asked to provide contact details of main and niche providers offering banking and insurance products to consumers in the country. The invitation to respond to the online surveys and a PDF of the questionnaire for reference purposes was directly sent to approximately 1,000 identified contacts on 13 and 17 November, 2009 with deadlines of 14 and 18 December 2009, respectively. The links to access the online survey questionnaires were also circulated through EU-level and national-level associations to their members.

Civic Consulting then carried out an intensive exercise of follow-up calls and reminder emails in order to encourage participation and ensure good survey coverage. All stakeholders received at least two emails to remind them about the upcoming deadline for the survey. In addition, all national insurance associations and equality bodies were contacted by phone, as were selected insurance companies and civil society organisations in countries where the rate of response was not satisfactory. The deadline for submitting questionnaires was postponed to guarantee the highest possible response rate and the surveys have been definitively closed on 15 January 2010.

With a total of 241 participating stakeholder organisations and companies the survey was very successful,<sup>7</sup> with responses received from all EU Member States and the 2 EEA countries Iceland and Liechtenstein.

The response rate varied among stakeholders groups. The competent authorities had the highest rate of response (approximately 80%), while civil society organisations had the lowest, despite the massive effort to encourage participation.<sup>8</sup> This might be due to the fact that these organisations do not work in the field of discrimination (for example, consumer organisations) or that, even if they deal with discrimination issues, they do not record complaints of discrimination in financial services.

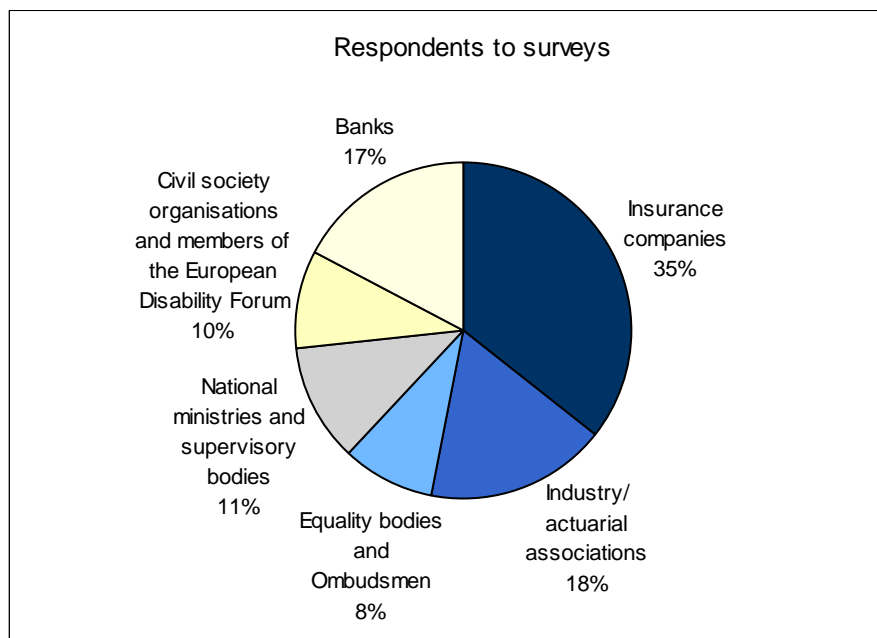
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<sup>7</sup> We processed 228 online responses, with remaining answers sent in different format.

<sup>8</sup> Some European associations such as ILGA and the European Disability Forum did not provide contacts of their national members but distributed the questionnaire themselves to their members. Therefore it is not possible to estimate the number of civil society organizations that were contacted.

Respondents by stakeholder group are depicted in the following graph:

**Figure 1: Online respondents to the survey by stakeholder group**



Source: Civic Consulting online surveys (N=228).

The graph illustrates that the largest number of responses were received from individual financial services providers, both insurance companies and banks (120 responses or 52% of total). In addition, 26 national authorities (11%), 20 equality bodies and ombudsmen (8%), 40 insurance, actuarial, and banking associations (18%), and 22 civil society organisations responded to the survey (10%).

In addition, 5 banking and insurance organisations, 3 insurance companies, 1 national authority, 2 equality bodies and 2 ombudsmen did not participate in the online survey but submitted separate written comments or answered through a separate document.

Detailed information on the surveys according to the main stakeholder groups, including the coverage by country, is provided in the following sub-sections. Results of the surveys are presented as annexes to this report (Annexes 1 and 2). Results presented are mainly quantitative summaries of survey responses by question (frequency counts), and the sometimes extensive comments are not included in the annexes.

Other than through simple frequency counts, the survey results are not analysed statistically because the sample is not considered to be representative in a statistical sense. In some cases, national-level bodies (such as insurance associations) answered on behalf of their national member companies, whereas in other cases national member companies answered in addition to their national association. Where this was the case, most answers were broadly similar, although there were occasional differences. Statistical analysis might therefore suggest significant differences in

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response that result simply from the balance of respondents. A further conceptual problem with surveys of organisations and companies rather than individuals is one of scale: responses are not equivalent in terms of weight as they would be if the survey were of individuals. The main objective of the surveys was to ensure that all competent authorities, industry stakeholders, and civil society organisations had the opportunity to contribute their views and opinions to the research and have these taken into consideration.

### **Survey of competent authorities and equality bodies**

The survey of equality bodies, ombudsmen,<sup>9</sup> and competent authorities in the field of financial services collected data concerning complaints of alleged discrimination and existing legislation relevant for financial services provision in the Member States, especially on existing national-level legislation or regulation that prohibits discriminatory practices on the protected grounds listed in Article 19. The survey also included questions concerning the implementation of Art. 5 of Directive 2004/113/EC and the implementation of the UN Convention on the Rights of Persons with Disabilities.

In addition to the invitation to participate in the questionnaire survey, national authorities, equality bodies, and ombudsmen received a form in Word format to document complaints of alleged discrimination.

46 organisations participated in the online survey, of which 20 were equality bodies and ombudsmen,<sup>10</sup> 5 were ministries of finance/treasury, and 21 were supervisory authorities. In addition, 1 supervisory authority, 2 equality bodies, and 2 ombudsmen did not answer the online survey but submitted written comments to the questions of the survey.

The highest number of responses was received from Belgium and Denmark, with 4 responses each (see Table below). No response from an official body was received in only from four countries (Czech Republic, Ireland, Liechtenstein, and Norway).

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<sup>9</sup> Consumer ombudsmen in the field of financial services (members of FIN-NET).

<sup>10</sup> The Polish Insurance Ombudsman and the Insurance Ombudsman in Belgium returned the questionnaire addressed at civil society organisations, but have been considered as Ombudsmen for the analysis.

**Table 3: Competent authorities, equality bodies, and ombudsmen that responded to the survey**

Country	Supervisory bodies for financial services	Ministries of finance/ Treasuries	Equality bodies and ombudsmen	Total
Austria	1	-	1	2
Belgium	1	-	3	4
Bulgaria	2	-	-	2
Cyprus	-	1	-	1
Czech Republic	-	-	-	-
Denmark	1	-	3	4
Estonia	-	1	1	2
Finland	1	-	1	2
France	1	-	1	2
Germany	1	-	1	2
Greece	1	-	-	1
Hungary	1	1	-	2
Iceland	1	-	-	1
Ireland	-	-	-	-
Italy	1	-	-	1
Latvia	1	-	1	2
Liechtenstein	-	-	-	-
Lithuania	1	-	1	2
Luxembourg	2	-	1	3
Malta	-	-	1	1
Netherlands	-	-	1	1
Norway	-	-	-	-
Poland	1	-	2	3
Portugal	1	-	-	1
Romania	1	-	-	1
Slovakia	1	1	1	3
Slovenia	-	-	1	1
Spain	1	-	1	2
Sweden	1	-	1	2
United Kingdom	-	1	2	3
<b>Total</b>	<b>22</b>	<b>5</b>	<b>24</b>	<b>51</b>

Source: Civic Consulting survey. Note: the Financial Supervisory Authority in Finland, the National Commission for the Promotion of Equality in Malta, the Danish Institute for Human Rights, the Financial Ombudsmen in the UK, and the Office of the Ombudsman of the Republic of Latvia responded not through the online questionnaire, but through a separate submission.

### Survey of financial service providers and their associations

The survey of insurance and banking industry aimed at collecting information on current practices of financial services providers in relation to the use of age, disability, sex, racial/ethnic origin, religion/belief and sexual orientation in risk assessment and/or cost calculations, as well as the access to their products for different categories of individuals. The industry questionnaires focused in particular on the five products selected for in-depth scrutiny, i.e. motor insurance, travel insurance, term life insurance, private health insurance, and mortgage loans.

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Three detailed questionnaires were developed, one addressed to national industry associations and two addressed to financial service providers (banks and insurance companies, respectively). A separate questionnaire was developed for national actuarial associations, with broadly similar questions as those asked to national insurance associations.

***National industry and actuarial associations***

39 respondents participated in the online survey, out of which 17 were banking associations, 15 were insurance associations, and one association that represents both banks and insurers,<sup>11</sup> and 7 national actuarial associations. In addition, 5 insurance associations and 1 bank association have submitted statements in response to the survey. These associations claimed that the questions on the use of the factors sex, age, and disability included in the survey could not be answered without a detailed explanation on how these factors enter in the risk assessment and why it is important for insurers to take them into account. They therefore preferred to submit a separate document to clarify their arguments, rather than to participate in the online survey.

Counting all answers, the total number of respondents to this survey is 45. The table below illustrates that at least one association responded the questionnaire in almost all EU and EEA countries.

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<sup>11</sup> Federation of Finnish Financial Services.



**Table 4: National industry and actuarial associations responding to survey**

Country	National insurance associations	National banking associations	National actuarial associations	Total
Austria	1	1	1	3
Belgium	1	1	-	2
Bulgaria	-	-	-	-
Cyprus	1	-	-	1
Czech Republic	1	1	-	2
Denmark	1	2	-	3
Estonia	1	-	1	2
Finland	1		-	1
France	1	2	-	3
Germany	2	2	-	4
Greece	-	-	-	-
Hungary	-	-	1	1
Iceland	-	-	-	-
Ireland	1	1	1	3
Italy	1	2	1	4
Latvia	-	-	-	-
Liechtenstein	-	-	-	-
Lithuania	-	-	1	1
Luxembourg	1	-	-	1
Malta	1	-	-	1
Netherlands	1	-	-	1
Norway	-	-	-	-
Poland	-	-	-	-
Portugal	-	1	-	1
Romania	-	-	-	-
Slovakia	-	1	-	1
Slovenia	1	-	-	1
Spain	1	-	1	2
Sweden	1	1	-	2
United Kingdom	1	3	-	4
Other <sup>12</sup>	1	-	-	1
<b>Total</b>	<b>20</b>	<b>18</b>	<b>7</b>	<b>45</b>

Source: Civic Consulting survey. Note: the Insurance Association of Cyprus, the German Insurance Association (GDV), the German *Verband der privaten Krankenversicherung e.V.*, the French Banking Federation (FBF), the *Fédération française des sociétés d'assurances* (FFSA), and the Association of British Insurers in the UK submitted a separate document in response to the survey, and did not participate in the online survey.

<sup>12</sup> Reinsurer with overview of several EU markets (Swiss Re).

***Insurance companies and banks***

The survey of financial service providers was intended to obtain evidence on whether and how the factors sex, age, and disability are used in practice in the design and supply of financial products. The rate of response was satisfactory and insurers from 22 EU and EEA countries responded.

In total, 81 insurance companies filled in the online questionnaire. The table below shows that participation was especially high in Belgium, where 18 insurance companies returned the questionnaire. Similar to some national insurance associations, 3 German insurance companies did not take part in the online survey but submitted statements or responses in a separate document. Some insurance companies, especially in France, referred to the answer submitted by the national association.

A total of 39 banks participated in the online survey. Again service providers in Belgium returned the highest number of questionnaires (9), followed by France (6) and Germany (5).

When considering all answers, a total of 123 banks and insurance companies participated in the survey.

**Table 5: Insurers and banks that responded to the survey**

Country	Insurers	Banks	Total
Austria	1	1	2
Belgium	18	9	27
Bulgaria	-	-	-
Cyprus	1	-	1
Czech Republic	-	-	-
Denmark	-	3	3
Estonia	7	-	7
Finland	4	-	4
France	1	6	7
Germany	4	5	9
Greece	-	3	3
Hungary	2	-	2
Iceland	-	-	-
Ireland	10	2	12
Italy	1	-	1
Latvia	4	-	4
Liechtenstein	1	-	1
Lithuania	-	1	1
Luxembourg	-	2	2
Malta	2	2	4
Netherlands	8	-	8
Norway	-	-	-
Poland	-	-	-
Portugal	-	-	-
Romania	-	-	-
Slovakia	-	-	-
Slovenia	1	-	1
Spain	7	1	8
Sweden	7	4	11
United Kingdom	5	-	5
<b>Total</b>	<b>84</b>	<b>39</b>	<b>123</b>

Source: Civic Consulting survey. Note: 3 insurers submitted a separate document in response to the survey, and did not complete the online questionnaire.

### **Survey of civil society organisations**

The survey of civil society organisations aimed to complement the information provided by national authorities and equality bodies concerning complaints of alleged discrimination and measures to prevent discriminatory practices, and to improve our understanding of the positions of these stakeholders. The list of civil society organisations involved in the survey includes, among others, national members of the European Women Lobby, AGE, ILGA, as well as consumer associations. Following a specific request by the European Disability Forum, Civic Consulting developed a shorter version of the questionnaire addressed to civil society organisations for the EDF members, which focused mainly on complaints.

In addition to the link to access the questionnaire survey, civil society organisations also received a form in Word format to document cases of alleged.

A total of 22 organisations participated in the online survey. Organisations in Germany returned the highest number of questionnaires (5). Compared to the surveys of other stakeholders, the rate of response for the survey of civil society organisations was lower. Presumably many civil society organisations do not deal with discrimination issues or they do not specifically record complaints of discrimination in financial services.

**Table 6: Civil society organisations (CSO) that responded to the survey**

Country	Civil society organisations active in the field of ...					Total
	Gender equality	Interests of elderly/ younger people	Consumer interests	Interests of people with disabilities	Other	
Austria	-	-	-	-	1	1
Belgium	-	1	1	-	-	2
Bulgaria	-	-	-	1	-	1
Cyprus	-	-	-	-	-	-
Czech Republic	-	1	-	-	-	1
Denmark	-	-	-	-	-	-
Estonia	-	-	-	-	-	-
Finland	-	1	-	-	-	1
France	-	-	-	-	-	-
Germany	-	-	2	1	2	5
Greece	-	-	-	-	-	-
Hungary	-	-	-	-	-	-
Iceland	-	-	-	1	-	1
Ireland	-	1	-	-	-	1
Italy	-	-	-	-	-	-
Latvia	-	-	-	-	-	-
Liechtenstein	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-
Luxembourg	-	-	-	-	-	-
Malta	-	1	-	-	-	1
Netherlands	-	-	-	-	-	-
Norway	-	-	-	-	-	-
Poland	-	1	-	-	1	2
Portugal	-	-	1	-	1	2
Romania	1	-	-	-	-	1
Slovakia	-	-	-	-	-	-
Slovenia	-	-	-	-	-	-
Spain	-	-	-	-	-	-
Sweden	-	1	-	-	-	1
United Kingdom	-	-	-	2	-	2
<b>Total</b>	<b>1</b>	<b>7</b>	<b>4</b>	<b>5</b>	<b>5</b>	<b>22</b>

Source: Civic Consulting survey. Notes: the Campaign Against Homophobia in Poland, the Lisbon Arbitration Centre for Consumer Complaints in Portugal, Klagsverband in Austria, and the *Antidiskriminierungsberatung für MigrantInnen* and the *Kundenbeschwerdestelle des Bundesverbands Öffentlicher Banken Deutschlands e. V.* in Germany are classified under "Other".

### 6.3.3 Interviews and case studies

A first round of exploratory interviews was conducted with key stakeholders, including relevant organisations at EU level during the inception phase of the study. Parallel to conducting the surveys, a second round of interviews was carried out with national representatives of all stakeholder groups (industry associations, financial providers, authorities, equality bodies, and civil society organisations focusing on consumer financial services and/or representing the interests of potential victims of discrimination) in four selected countries (Belgium, Germany, Sweden, and the United Kingdom). In addition, interviews were conducted in three additional Member States (Cyprus, France, and the Netherlands) focusing on specific aspects that appeared to be relevant for the study, identified through the survey results.

#### Exploratory interviews

A total of 13 interviews with representatives of key stakeholder organisations were conducted, including EU-level representatives of the banking and insurance industry, equality bodies, and relevant civil society organisations. The purpose of these interviews was to perform a first data collection, to gather or confirm relevant contacts for the survey, to provide an overview of the main issues at stake that contributed to the design of the survey questionnaire, and to identify countries for in-depth scrutiny. The table below presents the list of organisations interviewed.

