

BANKING AND FINANCIAL DISPUTE RESOLUTION

The Italian Experience in the European Context

Friday, September 15, 2017

The conference, which is a joint initiative of the Universities of Roma Tre and of Luxembourg; the Bank of Italy, and Fin-Net, aims at soliciting a common discussion on the role of alternative non-adjudicative banking and financial disputes resolution.

The starting point will be the experience, which covers already eight years, of the Italian "Arbitro Bancario e Finanziario" (ABF) and which is being increasingly successful and is channelling hundreds of claims which are therefore removed from ordinary judicial settlement.

Owing to the great amount of claims the ABF has created new regional panels. Furthermore the experience of the ABF has been replicated, this year, with the creation of the "Arbitro per le Controversie Finanziarie" (ACF) within the Italian financial markets Authority (CONSOB).

Using the Italian experience as a possible example of "best practice" and in the view of the circulation and exchange of models, the conference will examine the main other European alternative dispute resolution in the field of claims brought by non-professional savers and investors, especially hit also by recent financial crisis. Through the contributions of experts from the European Union institutions, academia, ADR centres the conference aims at providing improved mechanisms for a truly European "better regulation".

The photograph represents one of the street art examples from the San Basilio quarter in Rome



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Rome

Friday, September 15, 2017

Università degli studi Roma Tre

Dipartimento di Giurisprudenza

Sala del Consiglio - Via Ostiense 159

Morning Session

9.30 - 10.00 THE ITALIAN EXPERIENCE IN A EUROPEAN CONTEXT

Introduction

Giovanni SERGES (*Director of the Law Department*)

Vincenzo ZENO-ZENCOVICH (*Chair – Università Roma Tre*)

10.00 - 10.20 ADR and economic efficiency

(Roberto PARDOLESI – *Università LUISS*)

10.20 - 10.40 Banking and financial disputes: mediation vs arbitration

(Federico CARPI – *Università Bologna*)

10.40 - 11.00 The Italian banking ombudsman (ABF) model in a European context

(Maria Cecilia PAGLIETTI – *Università Roma Tre*)

Coffee break

11.15 - 11.35 Disputes in banking contracts in a European context

(Pietro SIRENA – *Università Bocconi*)

11.35 - 11.55 Typology of disputes in front of the ABF

(Giuseppe CARRIERO – *Presidente ABF Napoli*)

11.55 - 12.15 The newly created financial disputes ombudsman (ACF)

(Raffaele LENER – *Università Roma Tor Vergata*)

12.15 - 13.00 Facts and figures:

ABF (Raffaella PINTO – *Banca d'Italia*)

ACF (Francesco VITALE – *Consob*)

ANAC (Ferruccio ADUETTA – *Università di Napoli*)

Light lunch

Afternoon Session

14.00 - 14.15 THE EUROPEAN CONTEXT

Introduction

Magda BIANCO (*Chair – Banca d'Italia*)

14.15 - 14.30 Consumer protection and ADR in Europe:

the European Commission perspective

(Ralf JACOB – *DG Fisma*)

14.30 - 15.40 Roundtable with Fin-Net members

Effectiveness of ADR as consumer protection instrument

UNITED KINGDOM: (Caroline MITCHELL, *Financial Ombudsman Service*)

FRANCE: (Francis FRIZON, *Médiation de l'assurance*)

GERMANY: (Timm SACHSE, *Ombudsstelle für Investmentfonds*)

ITALY: (Giovanni AMISTA - *Ruggero MANENTI, Arbitro Bancario e Finanziario*)

SPAIN: (Nieves PRIETO – *Banco de España*)

15.40 - 16.00 A view from Luxembourg

(Isabelle RASSETTO – *Université du Luxembourg*)

16.00 - 16.20 Consumer ADR in Europe: Regulating market behaviour

(Christopher HODGES – *Oxford University*)

16.20 - 16.40 ADR and ordinary justice

(Marcello MARINARI – *Presidente ABF Bologna*)

16.40 - 17.15 Conclusions and future perspectives

Elise POILLOT (*Université du Luxembourg*)