**Table 7: Exploratory interviews conducted**

Country	Organisation	Stakeholder group	Date
EU	<i>Groupe Consultatif Actuariel Europeen</i>	EU-level association of actuaries	22.09.2009
EU	European Association of Public Banks	EU-level banking association	24.09.2009
EU	Eurofinas – European Federation of Finance House Associations	EU-level banking association	24.09.2009
EU	European Women’s Lobby	EU-level civil society organisation	24.09.2009
EU	European Mortgage Federation	EU-level banking association	25.09.2009
EU	CEA – European Insurance and Reinsurance Federation	EU-level insurance association	25.09.2009
EU	European Disability Forum	EU-level civil society organisation	29.09.2009
EU	AGE – The European Older People’s Platform	EU-level civil society organisation	22.09.2009
AT	Ombud for Equal Treatment	Equality body	23.09.2009
BE	Institute for the Equality of Women and Men within the Belgian Ministry of Gender and Equality	Equality body	23.09.2009
CY	Insurance Companies Control Service (CEOIPS member)	National supervisory authority	22.09.2009
UK	Age Concern and Help the Aged	Civil society organisation	23.09.2009
UK	Equality and Human Rights Commission	Equality body	24.09.2009

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### **In-depth interviews**

Our programme of semi-structured interviews with key stakeholders in the framework of case studies in four selected Member States (Belgium, Germany, Sweden, and the UK) has been completed. Some 39 organisations were spoken to. A number of other organisations were approached, but declined to be interviewed, for a variety of reasons, citing time constraints (e.g. as experienced with insurance companies) or lack of relevant data (e.g. an argument brought forward by some civil society organisations).

The aim of the interviews was to identify whether the factors sex, age, disability, racial/ethnic origin, religion/belief, and sexual orientation are used by financial providers, in particular whether they are used in the risk assessment of the five selected products for in-depth scrutiny and, if so, why. Interviews also investigated complaints of alleged discrimination and documented examples of discrimination, if reported by any stakeholder in the country, in particular a) financial products often subject to complaints, b) problem areas to which complaints mainly relate, and c) mechanisms to address such complaints. Finally, interviews explored whether measures to avoid discriminatory practices have been taken (i.e. legislation/regulation, as well as non-regulatory measures which limit possibilities for differentiation according to sex, age, disability, or other protected grounds), as well as reviewing available information and stakeholder views concerning the impact of these measures.

In addition to case study countries, three other Member States have been selected for in-depth scrutiny for particular aspects identified through the survey, namely specific measures which have been implemented (France) or information about the impact of the Gender Directive on the national insurance markets (Cyprus and the Netherlands).

The table below presents the list of organisations interviewed.

**Table 8: In-depth interviews conducted**

<b>Country</b>	<b>Organisation</b>	<b>Stakeholder group</b>	<b>Date</b>
BE	Banking, Finance and Insurance Commission (CBFA)	National supervisory authority	14.12.09
BE	Center for Equal Opportunities and Opposition to Racism	Equality body	05.01.10
BE	DKV Belgium	Bank	06.01.10
BE	Test-Achats	Civil society organisation	10.12.09
BE	Flemish Advisory Council for Older People	Civil society organisation	09.12.09
BE	Allianz	Insurance company	09.12.09
BE	Union Professionnelle du Crédit	National banking association	16.12.09
BE	Dexia Bank Belgium	Bank	07.01.10
BE	Ombudsman des Assurances Belgique	Ombudsman	08.01.10
BE	Assuralia	National insurance association	14.12.09
CY	Insurance Companies Control	National supervisory authority	16.03.10

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	Service		
CY	Insurance Association of Cyprus	National insurance association	13.03.10
CY	Ethniki Insurance	Insurance company	22.03.10
DE	Bundesanstalt für Finanzdienstleistungsaufsicht (Bafin)	National supervisory authority	11.12.09
DE	Verband der Privaten Bausparkassen e.V.	Bank	18.12.09
DE	Alte Leipziger Lebensversicherung	Insurance company	13.01.10
DE	Ergo Versicherungs AG	Insurance company	12.01.10
DE	German Federal Anti- Discrimination Agency	Equality body	11.12.09
DE	PKV Verband – The association of private health insurance providers	National insurance association	19.01.10
DE	Stiftung Warentest	Civil society organisation	14.01.10
DE	Sparkasse Hanau	Bank	06.01.10
DE	Verbrauchszentrale Bundesverband (VZBV)	Civil society organisation	22.01.10
DE	German Insurance Association (GDV)	National insurance association	16.12.09
FR	Autorité de Contrôle des Assurances et des Mutuelles	National supervisory authority	10.03.10
FR	BPCE	Insurance company	04.03.10
FR	Crédit Agricole S.A.	Bank	05.03.10
FR	French Banking Federation	National banking association	10.03.10
FR	<i>Fédération Française des Sociétés d'Assurances (FFSA)</i>	National insurance association	16.03.10
FR	<i>La haute autorité de lutte contre les discriminations et pour l'égalité</i>	Equality body	10.03.10
NL	Dutch Association of Insurers	National insurance association	12.04.10
NL	Dutch Equal Treatment Commission	Equality body	14.04.10
SE	Swedish Association of Senior Citizens	Civil society organisation	07.12.09
SE	Europeiska Foersaekrings	Insurance company	30.9.09
SE	Länsförsäkringsbolagens	Insurance company	14.01.10
SE	Swedbank	Bank	13.01.10
SE	Swedish Bankers Association	National banking association	13.01.10
SE	Swedish Equality Ombudsman	Ombudsman	12.01.10
SE	Folksam	Insurance company	11.01.10
SE	Finansinspektionen	National supervisory authority	30.11.09
SE	Swedish Insurance Federation	National insurance association	30.11.09
UK	RSA Group	Insurance company	14.12.09

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UK	Saga	Insurance company	16.12.09
UK	Association of British Insurers	National insurance association	12.01.10
UK	Institute of Actuaries	National actuarial association	16.12.10
UK	British Bankers' Association	National banking association	08.01.10
UK	Direct Line Insurance	Insurance company	08.01.10
UK	Equality Commission Northern Ireland	Equality body	11.01.10
UK	HM Treasury	National authority	14.01.10
UK	Financial Ombudsman	Ombudsman	27.01.10
UK	Macmillan Cancer Support	Civil society organisation	19.01.10
CH	Swiss RE	Reinsurance company	15.12.10
	UN representative	International organisation	29.03.10

#### **6.3.4 Legal analysis**

In four selected countries (Belgium, Germany, Sweden, and the United Kingdom) country studies were conducted that included a legal analysis and analysis of current practices and problems. Existing measures in other non-EU countries

For comparative purposes, two non-EU OECD countries have also been scrutinised in depth for current legislative framework concerning discriminatory practices in the provision of financial services and existing measures to avoid discriminatory practices, namely Canada and New Zealand.

#### **6.3.5 Documented examples of alleged discrimination**

In parallel to the survey, civil society organisations, ombudsmen, equality bodies, and national authorities were requested to document relevant complaints regarding alleged discrimination through a separate complaint documentation form which was circulated to all relevant bodies across the EU.

In response, Civic Consulting has received 56 complaints documented through the complaint documentation form, mostly from civil society organisations, ombudsmen, and equality bodies. In addition, the Cyprus Equality Body and the Equality Tribunal in Ireland provided information on some of their most relevant cases in other format and 3 additional cases were brought to the attention of Civic Consulting by the European Commission. The database of complaints, including all complaints processed so far and converted into the final format (in total 72 documented complaints)<sup>13</sup>, is included as Annex 3.

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<sup>13</sup> Three cases submitted through the documentation form by the Ombudsman of Minorities in Finland were identical and have been reported and counted in the database as one single complaint.

#### **6.4 Stakeholder meetings and expert hearing**

Civic Consulting attended two meetings organised by the European Commission, which were held in Brussels in September 2009: a meeting of the Forum on the implementation of Article 5 of Directive 2004/113/EC and a meeting organised in the framework of the Dialogue on the use of age and disability in financial services.<sup>14</sup> In the meetings, Civic Consulting presented the aims of the study and the methodology developed to address the tasks to be accomplished.

In addition, Civic Consulting proposed the agenda and attended a second meeting of the Dialogue on the use of age and disability in financial services, the hearing of experts, which took place on 8 December 2009. The expert hearing focused on the products selected for in-depth scrutiny, in order to generate as many synergies as possible between the Dialogue and the study. At the expert hearing Civic Consulting presented the methodological approach to define what constitutes a discrimination problem and invited stakeholders to comment.

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<sup>14</sup> The Commission initiated a dialogue with the insurance and banking industry together with other relevant stakeholders to achieve a better common understanding of the areas where age and disability are relevant factors for the design and pricing of the products offered in these sectors.

## **ANNEX 7: METHODOLOGICAL APPROACH TO DEFINE A DISCRIMINATION PROBLEM**

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## Study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors

*Excerpt from the Inception Report of Civic Consulting to the European Commission presented at the second meeting of the Dialogue on the use of age and disability in financial services in Brussels (8.12.2009)*

### **What constitutes a discrimination problem?**

#### **Methodological approach for the identification and analysis of actual and potential problems of discrimination**

##### ***Challenges***

During the stakeholder meetings on 9 and 10 September 2009 in Brussels and subsequent interviews it was confirmed that there is a significant disagreement among stakeholders concerning the question whether consumers experience actual and potential problems of discrimination in the provision of financial services on any of the protected grounds under Article 13 EC Treaty, and what precisely the definition of “discrimination problem” should be in this context. This disagreement concerning the understanding of discrimination problem poses a methodological challenge for the study, as the data collection concerning actual problems experienced by consumers and documented by e.g. equality bodies or civil society associations will have to take in to account all relevant dimensions of actual and potential problems of discrimination.

*The present excerpt presents the approach developed by Civic Consulting to define a discrimination problem, which was approved by the European Commission. Stakeholders are welcome to submit comments at latest by **January 11th 2010** to [financialservices@civic-consulting.de](mailto:financialservices@civic-consulting.de).*

##### ***Approach to address challenges***

#### **a) The approach of the Terms of Reference for the study (TOR) and clarifications by the Commission during the kick-off meeting**

The TOR differentiate between two types of actual and potential problems of discrimination. According to the TOR, “Discrimination can occur due to lack of access to financial products (e.g. refusal to provide requested service) or due to discriminatory conditions of access (e.g. prohibitively expensive premiums, excessively long waiting periods, downgraded access to alternative products).” This categorisation of discriminatory practices will form the basis of our approach for analysing discrimination problems. However, as the borderline between

*discriminatory* conditions of access (such as an excessively high premium not justified by higher risk) and *differentiated* conditions of access (such as a higher premium due to higher risk) to a specific financial service can be blurred, we will use here the more neutral term “differential”. Also, the lack of access is relevant in this context mainly if it is caused by a denial of a provider to provide a specific financial service to a specific customer. This leads to two general categories of discrimination problems:

- ❑ Discrimination problems caused by *differential conditions of access*;
- ❑ Discrimination problems caused by *denial of access*.

During the kick-off meeting with the Commission and subsequent communication it was also clarified that the study will focus on harmful discrimination (as a legal concept), rather than on financial exclusion. Preferential offers and marketing approaches are not in the focus of the study,<sup>1</sup> including positive action<sup>2</sup> and specific providers that offer their services to members of one group defined by the protected grounds under Article 13 EC Treaty only (e.g. insurance companies serving women only or disabled only).<sup>3</sup>

The Commission also clarified that the Contractor will, when refining the definition of discrimination in the context of financial services, refer to the relevant provisions in Directive 2004/113 and in the proposed Directive COM(2008) 426, and will also take into account stakeholder opinions in this respect to safeguard that the various competing concepts of discrimination are reflected in the study.

## **b) The legal definition of discrimination**

The point of reference for the study is the definition of discrimination as provided in the relevant EU Directives. For example, the Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation<sup>4</sup> defines direct and indirect discrimination in Article 2. The key concepts of the proposed Directive reflect the current legislation.<sup>5</sup> Based on the wording of Article 2 and taking into account all protected grounds listed in Article 13 of the Treaty, the concept of direct and indirect discrimination in EU legislation can be summarised as follows:

- Direct discrimination occurs where one person is treated less favourably than another is, has been or would be treated in a comparable situation, on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
- Indirect discrimination occurs where an apparently neutral provision, criterion or practice would put persons of a particular sex, a particular racial or ethnic origin, a particular

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<sup>1</sup> Except in the case of products that are offered to remedy access problems, such as signposting to special offers for travel insurance for elderly, relevant for Task 3.

<sup>2</sup> Art. 6 of Directive 2004/113/EC.

<sup>3</sup> As is possible in the case of sex under Art. 4(5) of Directive 2004/113/EC.

<sup>4</sup> COM(2008) 426 final, Article 2.

<sup>5</sup> COM(2008) 420 final.

religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

The key questions of the study refer to the problem of direct discrimination, as actuarial and risk factors related to sex, disability and age are *directly* used in the provision of insurance, banking and other financial services (see following table).

**Table 1: Use of protected grounds such as sex, age etc. with regards to supply and design of insurance and loan products**

Product group	Use of protected grounds
<b>Insurance products</b>	<ul style="list-style-type: none"> <li>▪ <u>Premium rates</u> and pricing depending on age, disability, sex etc.</li> <li>▪ <u>Other contractual conditions</u> (such as benefits, exclusions), e.g. related to sex, specific health aspects</li> <li>▪ <u>Eligibility criteria</u> referring to age, sex, disability etc. (e.g. minimum or maximum age)</li> <li>▪ <u>Additional checks</u> required for specific groups (e.g. medical screening)</li> </ul>
<b>Loan products</b>	<ul style="list-style-type: none"> <li>▪ Use of specific <u>borrower characteristics</u> (age, sex etc.) in credit scoring</li> <li>▪ <u>Eligibility criteria</u> referring to age</li> <li>▪ <u>Vulnerability assessments</u> depending on specific borrower characteristics (e.g. age)</li> <li>▪ Additional <u>affordability questions</u> depending on specific borrower characteristics</li> </ul>

Because of the widespread use of sex, disability and age for risk assessments the proposed Directive (in Article 2(7)) foresees an exception for financial services and allows Member States to permit *"proportionate differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk based on relevant and accurate actuarial or statistical data."* In a nearly similar wording Directive 2004/113/EC (in Article 5(2)) provides Member States the discretion to permit *"proportionate differences in individuals' premiums and benefits where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data"*.

This allows differentiating two categories of direct discrimination problems according to EU legislation in force/drafted, depending on the protected grounds:

- a. The use of racial or ethnic origin, religion or belief, or sexual orientation which is considered to be discriminatory under all circumstances.
- b. The use of sex, disability, or age, which is considered to be discriminatory if (for the product in question):
  - Differences in treatment/individuals' premiums and benefits are *not* proportionate;
  - Sex, disability, or age are *not* a key/determining factor in the assessment of risk;
  - The assessment of risk is *not* based on relevant and accurate actuarial and statistical data.

As risk assessment in financial services directly relates to the use of the protected grounds, the problem of indirect discrimination appears to be of less relevance for the study. *Indirect*

*discrimination problems* occur according to definition of the concept in EU legislation if an apparently neutral practice of a financial service provider would put persons of a particular sex, a particular racial or ethnic origin, etc. at a particular disadvantage compared with other persons, and this is not objectively justified by a legitimate aim and the means of achieving that aim are not appropriate and necessary. Hypothetical examples for indirect discrimination could be that a consumer is declined a loan or insurance cover because of his or her nationality (which is covered by Article 12 of the EC Treaty and therefore does not fall under protection grounds of Article 13), and this practice would put a person of a particular racial or ethnic origin at a disadvantage which is not justified (depending on the circumstances). Another hypothetical example would be that a risk assessment by a provider of financial services using the post code as criteria might lead to higher interest rates for customers from a specific suburb of a city, because the provider argues that data on loan defaults indicates a higher risk of default in similarly structured regions of the city. This could possibly constitute indirect discrimination, if this suburb would be mainly inhabited by ethnic minorities, and therefore would again put persons of a particular racial or ethnic origin at a disadvantage. Although this study will indicate whether problems of indirect discrimination are reported or not, this is not the main emphasis of the study. Interviews conducted with stakeholders have confirmed that reported problems mainly relate to direct discrimination and that it is sensible to differentiate between the protected grounds sex, disability, or age on the one hand and racial/ethnic origin, religion/belief, or sexual orientation on the other.

### **c) Direct discrimination on the grounds of sex, age and disability**

Defining the problem of direct discrimination on the grounds of sex, age and disability clearly is at the core of the issue. The polarised debate of stakeholders indicates that any unambiguous definition of what a discrimination problem consists in these areas risks to be seen as “taking side” with one or the other stakeholder group. We therefore will, taking into account suggestions by the Commission, apply alternative definitions of discrimination as suggested by stakeholder groups to identify and analyse actual and potential problems of discrimination concerning the three mentioned grounds (sex, age and disability). The use of different views will also contribute to a better understanding of the different dimensions of the problem.

Based on the stakeholder interviews conducted so far, two main lines of argument can be differentiated concerning what constitutes a discrimination problem regarding the grounds of sex, age and disability. These approaches are described in the following paragraphs and a total of three related definitions for the definition of a discrimination problem are developed. These definitions are preliminary at this stage and will be refined in the course of the study.

A. Broad approach concerning definition of discrimination problem: Any use of sex, age and disability in the design and supply of financial services constitutes discrimination

Organisations bringing forward this line of arguments are civil society organisations. Their arguments are summarised in the following table:

**Table 2: Suggested definition of discrimination problem – broad approach**

Organisation	Summary of how organisation defines harmful discrimination, or a discrimination problem, on a practical level
AGE	The general rule to apply in order to decide whether a complaint constitutes a case of discrimination is considering whether the discriminatory factor is a characteristic on which the individual can decide upon (e.g. lifestyle choices, individual behaviour). If not (e.g. age, sex), lack of access or penalising conditions constitute a problem of discrimination.
European Women Lobby	Using the sex of a person to define an insurance premium or pension constitutes a breach of the fundamental right to equality between women and men as guaranteed by the European Treaty.

Source: Interviews Civic Consulting.

Based on these views the following no-exception definition of a discrimination problem concerning sex, age and disability can be used:

⇒ *According to the no-exception definition of a discrimination problem, the use of sex, age and disability in the design and supply of financial products is considered to be discriminatory under all circumstances.*

B. Circumstantial approach: It depends on the circumstances and the evidence on which financial service providers base their decisions whether the use of sex, age and disability constitutes discrimination

Organisations bringing forward this line of argument during the interviews conducted so far include a civil society organisation, an equality body and banking associations. Their arguments, which are quite different in substance and understanding of a discrimination problem, are summarised in the following table:

**Table 3: Suggested definition of discrimination problem – circumstantial approach**

Organisation	Summary of how organisation defines harmful discrimination, or a discrimination problem, on a practical level
AT Ombuds	The criteria used to judge whether a case constitute discrimination or not are primarily <u>statistical data</u> .
AGE Concern and Help the Aged	Age Discrimination can constitute a problem if it is not a proportionate means of achieving a legitimate aim. The aim must reflect a real and objective need which is not discriminatory in itself. The means of achieving the aim must be: <ul style="list-style-type: none"> <li>- justified by <u>relevant and accurate evidence</u> – which could include actuarial or statistical data or a bona fide professional opinion in the case of insurance, for example.</li> <li>- <u>a proportionate response</u> – that is, the same aim could not be achieved by less</li> </ul>



	discriminatory means, and/or the justification is important enough to over-ride the impact of the discriminatory treatment.
European Mortgage Federation	The criteria to distinguish a case of harmful discrimination from a case of objective refusal would be to investigate whether a <u>proper risk assessment</u> has been carried out and whether the refusal is motivated by an objective analysis.
CEA	The starting point is Art. 13 of EC Treaty that does not foresee an absolute prohibition to differentiate. The principle of non-discrimination states that persons equally situated must be treated equally, but also that persons unequally situated must be treated differently. Consequently, <u>discrimination would then mean that equals are treated unequally and that unequals are treated equally</u> . So the starting point is the comparability of situations. [...] Different risk exposures are different situations. These different situations need to be treated differently according to the non-discrimination principle. On that basis, risk differentiation does not represent discrimination. [...] An eventual denial of coverage is the result of risk assessment, but is not discriminatory.

Source: Interviews Civic Consulting.

All arguments presented above refer in the one or other way to the evidence base and the circumstances on which financial service providers base their decisions, either explicitly by referring to statistical data, which is needed to assess possible discriminatory behaviour, or implicitly by referring to the comparability of situations, the assessment of which would require some objective evidence.

However, there are significant differences in opinion concerning the character of the evidence/data required, and whether – in line with the planned Directive – differences in treatment have to be proportionate and what that means in practice. An issue of particular relevance is whether or not a decision of the provider to deny access to a product solely based on sex, age or disability can be proportionate, or should as a general rule considered being not proportionate.

We therefore propose to use two alternative, simplified definitions of “discrimination problem” under the evidence approach as benchmark for identifying potential or actual problems of discrimination.

The first definition under the circumstantial approach can be called the strictly proportionate definition of a discrimination problem concerning sex, age and disability:

⇒ *According to the strictly proportionate definition of a discrimination problem, the use of sex, age and disability in the supply and design of financial products is considered to be discriminatory if differences in treatment are not based on relevant evidence (such as actuarial or statistical data), or if these differences are not proportionate. A decision to deny access to a product solely based on sex, age or disability is as a rule considered being not proportionate.*

Finally, we propose to use a minimum definition of a discriminatory practice. It would only refer to the evidence base for the risk assessment that is needed to safeguard that equal risks and equal situations lead to an equal treatment. The main difference is that no proportionality test would be required, and that a decision to deny access can be legitimate as a rule and would not be considered a discrimination problem.

The second definition under the circumstantial approach can be called the evidence-only definition of a discrimination problem concerning sex, age and disability:

⇒ *According to the evidence-only definition of a discrimination problem, the use of sex, age and disability in the supply and design of financial products is considered to be discriminatory if differences in treatment are not based on relevant evidence (such as actuarial or statistical data). A decision to deny access to a product solely based on sex, age or disability is therefore not considered discriminatory if done evidence-based and consistently, in line with the principle that equal situations lead to equal treatment.*

In other words, although the two definitions both result from the circumstantial approach and are very similar on a first glance, they lead to very significant differences in what is considered a discrimination problem, with the main difference being that under the strictly proportionate definition a denial of access to a product is generally considered a discrimination problem, while under the evidence-only definition this is not the case.

#### **d) Direct discrimination on the grounds of racial or ethnic origin, religion or belief, sexual orientation**

The situation appears to be less controversial concerning the other protected grounds (racial or ethnic origin, religion or belief, sexual orientation). There is general consensus among stakeholders that it is not appropriate to use these grounds for the supply and design of financial products (other than perhaps in the framework of positive action, which is not covered by this study). We can therefore simply use the no-exception definition proposed above to identify a discrimination problem:

⇒ *The use of racial or ethnic origin, religion or belief, sexual orientation in the design and supply of financial products is considered to be discriminatory under all circumstances.*

#### **e) Resulting categorisation of discrimination problems**

The definitions of a discrimination problem can now be used to categorise documented and hypothetical discrimination problems. In the exploratory interviews, stakeholder provided examples for situations that they considered to be discrimination problems. These included:

- Refusal to provide a quote by individual companies (e.g. age thresholds for access to products);
- Prohibitively expensive premiums (Pricing of quotes so great, that they are effectively too high to be considered a realistic option for that consumer)
- Differences in treatment not justified by evidence (Differences in premiums are not justified by relevant and accurate evidence and/or are not a proportionate response);
- Excessively long waiting periods;
- Reduction of consumer choice through denial of services by some providers (i.e. only a reduced number of providers for a segment of the market exists, meaning a group of consumers has to put in additional effort to find a suitable provider, and does not have the advantage of a fully competitive market place);

- Lack of access to bundled products (such as bank accounts offering free travel insurance, but only to customers of a certain age, meaning certain groups of consumers are not able to derive the same benefits of these accounts).

On basis of the considerations presented in the previous sections, these and other real and hypothetical problems can be categorised as follows:

**Table 4: Indicative categories of discrimination problems**

Ground	Type of problem	Hypothetical examples of problems	Is this a discrimination problem?			How to assess problem?	
			No-exception definition	Strictly proportionate definition	Evidence-only definition		
<b>Sex, age, disability</b>	<i>Differential conditions of access</i>	Higher motor insurance premiums for young men (in line with higher risk)	<b>Yes</b>	<b>No</b>	<b>No</b>	Documented use of ground and evidence base	
		Lower annuity payment to women (due to longer life expectancy)		Depends on concept of proportionality			
		High (possibly unaffordable) insurance premiums for elderly drivers based on higher risk					
		Use of age bands for premium definition in travel insurance					
		Excessively higher insurance premiums for elderly drivers without proper risk assessment/evidence		<b>Yes</b>			<b>Yes</b>
		Higher interest rates for women for loans without indications that risk of default is higher					
	<i>Denial of access</i>	Refusal to provide a quote for a travel insurance because of age thresholds		<b>No</b>	Documented refusal or company policy		
		Lack of access to bundled products such as bank accounts offering free travel insurance, but only to customers of a certain age					
		Reduction of consumer choice for e.g. travel insurance through denial of services for elderly by some providers				Documented refusals/ company policies affecting choice	
		Excessively long waiting periods to obtain a quote for a disabled person					(Likely Yes, but no clear criteria)
<b>Racial or ethnic origin, religion or belief, sexual orientation</b>	<i>Differential conditions of access</i>	Higher insurance premiums for homosexuals	<i>Definitions not applicable for these grounds</i>	Documented use of grounds			
		Higher interest rates for ethnic minorities (because of ethnicity, not other factors such as employment status)					
	<i>Denial of access</i>	Denial of insurance cover or loans for ethnic minorities					

Source: Civic Consulting

The table above illustrates that the *no-exception definition* is very broad and all hypothetical problems are considered to be examples of discriminatory practices. To identify a discrimination problem under this definition at a practical level, only the use of the ground as such would need to be documented to be able to make a judgement concerning a specific example case.

In contrast, the other extreme, the *evidence-only definition* leads to only a very limited number of situations that would be considered to be discriminatory. To identify a discrimination problem under this definition, documentation would be needed that indicates that no proper risk assessment by the company was done, or that the same company treated individuals that were identically situated differently (e.g. raising premiums for elderly only, although the underlying cost increases in the provision of the product were similar for all age groups). This would imply that documenting a discrimination problem under this definition is complex and (confidential) information of the company would need to be accessed. It is therefore likely that this type of problems can only be identified by relevant bodies with inquisitorial powers (e.g. an financial services ombudsman), by equality bodies or by court.

Finally, whether a specific practice is discriminatory under the *strictly proportionate definition* depends in some cases (but not all) on the precise definition of proportionate, and again evidence would need to be accessed in these cases that is likely to be only accessible to ombudsmen, equality bodies and court. However, other dimensions, such as the denial of access to a specific service, are relatively easy to identify, as it is sufficient to document cases (or company policies) where specific consumers are denied access to a specific product because of their age, sex or disability.

In conclusion, the application of the definitions proposed by stakeholders and refined in the previous paragraphs require different data for applying them to a specific example case. For this study, we aim to apply all three definitions, to the extent that relevant data is available from the various sources. The discussion of accessibility of data indicates that specific efforts will be needed to collect data on discrimination problems that relate to a lack of appropriate evidence and/or a lack of a proportionate treatment, which were documented by ombudsmen, equality bodies and through court cases/decisions.

It is suggested that this indicative categorisation of discrimination problems and the underlying definitions are refined in the further process of study implementation. At this stage, the alternative definitions presented above are mainly relevant to understand the data needs for the documentation of example cases of discriminatory practices.

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## **ANNEX 8: COMMENTS ON APPROACH TO DEFINE A DISCRIMINATION PROBLEM**

Two industry stakeholders submitted comments to Civic Consulting's discussion paper on the approach to define a discrimination problem: the German insurance company Allianz AG and the European insurance and reinsurance federation (CEA). The comments of Allianz were largely reflected in the CEA statement and are therefore not separately presented in this Annex.



To: Civic Consulting

Our reference: LIF-DSC-09-026

Subject: CEA's comments on Civic's definitions of the discrimination problem

Brussels, 25 January 2010

Dear Madam, Dear Sir,

The CEA understands the willingness of Civic to base its study on the use of age, disability, sex, religion, race or ethnic origin and sexual orientation in financial services on an objective approach by using three different definitions of a discrimination problem, as presented for the first time during the EC hearing of 8 December 2009 and detailed in its paper "*What constitutes a discrimination problem?*". However, the CEA believes that none of the proposed definitions comply with the meaning of the general principle of non discrimination as materialised eg in Article 2 of the so-called Gender Directive 2004/113/EC, or Article 2 of the draft Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008) 426 final) (the proposed "Equal treatment Directive"). Therefore, the CEA fears that this exercise will result in wrong assessments, as further explained here below.

## I. GENERAL COMMENTS

- As a preliminary remark, the CEA would like to reiterate that differentiation according to risk exposure is not discrimination but a pre-condition for the functioning of voluntary private insurance.
- The issue of the definition of discrimination goes far beyond the provision of financial services, including insurance products. It is therefore a general political issue, which should not be dealt with within such a limited framework.
- Discrimination has to be defined in accordance with EU primary law. Therefore, no reference can be made to the Test Achats case regarding the opt-out in Article 5(2) of the Gender Directive 2004/113/EC that is currently before the European Court of Justice (ECJ). Any reference to this undecided case would create major legal uncertainty.
- Member State implementation of the Gender Directive 2004/113/EC is currently under review. Therefore, it is surprising to see that the provision contained in Article 5 of the Gender Directive 2004/113/EC for risk assessment in financial services is challenged by CIVIC. This challenge goes far beyond the implementation review and the remit of the Civic study.

- The reference made to the EC proposed Equal treatment Directive in page 3 of Civic's paper is not up-to-date<sup>1</sup> as this proposal is still under discussion in the Council. The discussions on the wording of Article 2.7 have meanwhile advanced a lot compared to the initial EC Directive wording proposal<sup>2</sup>.
- The term "discrimination" was used in the questionnaires sent to financial services companies and their national associations without having been defined beforehand. Further, Civic acknowledges that defining the direct discrimination is "at the core of the issue", and yet there was no reference to this in the questionnaires or any guidance given to those invited to fill out the questionnaires. We are therefore surprised with the approach chosen, ie proposing definitions of discrimination ex-post for the assessment of the findings.
- Civic proposes three definitions of the perceived discrimination problem but presents the first (the "no-exception definition") and the third (the "evidence-only definition") as two extreme definitions, which implies that Civic may promote the second definition (the "strictly proportionate definition") as a compromise one. This is not acceptable, as further explained here below.

## II. COMMENTS ON THE CONTENT

### 1. The "No-exception definition"

Under the "no-exception definition" proposed by Civic, the use of sex, age and disability in the design and supply of financial products is considered to be discriminatory under all circumstances.

This definition of discrimination is not acceptable as it does not comply with current EU and national legal frameworks. Firstly, neither the Treaty on the Functioning of the European Union (TFEU, ex-EC Treaty) nor the Charter of Fundamental Rights of the European Union (EU Charter), which is now part of the Lisbon Treaty, defines discrimination. However, the ECJ developed and adopted a definition of discrimination according to which **there is discrimination if equal and comparable situations are treated differently**<sup>3</sup>. Secondly, there are definitions of direct discrimination that have materialised in various EU Directives; for example the Gender Directive 2004/113/EC and the proposed Equal treatment Directive. In this context, there is direct discrimination where one person is treated less favourably, on grounds of age, sex, disability [...], than another is, has been or would be treated in a comparable situation.

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<sup>1</sup> « The proposed Directive (in Article 2(7)) foresees an exception for financial services and allows Members States to permit « proportionate differences in treatment where, for the product in question, the use of age or disability is a key factor in the assessment of risk based on relevant and accurate actuarial or statistical data" ».

<sup>2</sup> See Article 2(7) of the Spanish Presidency's drafting suggestions of 13 January 2010 on the Recitals and Articles 1 to 3 of the proposed Equal treatment Directive (5188/10) :

*"Notwithstanding paragraph 2, in the provision of financial services, proportionate differences in treatment where, for the service in question, the use of age or disability is a determining factor in the assessment of risk based on relevant **actuarial principles**, accurate statistical data or **medical knowledge** shall not be considered discrimination for the purposes of this Directive."*

<sup>3</sup> See eg ECJ C-279/93, Finanzamt Köln-Altstadt v. Roland Schumacker; C-411/96, Margaret Boyle and Others v. Equal Opportunities Commission; C-391/97 Frans Gschwind v. Finanzamt Aachen-Aussenstadt; C-303/05 Advocaten voor de Wereld; C-127/07 Société Arcelor Atlantique et Lorraine e.a.; C-356/98 Arben Kaba v. Home Secretary.



It is made very clear in these pieces of relevant EU legislation that **not every differentiated treatment constitutes discrimination**. Rather, two requirements have to be fulfilled to assume there is discrimination: (i) there has to be a different treatment; and (ii) the two people/groups in consideration have to be in an equal and/or comparable situation. Therefore, the “no-exception definition” developed by Civic, stating there is discrimination if either “sex, age or disability” is used in the design and supply of financial services, is incongruous to these two requirements as it prohibits differentiation under all circumstances.

Besides, according to EU law, differentiated treatment may be objectively and reasonably justified by a legitimate aim if the means of achieving that aim are appropriate and necessary (eg 19 TFEU, Article 4(5) of the Gender Directive 2004/113/EC).

This was recently confirmed by the ECJ in two preliminary rulings: in cases C-229/08<sup>4</sup> and C-341/08<sup>5</sup> of 12 January 2010 ruled in the context of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation<sup>6</sup>. In those two decisions, the ECJ ruled that EU law does not preclude national legislation which sets an age limit as long as the latter has a legitimate objective and is **proportionate**, ie it is appropriate for achieving the objective aimed at and does not go beyond what is necessary to achieve it.<sup>7</sup>

Under national law, there are also provisions which allow for the justification of a different treatment in equal and comparable situations.

The “no-exception definition” does not allow for any exception such as the opportunity to justify a difference of treatment by a measure that is proportionate and has a legitimate objective. As a consequence, this definition is too narrow. With regard to the above, **it is in our view unlawful**.

## **2. The “strictly proportionate definition”**

According to the strictly proportionate definition proposed by Civic, the use of sex, age and disability in the supply and design of financial products is considered to be discriminatory if differences in treatment are not based on relevant evidence (such as actuarial or statistical data), or if these differences are not proportionate. A decision to deny access to a product solely based on sex, age or disability is as a rule considered as not being proportionate.

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<sup>4</sup> Colin Wolf v. Stadt Frankfurt am Main.

<sup>5</sup> Domnica Petersen v. Berufungsausschuss für Zahnärzte für den Bezirk Westfalen-Lippe.

<sup>6</sup> According to Art. 4(1) of this Directive: “*Notwithstanding Articles 2(1) and (2) [which prohibit any direct or indirect discrimination whatsoever on any of the grounds referred to in Article 1 – religion or belief, disability, age or sexual orientation] , Member States may provide that a difference of treatment which is based on a characteristic related to any of the grounds referred to in Article 1 shall not constitute discrimination where ... such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.*”

Pursuant to Article 6(1): “*Notwithstanding Article 2(2), Member States may provide that differences in treatment on grounds of age shall not constitute discrimination if, within the context of national law, they are objectively and reasonably justified by a legitimate aim, ..., and if the means of achieving that aim are appropriate and necessary.*”

<sup>7</sup> See also ECJ C-411/05, Félix Palacios de la Villa v. Cortefiel Servicios SA.

When applying this definition to insurance contracts, a differentiated treatment of the particular issues and circumstances is permitted. This definition complies with the definition of discrimination at EU and national level as it allows justification of differences of treatment based on relevant evidence. To illustrate relevant evidence, the “strictly proportionate definition” names grounds “*such as actuarial and statistical data*”. This means that this is not an exhaustive list of examples, and that on the contrary comparable grounds may be referred to as well.

However, it remains undetermined what kind of relevant evidence is legitimate to justify discrimination and to what extent. In this definition, there might be a limitation of relevant evidence which is not in line with EU or national legislation (see above).

Furthermore, the assumption that a decision to deny access to a product solely based on sex, age or disability is as a rule considered as not being proportionate is inaccurate and goes against the principle of proportionality. It only takes into account the interests of the applicant, thereby ignoring the consequences for the community of policyholders. The proportionality principle also requires checking if there are no less incriminating measures available with regard to the applicant (eg a higher premium) in order to achieve the aim to protect the community of insureds, in line with the necessity test. It is only when no such alternative exists that a refusal must be permitted as an ultimate measure. A refusal has to be allowed in order not to prejudice the interests of all policyholders. Proportionality is a relative concept, meaning it is up to the Courts to determine on a case by case basis whether a measure is proportionate or not, ie that a fair balance must be found between the aim pursued and the interests harmed. Additionally, this assumption is impracticable as with regard to voluntary insurance, insurers are forced to provide insurance coverage against the standards of prudent calculation. This definition would also lead to an obligation to treat different matters equally, which would go against the principle of non-discrimination. **The strictly proportionate definition is therefore not acceptable from our point of view.**

### **3. The “evidence only definition”**

As regards this definition proposed by Civic, the use of sex, age and disability in the supply and design of financial products is considered to be discriminatory if differences in treatment are not based on relevant evidence (such as actuarial and statistical data). A decision to deny access to a product solely based on sex, age and disability is therefore not considered discriminatory as long as it is evidence-based and made consistently, in line with the principle according to which equal situations lead to equal treatment.

**From our point of view, this definition is the only one to be considered as lawful but needs further fine tuning.** Indeed, insurers need to be able to do risk assessment in voluntary insurance in order to allow consumers to benefit from risk adequate pricing as they pay a fair price for their risk exposure.

However, as already explained here above, the determination of relevant evidence as mentioned in this definition is uncertain. Other sources of evidence than actuarial and statistical data, **such as actuarial principles and medical knowledge** have also to be taken into consideration and should be explicitly mentioned. Otherwise, it could turn into a pure mathematical or statistical question. Indeed, many insurance companies have defined eligibility criteria, which exclude unusually high-risk customers. Actuarial principles ensure consistency with the European supervisory framework as insurance companies have to be sufficiently precautionary in their calculations so that insurers are in a position to fulfill their obligations vis-à-vis their clients. It is further important to consider medical knowledge for the following reasons:

- Within the EU, there are between 5000 and 8000 different types of rare diseases that affect or will affect 29 million EU citizens<sup>8</sup>, and statistical data are not sufficient, ie the quantitative approach, in order to assess the risks related thereto. A qualitative approach is therefore also needed.
- The same applies to new diseases, for which no statistical data are available at a preliminary stage.
- In some cases, even if statistical data are available, qualitative data are also needed as complementary information.

The CEA therefore believes that at least actuarial principles and medical knowledge also need to be mentioned in this definition. If insurers cannot rely on this range of information sources, insurance policies may not be offered anymore and this will lead to a reduction of the range of insurance products available on the market for consumers.

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<sup>8</sup> See EC Communication on "*Rare diseases: Europe's challenges*" of 11 November 2008 (COM(2008) 679 final).

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Study on the use of age, disability, sex, religion or belief, racial or ethnic origin and sexual orientation in financial services, in particular in the insurance and banking sectors – Part III: Annexes



## ANNEX 10: SURVEY QUESTIONNAIRES

## Civil Consulting - Survey of national authorities and equality bodies

### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

\*

#### SURVEY OF NATIONAL AUTHORITIES AND EQUALITY BODIES

Please return the completed questionnaire not later than **18 December 2009**

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to national authorities and equality bodies. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
- The questionnaire only refers to insurance and credit/banking products targeted at individual consumers and does not concern the treatment of individuals below the age of majority / contractual capacity;
- In the context of this study the following definitions apply:

*A person with a disability* is understood as someone who has a physical, mental, or sensory impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

*Sex* as a protected discrimination ground refers to differences made between men and women, but also to differences made on the basis of pregnancy and maternity.

*Ethnicity* is a population of human beings whose members identify with each other usually on the basis of real or presumed common cultural, linguistic, religious, behavioural or biological traits. For the purposes of the study, ethnic origin does not refer to nationality.

If you have any further questions, do not hesitate to contact:

Marie-Pascale Doré or Sara Buccino  
financialservices@civic-consulting.de  
Phone: +49 30 2196 2295  
Fax: +49 30 2196 2298

#### Definitions

##### **Insurance**

**Motor insurance** - insurance for private cars covering at least third party liability

**Travel insurance** - temporary insurance that covers, for the duration of the trip only, at least medical expenses and potentially financial and other losses incurred while travelling

**Private health insurance** - insurance that covers health risks in addition to (or for those not covered by) the national health care system

**Life insurance** - insurance which provides, in particular, payment on survival to a stipulated age or payment on the death of the insured to their beneficiary/ies

**Annuity products (including private pensions)** - insurance that provides regular payments in the future in exchange for

the payment of a lump sum or a series of regular payments prior to the onset of the annuity

**Critical illness insurance** - insurance policy that pays a benefit if the insured is diagnosed with a specified critical illness during the policy term

**Disability (income protection) insurance** - insurance that provides payments to replace lost income when the insured is unable to work because he/she becomes disabled

**Accident insurance** - insurance that covers losses caused by a bodily accident or expenses of medical treatment necessitated after a bodily accident

**Long-term care insurance** - insurance policy that covers costs of long-term care beyond a predetermined period not covered by health insurance

**Home insurance** - property insurance policy that covers losses occurring to private buildings and to their contents

**Loan insurance/Payment protection insurance** - insurance that protects monthly loan payments if holders become unemployed or suffer an accident or sickness

**Private liability insurance** - insurance that provides protection against third party claims, i.e., payment is typically to someone suffering loss caused by the insured

### Banking /credit

**Mortgage loans** - loan secured against a property

**Consumer credit** - short-term loan to consumers for the purchase of goods, including credit accounts at retail outlets, personal loans, hire purchase, but excluding credit cards

**Credit cards** - card entitling holders to buy goods and services based on the holders' promise to pay for these goods and services at a later stage

**Deposit account** - current or savings account, or other type of bank account, at a banking institution that allows money to be deposited and withdrawn by the account holder

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### TECHNICAL REMARKS

Thank you for filling out this questionnaire online. You may complete the survey in one sitting, or close it and return to complete it at a later time from the same computer. Each page that you fill in will be saved automatically when you proceed to the following page. For this purpose, please ensure that you have activated the cookies on your computer. In order to review the questions, you can always go back to the answers already provided by using the button << at the bottom of the page. You can also print out the survey to discuss the questions with your colleagues.

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### I. IDENTIFICATION DATA

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#### 1. Information about the respondent

##### 1a. Please identify the name of your organisation

##### 1b. Please identify your country

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**1c. Please specify the nature of your organisation**

- Equality body (established in accordance with relevant EU Directives)
- Ministry of Finance / Treasury
- Supervisory body for financial services
- Ministry in charge of equal treatment
- Other (please specify)

**1d. Questionnaire completed by (name, position, contact details)**

**1e. E-mail (obligatory)**

**II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, DISABILITY, RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF OR SEXUAL ORIENTATION FOR THE PROVISION OF CONSUMER PRODUCTS**

**2. Are sex, age, or disability used by financial providers in your country as a factor in risk assessment or marketing of the products listed below directly influencing prices or contractual conditions? Mixed products or products taken up by a third party (e.g. employer) for a consumer or employee are not considered.**

	Sex	Age	Disability	Don't know
Motor insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Travel insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private health insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Annuity products (including private pensions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Critical illness insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability (income protection) insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accident insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long term care insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Loan insurance/Payment protection insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private liability insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mortgage loans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consumer credit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Credit cards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deposit account	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

**3. Do financial services providers in your country use racial/ethnic origin, religion/belief, or sexual orientation as a factor in the design, supply or pricing of financial products provided to consumers?**

	Yes	No	Don't know
Racial/ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion/belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If financial service providers use one of the factors, please specify the products and practices to which you refer.

### III. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS

**4. During the last three years, have you received complaints from consumers or their representatives concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

Yes  No  Don't know

Comments

**If Yes,**

**4a. Please specify the number of complaints that you have received during the last three years by financial product.**

	Complaints received		Number of complaints received		
	Yes	No	2007	2008	2009
Motor insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Travel insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Private health insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Life insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Annuity products (including private pensions)	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Critical illness insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Disability (income protection) insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accident insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Long-term care insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

	Complaints received		Number of complaints received		
	Yes	No	2007	2008	2009
Home insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Loan insurance/Payment protection insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Private liability insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mortgage loans	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Consumer credit	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Credit cards	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Deposit accounts	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other (please specify) <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Comments

#### 4b. To which problem area did the complaints concerning discriminatory treatment relate?

- Refusal to provide requested services (denial of access to a product)
- General difficulty in finding a provider
- Excessive delays in obtaining cover/loan
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions
- Other (please specify)
- Don't know

Please specify products that were most frequently subject to complaints

#### 4c. To which of the factors do complaints mainly relate?

- Sex
- Age
- Disability
- Racial/ethnic origin
- Religion/belief
- Sexual orientation
- Other (please specify)
- Don't know

Comments

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**4d. Have you received any complaints regarding discriminatory treatment on grounds of gender reassignment (i.e. discriminatory treatment towards a person who intends to, is undergoing or has undergone a medical process for the purpose of reassigning sex)?**

Yes

No

Don't know

If Yes, please specify the nature of the complaints

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**4e. Have you received any complaints regarding discriminatory treatment on grounds of pregnancy and maternity?**

Yes

No

Don't know

If Yes, please specify the nature of the complaints

---

**4f. Please specify how you have addressed the complaints**

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- Given practical or legal advice to the complainant
- Requested information from the company to establish whether the treatment constituted a discriminatory practice
- Collected evidence to establish whether the treatment constituted a discriminatory practice
- Arranged a friendly settlement between the provider and the consumer
- Took a decision on the case
- Referred the case to a consumer complaint body (please specify the body)
- Referred the case to a supervisory authority (please specify the authority)
- Other (please specify)
- Don't know

Comments

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**5. Are you aware of court decisions/cases or decisions of financial regulators or decisions of consumer complaint bodies (e.g. ombudsman) concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

---

Yes

No

Don't know

If Yes,

**5a. Please specify the cases and the decision making body/ies****5b. Have these complaints been found justified by the court, financial regulators or consumer complaints bodies?**

- Most of the complaints
- Some of the complaints
- None of the complaints
- Don't know

**Please select up to 3 specific complaints that you have received (without providing the name of the consumer) and complete our separate complaint documentation form (can be ordered by e-mail from [financialservices@civic-consulting.de](mailto:financialservices@civic-consulting.de)).**

**IV. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES**

**6. Is there national legislation or regulation in force that prevents or restricts the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products?**

This includes measures concerning Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

	Legislation/regulation prevents use	Legislation/regulation restricts use	No restrictions	Don't know
Sex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race / Ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion / Belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**If national legislation or regulation is in force:**

**6a. Please specify the legal base and the year of coming into force****6b. Please select the products for which restrictions apply**

- Motor insurance
-



## Travel insurance

- Private health insurance
- Life insurance
- Annuity products (including private pensions)
- Critical illness insurance
- Disability (income protection) insurance
- Accident insurance
- Long term care insurance
- Home insurance
- Loan insurance/Payment protection insurance
- Private liability insurance
- Mortgage loans
- Consumer credit
- Credit cards
- Deposit account
- Other (please specify)

## Comments

**6c. Please assess what has been the impact of the existing national legislation/regulation for consumers concerning products for which restrictions apply.**

	Impact of restrictions related to use of sex (please select)	Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)
Prices/Premiums of these products	<input type="text"/>	<input type="text"/>
Accessibility of these products for all groups of consumers	<input type="text"/>	<input type="text"/>
Demand for these products	<input type="text"/>	<input type="text"/>
Number of companies providing these products	<input type="text"/>	<input type="text"/>

If possible, provide details of the impacts

**7. In case your country has already ratified the UN Convention on the Rights of Persons with Disabilities, please specify how Article 12.5 and Article 25(e) (dealing with financial services) have been implemented. Please specify if measures to ensure equal rights of persons with disabilities have been taken.**

8. Is there national legislation or regulation in force to ensure that specific **financial products considered to be essential** by the legislator/regulator are available (and affordable) for all consumers (e.g. duty to provide current accounts or third-party motor insurance)?

Yes

No

Don't know

If Yes, please list the relevant legal basis (law, regulation etc.) and the products for which it applies

9. Is there **new national legislation or regulation planned** to prevent or restrict the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products or to ensure that specific financial products considered by the legislator/regulator to be essential are available (and affordable) for all consumers?

Yes

No

Don't know

If Yes, please summarise the restriction(s) and describe what will be the impact of this national legislation/regulation

10. Please indicate **non-regulatory measures** in place in your country that prevent or restrict the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products or that ensure that specific financial products considered to be essential such as current accounts or third-party motor insurance are available (and affordable) for all consumers.

- Self-regulation in the financial services industry (e.g. codes of good conduct)
- Civil society or industry initiatives aiming at ensuring access for all customers to financial products (e.g. specialised providers)
- Measures to ensure transparency towards the consumer (e.g. information brochures, websites)
- No other (non-regulatory) measures

Please summarise key measures and which impacts they had on the market

11. Are there companies on your national market that are **avoiding or restricting** the use of sex, age or disability in the design, supply or pricing of financial products on voluntary basis, i.e. going beyond legal requirements?

Yes, many companies

Yes, few companies

No

Don't know

If Yes, please indicate the products you are referring to and exemplary providers

**12. Do financial service providers, the association of financial service providers or a government body regularly publish information concerning the use of age, sex, and disability in determining prices and contractual conditions in the design, supply or pricing of financial products?**

- Yes, the association of financial service providers publishes such data
- Yes, financial service providers publish such data
- Yes, a central government or other public body publishes such data (please specify the body)
- No, no data published

**Comments**

**If Yes,**

**12a. On which factor/s is information published?**

- | Sex                      | Age                      | Disability               | Other factors (please specify) |
|--------------------------|--------------------------|--------------------------|--------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/>           |

**Comments**

**12b. What kind of information is published?**

- General statements on how risk is calculated
- Detailed methods of calculation
- Public aggregate statistical data used
- Company specific statistical data used
- Other (please specify)

**Comments**

**12c. Is information published online?**

- Yes, companies publish information online
- Yes, companies communicate the information to a central authority which then publishes aggregate information online
- No, neither companies nor central authorities publish information online

If Yes, please provide the link to this information

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**12d. In your view, is this information intelligible by consumers?**

Yes, very intelligible

Yes, fairly intelligible

No, hardly intelligible

No, not intelligible at all

Comments

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**12e. Are you aware of or can you imagine other ways of guaranteeing transparency towards consumers?**

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**13. In your view, are there any other issues that need to be considered when discussing the need for measures to restrict the use of age, sex, and disability or other factors in providing financial products? For example, are there any trends or foreseeable innovations that can be expected to change the current situation in the mid- to long-term?**

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**14. Please indicate if you have any detailed information (e.g. studies, research) concerning the use of sex, age, disability, racial/ethnic origin, religion/belief, or sexual orientation by financial service providers in your country for the design, supply or pricing of financial products. Please summarise the key information and type of document that is available to you. Please also indicate if you could provide this information to us or the source from which it can be obtained.**

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**Dear respondent,**

**By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to complete the questionnaire again.**

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## Civic Consulting - Survey of national industry associations

### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

\*

#### SURVEY OF NATIONAL INDUSTRY ASSOCIATIONS

Please return the completed questionnaire not later than 14 December 2009

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to national associations of financial service providers. There is a separate questionnaire for member companies, for the distribution of which we kindly ask for your support. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
- The questionnaire only refers to insurance and credit/banking products targeted at individual consumers and does not concern the treatment of individuals below the age of majority / contractual capacity;
- In the context of this study the following definitions apply:

A person with a disability is understood as someone who has a physical, mental, or sensory impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Sex as a protected discrimination ground refers to differences made between men and women, but also to differences made on the basis of pregnancy and maternity.

Ethnicity is a population of human beings whose members identify with each other usually on the basis of real or presumed common cultural, linguistic, religious, behavioural or biological traits. For the purposes of the study, ethnic origin does not refer to nationality.

If you have any further questions, do not hesitate to contact:

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financialservices@civic-consulting.de

Phone: +49 30 2196 2295

Fax: +49 30 2196 2298

#### Definitions

##### **Insurance**

**Motor insurance** - insurance for private cars covering at least third party liability

**Travel insurance** - temporary insurance that covers, for the duration of the trip only, at least medical expenses and potentially financial and other losses incurred while travelling

**Private health insurance** - insurance that covers health risks in addition to (or for those not covered by) the national health care system

**Life insurance** - insurance which provides, in particular, payment on survival to a stipulated age or payment on the death of the insured to their beneficiary/ies

**Annuity products (including private pensions)** - insurance that provides regular payments in the future in exchange for the payment of a lump sum or a series of regular payments prior to the onset of the annuity

**Critical illness insurance** - insurance policy that pays a benefit if the insured is diagnosed with a specified critical illness during the policy term

**Disability (income protection) insurance** - insurance that provides payments to replace lost income when the insured is unable to work because he/she becomes disabled

**Accident insurance** - insurance that covers losses caused by a bodily accident or expenses of medical treatment necessitated after a bodily accident

**Long-term care insurance** - insurance policy that covers costs of long-term care beyond a predetermined period not covered by health insurance

**Home insurance** - property insurance policy that covers losses occurring to private buildings and to their contents

**Loan insurance/Payment protection insurance** - insurance that protects monthly loan payments if holders become unemployed or suffer an accident or sickness

**Private liability insurance** - insurance that provides protection against third party claims, i.e., payment is typically to someone suffering loss caused by the insured

### **Banking /credit**

**Mortgage loans** - loan secured against a property

**Consumer credit** - short-term loan to consumers for the purchase of goods, including credit accounts at retail outlets, personal loans, hire purchase, but excluding credit cards

**Credit cards** - card entitling holders to buy goods and services based on the holders' promise to pay for these goods and services at a later stage

**Deposit account** - current or savings account, or other type of bank account, at a banking institution that allows money to be deposited and withdrawn by the account holder

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### **TECHNICAL REMARKS**

Thank you for filling out this questionnaire online. You may complete the survey in one sitting, or close it and return to complete it at a later time from the same computer. Each page that you fill in will be saved automatically when you proceed to the following page. For this purpose, please ensure that you have activated the cookies on your computer. In order to review the questions, you can always go back to the answers already provided by using the button << at the bottom of the page. You can also print out the survey to discuss the questions with your colleagues.

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### **I. IDENTIFICATION DATA**

#### **1. Information about the respondent**

##### **1a. Please identify the name of your association**

##### **1b. Please identify your country**

**1c. Please identify the main business sector of your member companies**

- Banking
- Insurance
- Credit intermediary
- Other

**1d. Please specify the number of member companies you represent and their approximate market share in your country**

**1e. Questionnaire completed by (name, position, contact details)**

**1f. E-mail address (obligatory)**

**II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, OR DISABILITY FOR PROVISION OF CONSUMER PRODUCTS**

This section explores how your member companies use sex, age, or disability as a factor in design, supply or pricing of products provided to consumers in particular for five product categories (motor insurance, travel insurance, term life insurance, private health insurance and mortgage loans). Please only complete those sections that relate to products offered by your member companies.

**A. MOTOR INSURANCE**

Questions in this sub-section refer to insurance for private cars covering at least third party liability.

**2. Are sex, age, or disability used by your member companies as a factor in risk assessment or marketing of motor insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most of your member companies or only to some of them, in case you have such data available.

**3. Do your member companies currently provide motor insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by member companies (please select)
Motor insurance offered exclusively to women	<input type="text"/>
Motor insurance offered exclusively to men	<input type="text"/>
Motor insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Motor insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Motor insurance offered exclusively to consumers without specific disabilities	<input type="text"/>
Motor insurance offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**4. In order to understand your members' practices described in the previous question, please explain the current limits to insurability with regard to motor insurance (at the level of individual company).**

**5. Do your member companies currently offer motor insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**6. How do your member companies ensure that differences in treatment with regard to motor insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that your members use to ensure proportionality? What are related problems?**



**B. TRAVEL INSURANCE**

Questions in this sub-section refer to temporary insurance that covers, for the duration of the trip only, at least medical expenses, and potentially financial and other losses incurred while travelling.

**7. Are sex, age, or disability used by your member companies as a factor in risk assessment or marketing of travel insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most of your member companies or only to some of them, in case you have such data available.

**8. Do your member companies currently provide travel insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by member companies (please select)
Travel insurance offered exclusively to women	<input type="text"/>
Travel insurance offered exclusively to men	<input type="text"/>
Travel insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Travel insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Travel insurance offered exclusively to consumers without specific disabilities	<input type="text"/>
Travel insurance offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**9. In order to understand your members' practices described in the previous question, please explain the current limits to insurability with regard to travel insurance (at the level of individual company).**

**10. Do your member companies currently offer travel insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Comments

**11. How do your member companies ensure that differences in treatment with regard to travel insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that your members use to ensure proportionality? What are related problems?**

#### C. TERM LIFE INSURANCE

Questions in this sub-section refer to insurance that provides the payment of a death benefit to the beneficiary if the insured dies during the relevant term.

**12. Are sex, age, or disability used by your member companies as a factor in risk assessment or marketing of term life insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most of your member companies or only to some of them, in case you have such data available.

**13. Do your member companies currently provide term life insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by member companies (please select)
Term life insurance offered exclusively to women	<input type="text"/>
Term life insurance offered exclusively to men	<input type="text"/>
Term life insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>

Term life insurance offered exclusively to consumers above a specific age (higher than the age of majority)

Term life insurance offered exclusively to consumers without specific disabilities

Term life insurance offered exclusively to consumers with specific disabilities

Provision by member companies (please select)




Please specify commonly used age limits, disabilities excluded etc.

**14. In order to understand your members' practices described in the previous question, please explain the current limits to insurability with regard to term life insurance (at the level of individual company).**

**15. Do your member companies currently offer term life insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**16. How do your member companies ensure that differences in treatment with regard to term life insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that your members use to ensure proportionality? What are related problems?**

#### **D. PRIVATE HEALTH INSURANCE**

**Questions in this sub-section refer to insurance that covers health risks in addition to (or for those not covered by) the national health care system.**

**17. Are sex, age, or disability used by your member companies as a factor in risk assessment or marketing of private health insurance directly influencing pricing or contractual conditions?**

	Risk assessment		Marketing
influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most of your member companies or only to some of them, in case you have such data available.

**18. Do your member companies currently provide private health insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by member companies (please select)
Private health insurance offered exclusively to women	<input type="text"/>
Private health insurance offered exclusively to men	<input type="text"/>
Private health insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Private health insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Private health insurance offered exclusively to consumers without specific disabilities	<input type="text"/>
Private health insurance offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**19. In order to understand your members' practices described in the previous question, please explain the current limits to insurability with regard to private health insurance (at the level of individual company).**

**20. Do your member companies currently offer private health insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**21. How do your member companies ensure that differences in treatment with regard to private health insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that your members use to ensure proportionality? What are related problems?**

### **E. MORTGAGE LOANS**

**Questions in this sub-section refer to loans secured against a real property.**

**22. Are sex, age, or disability used by your member companies as a factor in risk assessment or marketing of mortgage loans directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most of your member companies or only to some of them, in case you have such data available.

**23. Do your member companies currently provide mortgage loans that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by member companies (please select)
Mortgage loans offered exclusively to women	<input type="text"/>
Mortgage loans offered exclusively to men	<input type="text"/>
Mortgage loans offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Mortgage loans offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Mortgage loans offered exclusively to consumers without specific disabilities	<input type="text"/>
Mortgage loans offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**24. In order to understand your members' practices described in the previous question, please explain the current limits to insurability with regard to mortgage loans (at the level of individual company).**

**25. Do your member companies currently offer mortgage loans where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**26. How do your member companies ensure that differences in treatment with regard to mortgage loans (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that your members use to ensure proportionality? What are related problems?**

## **F. OTHER PRODUCTS**

**27. Are sex, age, or disability used by your member companies as a factor in risk assessment or marketing of the products listed below directly influencing pricing or contractual conditions? If needed please specify the product you are referring to in the comment field. Mixed products or products taken up by a third party (e.g. employer) for a consumer or employee are not considered.**

	Sex	Age	Disability	Don't know
Annuity products (including private pensions) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Critical illness insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability (income protection) insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accident insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long-term care insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Loan insurance/ Payment protection insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private liability insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consumer credit <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Credit cards <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deposit account <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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### III. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF, OR SEXUAL ORIENTATION

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**28. Do your member companies use racial/ethnic origin, religion/belief, or sexual orientation as a factor in the design, supply or pricing of financial products provided to consumers?**

	Yes	No	Don't know
Racial / ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion / belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If your member companies use one of the factors, please specify the products and practices to which you refer.

---



### IV. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS

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**29. During the last three years, have you received complaints from consumers or their representatives concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

- Yes, frequently (more than 10 per year)
- Yes, occasionally (between 5 and 9 per year)
- Yes, rarely (less than 5 per year)
- No, never
- Don't know

Comments

---



**If you have received complaints**

**29a. To which problem area did the complaints concerning discriminatory treatment relate?**

- Refusal to provide requested services (denial of access to a product)
- General difficulty in finding a provider
- Excessively delays in obtaining cover/loan
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions

Other (please specify)

Don't know

Please specify products that were most frequently subject to complaints

**29b. To which of the factors do complaints mainly relate?**

Sex

Age

Disability

Racial/ethnic origin

Religion/belief

Sexual orientation

Other (please specify)

Don't know

Comments

**29c. Please specify how your member companies usually deal with such complaints**

**30. Are you aware of court decisions/cases or decisions of financial regulators or decisions of consumer complaint bodies (e.g. ombudsman) concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

Yes

No

Don't know

If Yes, please specify the cases and the decision making body/ies

If Yes, have these complaints been found justified by the court, financial regulators or consumer complaints bodies?

Most of the complaints

Some of the complaints

None of the complaints

Don't know

**V. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES**



**31. Is there national legislation or regulation in force that prevents or restricts the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products?**

This includes measures concerning Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

	Legislation/regulation prevents use	Legislation/regulation restricts use	No restrictions	Don't know
Sex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race / Ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion / Belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**If national legislation or regulation is in force:**

**31a. Please specify the legal base and the year of coming into force**

**31b. Please select the products for which restrictions apply**

- Motor insurance
- Travel insurance
- Private health insurance
- Life insurance
- Annuity products (including private pensions)
- Critical illness insurance
- Disability (income protection) insurance
- Accident insurance
- Long-term care insurance
- Home insurance
- Loan insurance/Payment protection insurance
- Private liability insurance
- Mortgage loans
- Consumer credit
- Credit cards
- Deposit account
- Other (please specify)

**Comments**

**31c. Please assess what has been the impact of the existing national legislation/regulation for member companies that offer products for which restrictions apply.**

	Impact of restrictions related to use of sex (please select)	Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)
Member companies' operating costs for these products	<input type="text"/>	<input type="text"/>
Prices/Premiums of these products	<input type="text"/>	<input type="text"/>
Demand for these products	<input type="text"/>	<input type="text"/>
Number of member companies providing these products	<input type="text"/>	<input type="text"/>

If possible, provide details of the impacts

**32. Please indicate non-regulatory measures in place in your country that prevent or restrict the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products or that ensure that specific financial products considered to be essential such as current accounts or third-party motor insurance are available (and affordable) for all consumers.**

- Self-regulation in the financial services industry (e.g. codes of good conduct)
- Civil society or industry initiatives aiming at ensuring access for all customers to financial products (e.g. specialised providers)
- Measures to ensure transparency towards the consumer (e.g. information brochures, websites)
- No other (non-regulatory) measures

Please summarise key measures and which impacts they had on the market

**33. Are there companies on your national market that are avoiding or restricting the use of sex, age or disability in the design, supply or pricing of financial products on voluntary basis, i.e. going beyond legal requirements?**

Yes, many companies

Yes, few companies

No

Don't know

If Yes, indicate the products you are referring to and exemplary providers

**34. Do you, your member companies or a government body regularly publish information concerning the use of sex, age and disability in determining prices and contractual conditions in the design, supply or pricing of financial products?**

Yes, our association publishes such data

- Yes, our member companies publish such data
- Yes, a central government or other public body publishes such data (please specify the body)
- 
- No, no data published

Comments

If Yes,

**34a. On which factor/s is information published?**

- | Sex                      | Age                      | Disability               | Other factors (please specify) |
|--------------------------|--------------------------|--------------------------|--------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="text"/>           |

Comments

**34b. What kind of information is published?**

- General statements on how risk is calculated
- Detailed methods of calculation
- Public aggregate statistical data used
- Company specific statistical data used
- Other (please specify)
- 

Comments

**34c. Is information published online?**

- Yes, companies publish information online
- Yes, companies communicate the information to a central authority which then publishes aggregate information online
- No, neither companies nor central authorities publish information online

If Yes, please provide the link to this information.

**34d. In your view, is this information intelligible by consumers?**

Yes, very intelligible

Yes, fairly intelligible

No, hardly intelligible

No, not intelligible at all

Comments

**35. In your view, are there any other issues that need to be considered when discussing the need for measures to restrict the use of age, sex, and disability or other factors in providing financial products? For example, are there any trends or foreseeable innovations that can be expected to change the current situation in the mid- to long-term?**

**Dear respondent,**

**By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to complete the questionnaire again.**

## Civic Consulting - Survey of national actuarial associations

### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

\*

#### SURVEY OF NATIONAL ACTUARIAL ASSOCIATIONS

Please return the completed questionnaire not later than 18 December 2009

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to national actuarial associations. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
- The questionnaire only refers to insurance and credit/banking products targeted at individual consumers and does not concern the treatment of individuals below the age of majority / contractual capacity;
- In the context of this study the following definitions apply:

A person with a disability is understood as someone who has a physical, mental, or sensory impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Sex as a protected discrimination ground refers to differences made between men and women, but also to differences made on the basis of pregnancy and maternity.

Ethnicity is a population of human beings whose members identify with each other usually on the basis of real or presumed common cultural, linguistic, religious, behavioural or biological traits. For the purposes of the study, ethnic origin does not refer to nationality.

If you have any further questions, do not hesitate to contact:

Marie-Pascale Doré or Sara Buccino

financialservices@civic-consulting.de

Phone: +49 30 2196 2295

Fax: +49 30 2196 2298

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#### Definitions

##### **Insurance**

**Motor insurance** - insurance for private cars covering at least third party liability

**Travel insurance** - temporary insurance that covers, for the duration of the trip only, at least medical expenses and potentially financial and other losses incurred while travelling

**Private health insurance** - insurance that covers health risks in addition to (or for those not covered by) the national health care system

**Life insurance** - insurance which provides, in particular, payment on survival to a stipulated age or payment on the death of the insured to their beneficiary/ies

**Annuity products (including private pensions)** - insurance that provides regular payments in the future in exchange for the payment of a lump sum or a series of regular payments prior to the onset of the annuity

**Critical illness insurance** - insurance policy that pays a benefit if the insured is diagnosed with a specified critical illness during the policy term

**Disability (income protection) insurance** - insurance that provides payments to replace lost income when the insured is unable to work because he/she becomes disabled

**Accident insurance** - insurance that covers losses caused by a bodily accident or expenses of medical treatment necessitated after a bodily accident

**Long-term care insurance** - insurance policy that covers costs of long-term care beyond a predetermined period not covered by health insurance

**Home insurance** - property insurance policy that covers losses occurring to private buildings and to their contents

**Loan insurance/Payment protection insurance** - insurance that protects monthly loan payments if holders become unemployed or suffer an accident or sickness

**Private liability insurance** - insurance that provides protection against third party claims, i.e., payment is typically to someone suffering loss caused by the insured

### **Banking /credit**

**Mortgage loans** - loan secured against a property

**Consumer credit** - short-term loan to consumers for the purchase of goods, including credit accounts at retail outlets, personal loans, hire purchase, but excluding credit cards

**Credit cards** - card entitling holders to buy goods and services based on the holders' promise to pay for these goods and services at a later stage

**Deposit account** - current or savings account, or other type of bank account, at a banking institution that allows money to be deposited and withdrawn by the account holder

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### **TECHNICAL REMARKS**

Thank you for filling out this questionnaire online. You may complete the survey in one sitting, or close it and return to complete it at a later time from the same computer. Each page that you fill in will be saved automatically when you proceed to the following page. For this purpose, please ensure that you have activated the cookies on your computer. In order to review the questions, you can always go back to the answers already provided by using the button << at the bottom of the page. You can also print out the survey to discuss the questions with your colleagues.

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### **I. IDENTIFICATION DATA**

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#### **1. Information about the respondent**

##### **1a. Please identify the name of your association**

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##### **1b. Please identify your country**

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**1c. Please identify the main areas of practice of your members**

- Banking
- Insurance
- Credit intermediary
- Other

**1d. Please specify the number of members you represent**

**1e. Questionnaire completed by (name, position, contact details)**

**1f. E-mail address (obligatory)**

**II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, OR DISABILITY FOR PROVISION OF CONSUMER PRODUCTS**

This section explores how financial providers in your country use sex, age, or disability as a factor in design, supply or pricing of products provided to consumers in particular for five product categories (motor insurance, travel insurance, term life insurance, private health insurance and mortgage loans).

**A. MOTOR INSURANCE**

Questions in this sub-section refer to insurance for private cars covering at least third party liability.

**2. Are sex, age, or disability used by financial service providers in your country as a factor in risk assessment or marketing of motor insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most financial service providers or only to some of them, in case you have such data available.

**3. Do financial service providers in your country currently provide motor insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by financial service providers (please select)
Motor insurance offered exclusively to women	<input type="text"/>
Motor insurance offered exclusively to men	<input type="text"/>
Motor insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Motor insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Motor insurance offered exclusively to consumers without specific disabilities	<input type="text"/>
Motor insurance offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**4. In order to understand financial service providers' practices described in the previous question, please explain the current limits to insurability with regard to motor insurance (at the level of individual company).**

**5. Do financial service providers in your country currently offer motor insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**6. How do financial service providers in your country ensure that differences in treatment with regard to motor insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that financial service providers use to ensure proportionality? What are related problems?**



**B. TRAVEL INSURANCE**

Questions in this sub-section refer to temporary insurance that covers, for the duration of the trip only, at least medical expenses, and potentially financial and other losses incurred while travelling.

**7. Are sex, age, or disability used by financial service providers in your country as a factor in risk assessment or marketing of travel insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most financial service providers or only to some of them, in case you have such data available.

**8. Do financial service providers in your country currently provide travel insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by financial service providers (please select)
Travel insurance offered exclusively to women	<input type="text"/>
Travel insurance offered exclusively to men	<input type="text"/>
Travel insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Travel insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Travel insurance offered exclusively to consumers without specific disabilities	<input type="text"/>
Travel insurance offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**9. In order to understand financial service providers' practices described in the previous question, please explain the current limits to insurability with regard to travel insurance (at the level of individual company).**

**10. Do financial service providers in your country currently offer travel insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### Comments

**11. How do financial service providers in your country ensure that differences in treatment with regard to travel insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that financial service providers use to ensure proportionality? What are related problems?**

#### C. TERM LIFE INSURANCE

Questions in this sub-section refer to insurance that provides the payment of a death benefit to the beneficiary if the insured dies during the relevant term.

**12. Are sex, age, or disability used by financial service providers in your country as a factor in risk assessment or marketing of term life insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most financial service providers or only to some of them, in case you have such data available.

**13. Do financial service providers in your country currently provide term life insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by financial service providers (please select)
Term life insurance offered exclusively to women	<input type="text"/>
Term life insurance offered exclusively to men	<input type="text"/>
Term life insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>

Term life insurance offered exclusively to consumers above a specific age (higher than the age of majority)

Term life insurance offered exclusively to consumers without specific disabilities

Term life insurance offered exclusively to consumers with specific disabilities

Provision by financial service providers (please select)




Please specify commonly used age limits, disabilities excluded etc.

**14. In order to understand financial service providers' practices described in the previous question, please explain the current limits to insurability with regard to term life insurance (at the level of individual company).**

**15. Do financial service providers in your country currently offer term life insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**16. How do financial service providers in your country ensure that differences in treatment with regard to term life insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that financial service providers use to ensure proportionality? What are related problems?**

#### **D. PRIVATE HEALTH INSURANCE**

**Questions in this sub-section refer to insurance that covers health risks in addition to (or for those not covered by) the national health care system.**

**17. Are sex, age, or disability used by financial service providers in your country as a factor in risk assessment or marketing of private health insurance directly influencing pricing or contractual conditions?**

Risk assessment			Marketing
influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most financial service providers or only to some of them, in case you have such data available.

**18. Do financial service providers in your country currently provide private health insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by financial service providers (please select)
Private health insurance offered exclusively to women	<input type="text"/>
Private health insurance offered exclusively to men	<input type="text"/>
Private health insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Private health insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Private health insurance offered exclusively to consumers without specific disabilities	<input type="text"/>
Private health insurance offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**19. In order to understand financial service providers' practices described in the previous question, please explain the current limits to insurability with regard to private health insurance (at the level of individual company).**

**20. Do financial service providers in your country currently offer private health insurance covers where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Comments

**21. How do financial service providers in your country ensure that differences in treatment with regard to private health insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that financial service providers use to ensure proportionality? What are related problems?**

**E. MORTGAGE LOANS**

Questions in this sub-section refer to loans secured against a real property.

**22. Are sex, age, or disability used by financial service providers in your country as a factor in risk assessment or marketing of mortgage loans directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify if the use of sex, age and disability described above refers to most financial service providers or only to some of them, in case you have such data available.

**23. Do financial service providers in your country currently provide mortgage loans that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision by financial service providers (please select)
Mortgage loans offered exclusively to women	<input type="text"/>
Mortgage loans offered exclusively to men	<input type="text"/>
Mortgage loans offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="text"/>
Mortgage loans offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="text"/>
Mortgage loans offered exclusively to consumers without specific disabilities	<input type="text"/>
Mortgage loans offered exclusively to consumers with specific disabilities	<input type="text"/>

Please specify commonly used age limits, disabilities excluded etc.

**24. In order to understand financial service providers' practices described in the previous question, please explain the current limits to insurability with regard to mortgage loans (at the level of individual company).**

**25. Do financial service providers in your country currently offer mortgage loans where:**

	Please select		
	Yes	No	Don't know
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments

**26. How do financial service providers in your country ensure that differences in treatment with regard to mortgage loans (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that financial service providers use to ensure proportionality? What are related problems?**

## **F. OTHER PRODUCTS**

**27. Are sex, age, or disability used by financial service providers in your country as a factor in risk assessment or marketing of the products listed below directly influencing pricing or contractual conditions? If needed please specify the product you are referring to in the comment field. Mixed products or products taken up by a third party (e.g. employer) for a consumer or employee are not considered.**

	Sex	Age	Disability	Don't know
Annuity products (including private pensions) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Critical illness insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability (income protection) insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accident insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long-term care insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Loan insurance/ Payment protection insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private liability insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Sex	Age	Disability	Don't know
Consumer credit <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Credit cards <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deposit account <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

**III. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF, OR SEXUAL ORIENTATION**

**28. Do financial service providers in your country use racial/ethnic origin, religion/belief, or sexual orientation as a factor in the design, supply or pricing of financial products provided to consumers?**

	Yes	No	Don't know
Racial / ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion / belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If financial service providers use one of the factors, please specify the products and practices to which you refer.

**IV. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES**

**29. Is there national legislation or regulation in force that prevents or restricts the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products?**

This includes measures concerning Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

	Legislation/regulation prevents use	Legislation/regulation restricts use	No restrictions	Don't know
Sex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race / Ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion / Belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**If national legislation or regulation is in force:**

**29a. Please specify the legal base and the year of coming into force**

**29b. Please select the products for which restrictions apply**

- Motor insurance  
 Travel insurance  
 Private health insurance  
 Life insurance  
 Annuity products (including private pensions)  
 Critical illness insurance  
 Disability (income protection) insurance  
 Accident insurance  
 Long-term care insurance  
 Home insurance  
 Loan insurance/Payment protection insurance  
 Private liability insurance  
 Mortgage loans  
 Consumer credit  
 Credit cards  
 Deposit account  
 Other (please specify)

**Comments**

**29c. Please assess what has been the impact of the existing national legislation/regulation for financial service providers that offer products for which restrictions apply.**

	Impact of restrictions related to use of sex (please select)	Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)
Companies' operating costs for these products	<input type="text"/>	<input type="text"/>
Prices/Premiums of these products	<input type="text"/>	<input type="text"/>
Demand for these products	<input type="text"/>	<input type="text"/>
Number of companies providing these products	<input type="text"/>	<input type="text"/>

If possible, provide details of the impacts



**30. Please indicate non-regulatory measures in place in your country that prevent or restrict the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products or that ensure that specific financial products considered to be essential such as current accounts or third-party motor insurance are available (and affordable) for all consumers.**

- Self-regulation in the financial services industry (e.g. codes of good conduct)
- Civil society or industry initiatives aiming at ensuring access for all customers to financial products (e.g. specialised providers)
- Measures to ensure transparency towards the consumer (e.g. information brochures, websites)
- No other (non-regulatory) measures

Please summarise key measures and which impacts they had on the market

**31. Are there companies on your national market that are avoiding or restricting the use of sex, age or disability in the design, supply or pricing of financial products on voluntary basis, i.e. going beyond legal requirements?**

Yes, many companies

Yes, few companies

No

Don't know

If Yes, indicate the products you are referring to and exemplary providers

**32. Do financial providers, the association of financial service providers, or a government body regularly publish information concerning the use of sex, age and disability in determining prices and contractual conditions in the design, supply or pricing of financial products?**

- Yes, the association of financial providers publish such data
- Yes, financial service providers publish such data
- Yes, a central government or other public body publishes such data (please specify the body)
- 
- No, no data published

Comments

If Yes,

**32a. On which factor/s is information published?**

Sex

Age

Disability

Other factors (please specify)

## Comments

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**32b. What kind of information is published?**

- General statements on how risk is calculated
- Detailed methods of calculation
- Public aggregate statistical data used
- Company specific statistical data used
- Other (please specify)

## Comments

---

**32c. Is information published online?**

- Yes, companies publish information online
- Yes, companies communicate the information to a central authority which then publishes aggregate information online
- No, neither companies nor central authorities publish information online

If Yes, please provide the link to this information.

---

**32d. In your view, is this information intelligible by consumers?**

Yes, very intelligible

Yes, fairly intelligible

No, hardly intelligible

No, not intelligible at all

## Comments

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**33. In your view, are there any other issues that need to be considered when discussing the need for measures to restrict the use of age, sex, and disability or other factors in providing financial products? For example, are there any trends or foreseeable innovations that can be expected to change the current situation in the mid- to long-term?**

---

**Dear respondent,**

**By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to**

**complete the questionnaire again.**

---

## Civic Consulting - Survey of financial services providers - insurance

### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

\*

#### SURVEY OF FINANCIAL SERVICE PROVIDERS INSURANCE

Please return the completed questionnaire not later than **14 December 2009**

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to providers of insurance products. All views you express in this questionnaire will only be quoted anonymously. Data will not be used for any purposes other than for this study and will only be published in an aggregated form. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
- The questionnaire only refers to insurance products targeted at individual consumers and does not concern the treatment of individuals below the age of majority / contractual capacity;
- In the context of this study the following definitions apply:

A person with a disability is understood as someone who has a physical, mental, or sensory impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Sex as a protected discrimination ground refers to differences made between men and women, but also to differences made on the basis of pregnancy and maternity.

Ethnicity is a population of human beings whose members identify with each other usually on the basis of real or presumed common cultural, linguistic, religious, behavioural or biological traits. For the purposes of the study, ethnic origin does not refer to nationality.

If you have any further questions, do not hesitate to contact:

Marie-Pascale Doré or Sara Buccino  
financialservices@civic-consulting.de  
Phone: +49 30 2196 2295  
Fax: +49 30 2196 2298

#### Definitions

**Motor insurance** - insurance for private cars covering at least third party liability

**Travel insurance** - temporary insurance that covers, for the duration of the trip only, at least medical expenses and potentially financial and other losses incurred while travelling

**Private health insurance** - insurance that covers health risks in addition to (or for those not covered by) the national health care system

**Life insurance** - insurance which provides, in particular, payment on survival to a stipulated age or payment on the death of the insured to their beneficiary/ies

**Annuity products (including private pensions)** - insurance that provides regular payments in the future in exchange for the payment of a lump sum or a series of regular payments prior to the onset of the annuity

**Critical illness insurance** - insurance policy that pays a benefit if the insured is diagnosed with a specified critical illness during the policy term

**Disability (income protection) insurance** - insurance that provides payments to replace lost income when the insured is unable to work because he/she becomes disabled

**Accident insurance** - insurance that covers losses caused by a bodily accident or expenses of medical treatment necessitated after a bodily accident

**Long-term care insurance** - insurance policy that covers costs of long-term care beyond a predetermined period not covered by health insurance

**Home insurance** - property insurance policy that covers losses occurring to private buildings and to their contents

**Loan insurance/Payment protection insurance** - insurance that protects monthly loan payments if holders become unemployed or suffer an accident or sickness

**Private liability insurance** - insurance that provides protection against third party claims, i.e., payment is typically to someone suffering loss caused by the insured

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## TECHNICAL REMARKS

Thank you for filling out this questionnaire online. You may complete the survey in one sitting, or close it and return to complete it at a later time from the same computer. Each page that you fill in will be saved automatically when you proceed to the following page. For this purpose, please ensure that you have activated the cookies on your computer. In order to review the questions, you can always go back to the answers already provided by using the button << at the bottom of the page. You can also print out the survey to discuss the questions with your colleagues.

---

## I. IDENTIFICATION DATA

### 1. Information about the respondent

#### 1a. Please identify the name of your company

#### 1b. Please identify your country

#### 1c. Please identify the main business sector of your company

Insurance

Other (please specify)

#### 1d. Please specify if your company is specialised in offering certain financial products

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**1e. Questionnaire completed by (name, position, contact details)**

**1f. E-mail address (obligatory)**

**II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, OR DISABILITY FOR PROVISION OF CONSUMER PRODUCTS**

This section explores how you use sex, age, or disability as a factor in design, supply or pricing of products provided to consumers in particular for four product categories (motor insurance, travel insurance, term life insurance, and private health insurance).

**A. MOTOR INSURANCE**

Questions in this sub-section refer to insurance for private cars covering at least third party liability.

**2. Do you use sex, age, or disability as a factor in risk assessment or marketing of motor insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments**

**3. Do you currently provide motor insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision (please select)	
	Yes	No
Motor insurance offered exclusively to women	<input type="radio"/>	<input type="radio"/>
Motor insurance offered exclusively to men	<input type="radio"/>	<input type="radio"/>
Motor insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="radio"/>	<input type="radio"/>
Motor insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="radio"/>	<input type="radio"/>

Provision (please select)

Yes No

Motor insurance offered exclusively to consumers without specific disabilities

Motor insurance offered exclusively to consumers with specific disabilities

Please specify commonly used age limits, disabilities excluded etc.

**4. In order to understand your practices described in the previous question, please explain the current limits to insurability with regard to motor insurance.****5. Do you currently offer motor insurance covers where:**

	Please select	
	Yes	No
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>

Comments

**6. How do you ensure that differences in treatment with regard to motor insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that you use to ensure proportionality? What are related problems?****B. TRAVEL INSURANCE****Questions in this sub-section refer to temporary insurance that covers, for the duration of the trip only, at least medical expenses, and potentially financial and other losses incurred while travelling.****7. Do you use sex, age, or disability as a factor in risk assessment or marketing of travel insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Comments

#### 8. Do you currently provide travel insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?

	Provision (please select)	
	Yes	No
Travel insurance offered exclusively to women	<input type="radio"/>	<input type="radio"/>
Travel insurance offered exclusively to men	<input type="radio"/>	<input type="radio"/>
Travel insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="radio"/>	<input type="radio"/>
Travel insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="radio"/>	<input type="radio"/>
Travel insurance offered exclusively to consumers without specific disabilities	<input type="radio"/>	<input type="radio"/>
Travel insurance offered exclusively to consumers with specific disabilities	<input type="radio"/>	<input type="radio"/>

Please specify commonly used age limits, disabilities excluded etc.

#### 9. In order to understand your practices described in the previous question, please explain the current limits to insurability with regard to travel insurance.

#### 10. Do you currently offer travel insurance covers where:

	Please select	
	Yes	No
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>

#### Comments

#### 11. How do you ensure that differences in treatment with regard to travel insurance (pricing, benefits and other



**contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that you use to ensure proportionality? What are related problems?**

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### **C. TERM LIFE INSURANCE**

**Questions in this sub-section refer to insurance that provides the payment of a death benefit to the beneficiary if the insured dies during the relevant term.**

**12. Do you use sex, age, or disability as a factor in risk assessment or marketing of term life insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

---

**13. Do you currently provide term life insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision (please select)	
	Yes	No
Term life insurance offered exclusively to women	<input type="radio"/>	<input type="radio"/>
Term life insurance offered exclusively to men	<input type="radio"/>	<input type="radio"/>
Term life insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="radio"/>	<input type="radio"/>
Term life insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="radio"/>	<input type="radio"/>
Term life insurance offered exclusively to consumers without specific disabilities	<input type="radio"/>	<input type="radio"/>
Term life insurance offered exclusively to consumers with specific disabilities	<input type="radio"/>	<input type="radio"/>

Please specify commonly used age limits, disabilities excluded etc.

---

**14. In order to understand your practices described in the previous question, please explain the current limits to insurability with regard to term life insurance.**

---

**15. Do you currently offer term life insurance covers where:**

	Please select	
	Yes	No
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>

## Comments

**16. How do you ensure that differences in treatment with regard to term life insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that you use to ensure proportionality? What are related problems?**

**D. PRIVATE HEALTH INSURANCE**

Questions in this sub-section refer to insurance that covers health risks in addition to (or for those not covered by) the national health care system.

**17. Do you use sex, age, or disability as a factor in risk assessment or marketing of private health insurance directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Comments

**18. Do you currently provide private health insurance covers that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision (please select)	
	Yes	No
Private health insurance offered exclusively to women	<input type="radio"/>	<input type="radio"/>
Private health insurance offered exclusively to men	<input type="radio"/>	<input type="radio"/>

	Provision (please select)	
	Yes	No
Private health insurance offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="radio"/>	<input type="radio"/>
Private health insurance offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="radio"/>	<input type="radio"/>
Private health insurance offered exclusively to consumers without specific disabilities	<input type="radio"/>	<input type="radio"/>
Private health insurance offered exclusively to consumers with specific disabilities	<input type="radio"/>	<input type="radio"/>

Please specify commonly used age limits, disabilities excluded etc.

**19. In order to understand your practices described in the previous question, please explain the current limits to insurability with regard to private health insurance.**

**20. Do you currently offer private health insurance covers where:**

	Please select	
	Yes	No
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Age does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>
Disability does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>

Comments

**21. How do you ensure that differences in treatment with regard to private health insurance (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer? What is the information base and the criteria that you use to ensure proportionality? What are related problems?**

## **E. OTHER PRODUCTS**

**22. Do you use sex, age, or disability as a factor in risk assessment or marketing of the products listed below directly influencing pricing or contractual conditions? If needed please specify the product you are referring to in the comment field. Mixed products or products taken up by a third party (e.g. employer) for a consumer or employee are not considered.**

	Sex	Age	Disability
Annuity products (including private pensions) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Sex	Age	Disability
Critical illness insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability (income protection) insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accident insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long-term care insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Loan insurance/ Payment protection insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private liability insurance <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Comments

### III. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF, OR SEXUAL ORIENTATION

23. Do you use racial/ethnic origin, religion/belief, or sexual orientation as a factor in the design, supply or pricing of financial products provided to consumers?

	Yes	No
Racial / ethnic origin	<input type="radio"/>	<input type="radio"/>
Religion / belief	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>

If you use one of the factors, please specify the products and practices to which you refer

### IV. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS

24. During the last three years, have you received complaints from consumers or their representatives concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?

- Yes, frequently (more than 10 per year)
- Yes, occasionally (between 5 and 9 per year)
- Yes, rarely (less than 5 per year)
- No, never
- Don't know

#### Comments

**If you have received complaints****24a. To which problem area did the complaints concerning discriminatory treatment relate?**

- Refusal to provide requested services (denial of access to a product)
- General difficulty in finding a provider
- Excessively delays in obtaining cover
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions
- Other (please specify)
- 
- Don't know

Please specify products that were most frequently subject to complaints

**24b. To which of the factors do complaints mainly relate?**

- Sex
- Age
- Disability
- Racial/ethnic origin
- Religion/belief
- Sexual orientation
- Other (please specify)
- 
- Don't know

Comments

**24c. Please specify how you usually deal with such complaints**

**25. Are you aware of court decisions/cases or decisions of financial regulators or decisions of consumer complaint bodies (e.g. ombudsman) concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

Yes

No

Don't know

If Yes, please specify the cases and the decision making body/ies

If Yes, have these complaints been found justified by the court, financial regulators or consumer complaints bodies?

Most of the complaints

Some of the complaints

None of the complaints

Don't know

## V. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES

**26. Have you adopted measures to avoid or restrict the use of sex, age or disability in the design, supply or pricing of your financial products on voluntary basis, i.e. going beyond legal requirements?**

Yes

No

If Yes,

**26a. Please indicate the products you are referring to**

**26b. Please assess what has been the impact of these measures on your business.**

	Impact of restrictions related to use of sex (please select)	Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)
Operating costs for the products for which restrictions apply	<input type="text"/>	<input type="text"/>
Prices/Premiums of the products for which restrictions apply	<input type="text"/>	<input type="text"/>
Demand of the products for which restrictions apply	<input type="text"/>	<input type="text"/>
Sales of the products for which restrictions apply	<input type="text"/>	<input type="text"/>

If possible, provide details of the impacts

Dear respondent,

By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to

## Civic Consulting - Survey of financial services providers - banking/credit

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### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

\*

#### SURVEY OF FINANCIAL SERVICE PROVIDERS BANKING/CREDIT

Please return the completed questionnaire no later than 14 December 2009

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to providers of credit/banking products. All views you express in this questionnaire will only be quoted anonymously. Data will not be used for any purposes other than for this study and will only be published in an aggregated form. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
- The questionnaire only refers to credit/banking products targeted at individual consumers and does not concern the treatment of individuals below the age of majority / contractual capacity;
- In the context of this study the following definitions apply:

A person with a disability is understood as someone who has a physical, mental, or sensory impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Sex as a protected discrimination ground refers to differences made between men and women, but also to differences made on the basis of pregnancy and maternity.

Ethnicity is a population of human beings whose members identify with each other usually on the basis of real or presumed common cultural, linguistic, religious, behavioural or biological traits. For the purposes of the study, ethnic origin does not refer to nationality.

If you have any further questions, do not hesitate to contact:

Marie-Pascale Doré or Sara Buccino

financialservices@civic-consulting.de

Phone: +49 30 2196 2295

Fax: +49 30 2196 2298

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#### Definitions

**Mortgage loans** - loan secured against a property

**Consumer credit** - short-term loan to consumers for the purchase of goods, including credit accounts at retail outlets, personal loans, hire purchase, but excluding credit cards

**Credit cards** - card entitling holders to buy goods and services based on the holders' promise to pay for these goods and services at a later stage

**Deposit account** - current or savings account, or other type of bank account, at a banking institution that allows money to be deposited and withdrawn by the account holder

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**TECHNICAL REMARKS**

Thank you for filling out this questionnaire online. You may complete the survey in one sitting, or close it and return to complete it at a later time from the same computer. Each page that you fill in will be saved automatically when you proceed to the following page. For this purpose, please ensure that you have activated the cookies on your computer. In order to review the questions, you can always go back to the answers already provided by using the button << at the bottom of the page. You can also print out the survey to discuss the questions with your colleagues.

---

**I. IDENTIFICATION DATA**

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**1. Information about the respondent****1a. Please identify the name of your company**

---

**1b. Please identify your country**

---

**1c. Please identify the main business sector of your company**

---

- Banking
- Credit intermediary
- Other (please specify)

**1d. Please specify if your company is specialised in offering certain financial products**

---

**1e. Questionnaire completed by (name, position, contact details)**

---

**1f. E-mail address (obligatory)**

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**II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, OR DISABILITY FOR PROVISION OF CONSUMER PRODUCTS**

This section explores how you use sex, age, or disability as a factor in design, supply or pricing of products provided to consumers in particular for mortgage loans.

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## A. MORTGAGE LOANS

Questions in this sub-section refer to loans secured against a real property.

**2. Do you use sex, age, or disability as a factor in risk assessment or marketing of mortgage loans directly influencing pricing or contractual conditions?**

	Risk assessment			Marketing
	influencing pricing	influencing contractual conditions (e.g. exclusions, benefits)	influencing the need for additional (e.g. medical) checks	influencing pricing (e.g. rebates for specific groups)
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

**3. Do you currently provide mortgage loans that are offered exclusively to specific groups of consumers defined by sex, age, or disability?**

	Provision (please select)	
	Yes	No
Mortgage loans offered exclusively to women	<input type="radio"/>	<input type="radio"/>
Mortgage loans offered exclusively to men	<input type="radio"/>	<input type="radio"/>
Mortgage loans offered exclusively to consumers under a specific age (i.e. existence of age limits beyond which cover is not available)	<input type="radio"/>	<input type="radio"/>
Mortgage loans offered exclusively to consumers above a specific age (higher than the age of majority)	<input type="radio"/>	<input type="radio"/>
Mortgage loans offered exclusively to consumers without specific disabilities	<input type="radio"/>	<input type="radio"/>
Mortgage loans offered exclusively to consumers with specific disabilities	<input type="radio"/>	<input type="radio"/>

Please specify commonly used age limits, disabilities excluded etc.

**4. In order to understand your practices described in the previous question, please explain the current limits to insurability with regard to mortgage loans.**

**5. Do you currently offer mortgage loans where:**

	Please select	
	Yes	No
Sex does not directly influence pricing or other contractual conditions?	<input type="radio"/>	<input type="radio"/>

Please select

Yes No

Age does not directly influence pricing or other contractual conditions?

Disability does not directly influence pricing or other contractual conditions?

Comments

**6. How do you ensure that differences in treatment with regard to mortgage loans (pricing, benefits and other contractual conditions) related to sex, age or disability are proportionate to differences in risk of the specific consumer?** What is the information base and the criteria that you use to ensure proportionality? What are related problems?

### **B. OTHER PRODUCTS**

**7. Do you use sex, age, or disability as a factor in risk assessment or marketing of the products listed below directly influencing pricing or contractual conditions?** If needed please specify the product you are referring to in the comment field. Mixed products or products taken up by a third party (e.g. employer) for a consumer or employee are not considered.

	Sex	Age	Disability
Consumer credit <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Credit cards <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deposit account <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

### **III. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF, OR SEXUAL ORIENTATION**

**8. Do you use racial/ethnic origin, religion/belief, or sexual orientation as a factor in the design, supply or pricing of financial products provided to consumers?**

	Yes	No
Racial / ethnic origin	<input type="radio"/>	<input type="radio"/>
Religion / belief	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>

If you use one of the factors, please specify the products and practices to which you refer

#### IV. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS

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9. During the last three years, have you received complaints from consumers or their representatives concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?

---

- Yes, frequently (more than 10 per year)
- Yes, occasionally (between 5 and 9 per year)
- Yes, rarely (less than 5 per year)
- No, never
- Don't know

#### Comments

---

#### If you have received complaints

10a. To which problem area did the complaints concerning discriminatory treatment relate?

---

- Refusal to provide requested services (denial of access to a product)
- General difficulty in finding a provider
- Excessively delays in obtaining the service
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions
- Other (please specify)
- Don't know

Please specify products that were most frequently subject to complaints

---

10b. To which of the factors do complaints mainly relate?

---

- Sex
- Age
- Disability
- Racial/ethnic origin
- Religion/belief
- Sexual orientation
-

Other (please specify)

Don't know

Comments

**10c. Please specify how you usually deal with such complaints**

**11. Are you aware of court decisions/cases or decisions of financial regulators or decisions of consumer complaint bodies (e.g. ombudsman) concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

Yes

No

Don't know

If Yes, please specify the cases and the decision making body/ies

If Yes, have these complaints been found justified by the court, financial regulators or consumer complaints bodies?

Most of the complaints

Some of the complaints

None of the complaints

Don't know

## V. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES

**12. Have you adopted measures to avoid or restrict the use of sex, age or disability in the design, supply or pricing of your financial products on voluntary basis, i.e. going beyond legal requirements?**

Yes

No

If Yes,

**12a. Please indicate the products you are referring to**

**12b. Please assess what has been the impact of these measures on your business.**

Impact of restrictions related to use of sex (please select)

Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)

	Impact of restrictions related to use of sex (please select)	Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)
Operating costs for the products for which restrictions apply	<input type="text"/>	<input type="text"/>
Prices/Premiums of the products for which restrictions apply	<input type="text"/>	<input type="text"/>
Demand of the products for which restrictions apply	<input type="text"/>	<input type="text"/>
Sales of the products for which restrictions apply	<input type="text"/>	<input type="text"/>

If possible, provide details of the impacts

**Dear respondent,**

**By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to complete the questionnaire again.**

## Civil Consulting - Survey of civil society organisations

### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

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#### SURVEY OF CIVIL SOCIETY ORGANISATIONS

Please return the completed questionnaire not later than 18 December 2009

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to civil society organisations. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
- The questionnaire only refers to insurance and credit/banking products targeted at individual consumers and does not concern the treatment of individuals below the age of majority / contractual capacity;
- In the context of this study the following definitions apply:

A person with a disability is understood as someone who has a physical, mental, or sensory impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Sex as a protected discrimination ground refers to differences made between men and women, but also to differences made on the basis of pregnancy and maternity.

Ethnicity is a population of human beings whose members identify with each other usually on the basis of real or presumed common cultural, linguistic, religious, behavioural or biological traits. For the purposes of the study, ethnic origin does not refer to nationality.

If you have any further questions, do not hesitate to contact:

Marie-Pascale Doré or Sara Buccino

financialservices@civic-consulting.de

Phone: +49 30 2196 2295

Fax: +49 30 2196 2298

#### Definitions

##### **Insurance**

**Motor insurance** - insurance for private cars covering at least third party liability

**Travel insurance** - temporary insurance that covers, for the duration of the trip only, at least medical expenses and potentially financial and other losses incurred while travelling

**Private health insurance** - insurance that covers health risks in addition to (or for those not covered by) the national health care system

**Life insurance** - insurance which provides, in particular, payment on survival to a stipulated age or payment on the death of the insured to their beneficiary/ies

**Annuity products (including private pensions)** - insurance that provides regular payments in the future in exchange for the payment of a lump sum or a series of regular payments prior to the onset of the annuity

**Critical illness insurance** - insurance policy that pays a benefit if the insured is diagnosed with a specified critical illness during the policy term

**Disability (income protection) insurance** - insurance that provides payments to replace lost income when the insured is unable to work because he/she becomes disabled

**Accident insurance** - insurance that covers losses caused by a bodily accident or expenses of medical treatment necessitated after a bodily accident

**Long-term care insurance** - insurance policy that covers costs of long-term care beyond a predetermined period not covered by health insurance

**Home insurance** - property insurance policy that covers losses occurring to private buildings and to their contents

**Loan insurance/Payment protection insurance** - insurance that protects monthly loan payments if holders become unemployed or suffer an accident or sickness

**Private liability insurance** - insurance that provides protection against third party claims, i.e., payment is typically to someone suffering loss caused by the insured

### **Banking /credit**

**Mortgage loans** - loan secured against a property

**Consumer credit** - short-term loan to consumers for the purchase of goods, including credit accounts at retail outlets, personal loans, hire purchase, but excluding credit cards

**Credit cards** - card entitling holders to buy goods and services based on the holders' promise to pay for these goods and services at a later stage

**Deposit account** - current or savings account, or other type of bank account, at a banking institution that allows money to be deposited and withdrawn by the account holder

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### **TECHNICAL REMARKS**

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### **I. IDENTIFICATION DATA**

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#### **1. Information about the respondent**

##### **1a. Please identify the name of your organisation**

##### **1b. Please identify your country**

##### **1c. Please specify the nature of your organisation**

- Civil society organisation in the gender equality area
- Civil society organisation defending the interests people with disabilities
- Civil society organisation defending the interests of older / younger people
- Civil society organisation defending consumer interests
- Other (please specify)

#### 1d. Questionnaire completed by (name, position, contact details)

#### 1e. E-mail (obligatory)

## II. CURRENT PRACTICES OF FINANCIAL SERVICE PROVIDERS REGARDING THE USE OF SEX, AGE, DISABILITY, RACIAL/ETHNIC ORIGIN, RELIGION/BELIEF OR SEXUAL ORIENTATION FOR THE PROVISION OF CONSUMER PRODUCTS

**2. Are sex, age, or disability used by financial providers in your country as a factor in risk assessment or marketing of the products listed below directly influencing prices or contractual conditions?** Mixed products or products taken up by a third party (e.g. employer) for a consumer or employee are not considered.

	Sex	Age	Disability	Don't know
Motor insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Travel insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private health insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Annuity products (including private pensions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Critical illness insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability (income protection) insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accident insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long term care insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Home insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Loan insurance/Payment protection insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private liability insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mortgage loans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consumer credit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Credit cards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deposit account	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Comments

**3. Do financial services providers in your country use racial/ethnic origin, religion/belief, or sexual orientation as a factor in the design, supply or pricing of financial products provided to consumers?**

	Yes	No	Don't know
Racial/ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion/belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If financial service providers use one of the factors, please specify the products and practices to which you refer.

### III. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS

**4. During the last three years, have you received complaints from consumers or their representatives concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

Yes  No  Don't know

Comments

**If Yes,**

**4a. Please specify the number of complaints that you have received during the last three years by financial product.**

	Complaints received		Number of complaints received		
	Yes	No	2007	2008	2009
Motor insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Travel insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Private health insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Life insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Annuity products (including private pensions)	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Critical illness insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Disability (income protection) insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accident insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Long-term care insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

	Complaints received		Number of complaints received		
	Yes	No	2007	2008	2009
Home insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Loan insurance/Payment protection insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Private liability insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mortgage loans	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Consumer credit	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Credit cards	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Deposit accounts	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other (please specify) <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Comments

#### 4b. To which problem area did the complaints concerning discriminatory treatment relate?

- Refusal to provide requested services (denial of access to a product)
- General difficulty in finding a provider
- Excessive delays in obtaining cover/loan
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions
- Other (please specify)
- Don't know

Please specify products that were most frequently subject to complaints

#### 4c. To which of the factors do complaints mainly relate?

- Sex
- Age
- Disability
- Racial/ethnic origin
- Religion/belief
- Sexual orientation
- Other (please specify)
- Don't know

Comments

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**4d. Have you received any complaints regarding discriminatory treatment on grounds of gender reassignment (i.e. discriminatory treatment towards a person who intends to, is undergoing or has undergone a medical process for the purpose of reassigning sex)?**

Yes

No

Don't know

If Yes, please specify the nature of the complaints

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**4e. Have you received any complaints regarding discriminatory treatment on grounds of pregnancy and maternity?**

Yes

No

Don't know

If Yes, please specify the nature of the complaints

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**4f. Please specify how you have addressed the complaints**

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- Given practical or legal advice to the complainant
- Requested information from the company to establish whether the treatment constituted a discriminatory practice
- Collected evidence to establish whether the treatment constituted a discriminatory practice
- Arranged a friendly settlement between the provider and the consumer
- Took a decision on the case
- Referred the case to a consumer complaint body (please specify the body)
- Referred the case to a supervisory authority (please specify the authority)
- Other (please specify)
- Don't know

Comments

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**5. Are you aware of court decisions/cases or decisions of financial regulators or decisions of consumer complaint bodies (e.g. ombudsman) concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

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Yes

No

Don't know

If Yes,

**5a. Please specify the cases and the decision making body/ies****5b. Have these complaints been found justified by the court, financial regulators or consumer complaints bodies?**

- Most of the complaints
- Some of the complaints
- None of the complaints
- Don't know

**Please select up to 3 specific complaints that you have received (without providing the name of the consumer) and complete our separate complaint documentation form (can be ordered by e-mail from [financialservices@civic-consulting.de](mailto:financialservices@civic-consulting.de)).**

**IV. EXISTING MEASURES TO PREVENT DISCRIMINATORY PRACTICES****6. Is there national legislation or regulation in force that prevents or restricts the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products?**

This includes measures concerning Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

	Legislation/regulation prevents use	Legislation/regulation restricts use	No restrictions	Don't know
Sex	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Age	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Race / Ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Religion / Belief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual orientation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**If national legislation or regulation is in force:**

**6a. Please specify the legal base and the year of coming into force****6b. Please select the products for which restrictions apply**

- Motor insurance
-

## Travel insurance

- Private health insurance
- Life insurance
- Annuity products (including private pensions)
- Critical illness insurance
- Disability (income protection) insurance
- Accident insurance
- Long term care insurance
- Home insurance
- Loan insurance/Payment protection insurance
- Private liability insurance
- Mortgage loans
- Consumer credit
- Credit cards
- Deposit account
- Other (please specify)

## Comments

**6c. Please assess what has been the impact of the existing national legislation/regulation for consumers concerning products for which restrictions apply.**

	Impact of restrictions related to use of sex (please select)	Impact of restrictions related to use of age, disability, race/ethnic origin, religion/belief and sexual orientation (please select)
Prices/Premiums of these products	<input type="text"/>	<input type="text"/>
Accessibility of these products for all groups of consumers	<input type="text"/>	<input type="text"/>
Demand for these products	<input type="text"/>	<input type="text"/>
Number of companies providing these products	<input type="text"/>	<input type="text"/>

If possible, provide details of the impacts

**7. Please indicate non-regulatory measures in place in your country that prevent or restrict the use of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation in the design, supply or pricing of financial products or that ensure that specific financial products considered to be essential such as current accounts or third-party motor insurance are available (and affordable) for all consumers.**

- Self-regulation in the financial services industry (e.g. codes of good conduct)
- Civil society or industry initiatives aiming at ensuring access for all customers to financial products (e.g. specialised providers)
- Measures to ensure transparency towards the consumer (e.g. information brochures, websites)
- No other (non-regulatory) measures

Please summarise key measures and which impacts they had on the market

**8. Are there companies on your national market that are avoiding or restricting the use of sex, age or disability in the design, supply or pricing of financial products on voluntary basis, i.e. going beyond legal requirements?**

Yes, many companies

Yes, few companies

No

Don't know

If Yes, please indicate the products you are referring to and exemplary providers

**9. Do financial service providers, the association of financial service providers or a government body regularly publish information concerning the use of age, sex, and disability in determining prices and contractual conditions in the design, supply or pricing of financial products?**

- Yes, the association of financial service providers publishes such data
  - Yes, financial service providers publish such data
  - Yes, a central government or other public body publishes such data (please specify the body)
- 
- No, no data published

Comments

If Yes,

**9a. On which factor/s is information published?**

Sex

Age

Disability

Other factors (please specify)

Comments

**9b. What kind of information is published?**

- General statements on how risk is calculated
- Detailed methods of calculation
- Public aggregate statistical data used
- Company specific statistical data used
- Other (please specify)

#### Comments

#### 9c. Is information published online?

- Yes, companies publish information online
- Yes, companies communicate the information to a central authority which then publishes aggregate information online
- No, neither companies nor central authorities publish information online

If Yes, please provide the link to this information

#### 9d. In your view, is this information intelligible by consumers?

Yes, very intelligible

Yes, fairly intelligible

No, hardly intelligible

No, not intelligible at all

#### Comments

#### 9e. Are you aware of or can you imagine other ways of guaranteeing transparency towards consumers?

10. In your view, are there any other issues that need to be considered when discussing the need for measures to restrict the use of age, sex, and disability or other factors in providing financial products? For example, are there any trends or foreseeable innovations that can be expected to change the current situation in the mid- to long-term?

11. Please indicate if you have any detailed information (e.g. studies, research) concerning the use of sex, age, disability, racial/ethnic origin, religion/belief, or sexual orientation by financial service providers in your country for the design, supply or pricing of financial products. Please summarise the key information and type of document that is available to you. Please also indicate if you could provide this information to us or the source from which it can be obtained.

**Dear respondent,**

**By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to complete the questionnaire again.**

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### STUDY ON THE USE OF AGE, DISABILITY, SEX, RELIGION OR BELIEF, RACE OR ETHNIC ORIGIN AND SEXUAL ORIENTATION IN FINANCIAL SERVICES

\*

### SURVEY OF CIVIL SOCIETY ORGANISATIONS DEFENDING THE INTERESTS OF PEOPLE WITH DISABILITIES (MEMBERS OF THE EUROPEAN DISABILITY FORUM)

Please return the completed questionnaire not later than **18 December 2009**

The European Commission (DG Employment, Social Affairs and Equal Opportunities) has launched a study on the use of age, disability, sex, religion or belief, race or ethnic origin and sexual orientation in financial services. The information you will provide through this questionnaire will be crucial in analysing current practices of financial service providers in the supply and design of financial products.

This questionnaire is targeted to civil society organisations defending the interests of people with disabilities. We very much appreciate your contribution to this study.

When completing the questionnaire, please consider the following clarifications:

- Definitions for product categories discussed in this questionnaire are provided in the following page;
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### Definitions

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**Long-term care insurance** - insurance policy that covers costs of long-term care beyond a predetermined period not covered by health insurance

**Home insurance** - property insurance policy that covers losses occurring to private buildings and to their contents

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**Credit cards** - card entitling holders to buy goods and services based on the holders' promise to pay for these goods and services at a later stage

**Deposit account** - current or savings account, or other type of bank account, at a banking institution that allows money to be deposited and withdrawn by the account holder

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## **TECHNICAL REMARKS**

Thank you for filling out this questionnaire online. You may complete the survey in one sitting, or close it and return to complete it at a later time from the same computer. Each page that you fill in will be saved automatically when you proceed to the following page. For this purpose, please ensure that you have activated the cookies on your computer. In order to review the questions, you can always go back to the answers already provided by using the button << at the bottom of the page. You can also print out the survey to discuss the questions with your colleagues.

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## **I. IDENTIFICATION DATA**

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### **1. Information about the respondent**

#### **1a. Please identify the name of your organisation**

#### **1b. Please identify your country**

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**1c. Questionnaire completed by (name, position, contact details)**

**1d. Please specify the nature of your organisation**

- Civil society organisation in the gender equality area
- Civil society organisation defending the interests people with disabilities
- Civil society organisation defending the interests of older / younger people
- Civil society organisation defending consumer interests
- Other (please specify)

**1e. E-mail (obligatory)**

**II. COMPLAINTS CONCERNING DISCRIMINATORY TREATMENT OF CONSUMERS**

**2. During the last three years, have you received complaints from consumers or their representatives concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

Yes

No

Don't know

Comments

**If Yes,**

**2a. Please specify the number of complaints that you have received during the last three years by financial product.**

	Complaints received		Number of complaints received		
	Yes	No	2007	2008	2009
Motor insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Travel insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Private health insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Life insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Annuity products (including private pensions)	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

	Complaints received		Number of complaints received		
	Yes	No	2007	2008	2009
Critical illness insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Disability (income protection) insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accident insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Long-term care insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Home insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Loan insurance/Payment protection insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Private liability insurance	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mortgage loans	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Consumer credit	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Credit cards	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Deposit accounts	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other (please specify) <input type="text"/>	<input type="radio"/>	<input type="radio"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Comments**

**2b. To which problem area did the complaints concerning discriminatory treatment relate?**

- Refusal to provide requested services (denial of access to a product)
- General difficulty in finding a provider
- Excessive delays in obtaining cover/loan
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions
- Other (please specify)
- Don't know

Please specify products that were most frequently subject to complaints

**2c. To which of the factors do complaints mainly relate?**

- Sex
- Age
- Disability
- Racial/ethnic origin
-

Religion/belief

- Sexual orientation
- Other (please specify)
- Don't know

Comments

**2d. Have you received any complaints regarding discriminatory treatment on grounds of gender reassignment (i.e. discriminatory treatment towards a person who intends to, is undergoing or has undergone a medical process for the purpose of reassigning sex)?**

Yes

No

Don't know

If Yes, please specify the nature of the complaints

**2e. Have you received any complaints regarding discriminatory treatment on grounds of pregnancy and maternity?**

Yes

No

Don't know

If Yes, please specify the nature of the complaints

**2f. Please specify how you have addressed the complaints**

- Given practical or legal advice to the complainant
- Requested information from the company to establish whether the treatment constituted a discriminatory practice
- Collected evidence to establish whether the treatment constituted a discriminatory practice
- Arranged a friendly settlement between the provider and the consumer
- Took a decision on the case
- Referred the case to a consumer complaint body (please specify the body)
- Referred the case to a supervisory authority (please specify the authority)
- Other (please specify)
- Don't know

Comments

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**3. Are you aware of court decisions/cases or decisions of financial regulators or decisions of consumer complaint bodies (e.g. ombudsman) concerning discriminatory treatment in the provision of financial services on basis of sex, age, disability, race/ethnic origin, religion/belief and sexual orientation?**

---

Yes

No

Don't know

**If Yes,**

**3a. Please specify the cases and the decision making body/ies**

---

**3b. Have these complaints been found justified by the court, financial regulators or consumer complaints bodies?**

---

- Most of the complaints
- Some of the complaints
- None of the complaints
- Don't know

**Please select up to 3 specific complaints that you have received (without providing the name of the consumer) and complete our separate complaint documentation form (can be ordered by e-mail from [financialservices@civic-consulting.de](mailto:financialservices@civic-consulting.de)).**

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**Dear respondent,**

**By clicking next, you will submit your answers, and will not be able to change them. You will also not be able to complete the questionnaire again.**

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## ANNEX 11: COMPLAINT COLLECTION SHEET

## CASE COLLECTION SHEET: DOCUMENTED COMPLAINTS CONCERNING HARMFUL DISCRIMINATION

Please fill in the form for each documented case of a complaint about a specific discrimination problem relating to the provision of financial services. Please save each case as separate Word document with the file name indicating the country, e.g. "UK-name of case.doc".

### I. REGISTRATION DATA

A. Reporting Organisation	Please specify
B. Person filling the form and contact details (incl. email)	Please specify
C. Country of the complaint	Please specify
D. Year of the complaint	Please select from dropdown menu
E. Financial product subject to the complaint	Please select from dropdown menu If other, please specify

### II. GENERAL DATA ON CASE

1. Please indicate the **name of the case**.

Please specify

2. Does the complaint relate to a **single** consumer or to a **group** of consumers that experienced the same problem?

Please select from dropdown menu  
Comments

3. Please indicate the **problem area of the case**:

- Refusal to provide requested services (denial of access to a product)
- Excessively delays in obtaining cover/loan
- Prohibitively expensive premiums/prices
- Loss of coverage
- Exclusions and restrictions
- Other (*Please specify*)
- Don't know

Comments



**4. Please provide details on the case.**

- a. Please provide a brief description of the case and the nature of the dispute (5-10 lines).

*Please specify*

- b. Please specify the characteristics of the consumer that gave reason to the alleged harmful discrimination (i.e. age, sex, disability, etc. invoked in the complaint):

- Sex
- Age
- Disability
- Racial/ethnic origin
- Religion/belief
- Sexual orientation
- Other (*Please specify*)

*Please specify*

**5. What was the consequence of the harmful discrimination for the consumer (e.g. lack of mobility, economic disadvantages)?**

*Please specify*

**6. How did you address the complaint?**

- Given legal advice to the complainant
- Requested information from the company to establish whether the treatment constituted a discriminatory practice
- Collected evidence to establish whether the treatment constituted a discriminatory practice
- Arranged a friendly settlement between the provider and the consumer
- Took a decision on the case
- Referred the case to a consumer complaint body (*Please specify the body*)
- Referred the case to a supervisory authority (*Please specify the authority*)
- Other (*Please specify*)
- Don't know

*Comments*

**7. Could you or any other organisation collect information from the provider of the financial service which was subject to the complaint (e.g. statistical data)?**

*Please select from dropdown menu  
If yes or partly, please specify*

**8. What was the evidence/argument that the provider gave for its behaviour? Did the provider present data proving that its behaviour was appropriate?**

*Please specify*

**9. Could you establish whether the provider of the financial service which was subject to the complaint acted appropriately (i.e. whether the differences in prices/premiums and benefits were proportionate to the risk assessment)?**

*Please select from dropdown menu  
If yes or partly, please specify*

**10. Did the complaint lead to a court case?**

*Please select from dropdown menu  
If yes, please specify the court reference number, in case available*

**11. If requested, could you provide additional information on the case?**

*Please select from dropdown menu*