



Arbitro Bancario Finanziario  
Risoluzione Stragiudiziale Controversie



# ABF IN SIMPLE TERMS



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# SOME INFORMATION ON THE FINANCIAL BANKING ARBITRATOR

Do you have a problem with a bank or a financial intermediary? There is the ABF!

The ABF is an alternative dispute resolution system for disputes that may arise between customers, on the one hand, and banks and other financial intermediaries, on the other. It makes decisions quickly and is within everyone's reach.

- The ABF is autonomous and impartial and supported in its operation by the Banca d'Italia.
- The ABF is a simpler, faster, and cheaper alternative to the judge.
- You can appeal on your own and online. You have to believe it - it's simple!
- You do not need legal assistance or the help of a professional to use the ABF.

This guide gives you useful guidance on how to file an appeal to the ABF.

If you want more information on ABF (e.g. decisions of colleges) you can visit [www.arbitrobancariofinanziario.it](http://www.arbitrobancariofinanziario.it).

## THE STRUCTURE OF THE ABF

The ABF is divided into seven colleges operating on a territorial basis (Milan, Turin, Bologna, Rome, Naples, Bari and Palermo) which decide on appeals on the basis of the domicile of the customers (i.e. the address stated in the appeal).

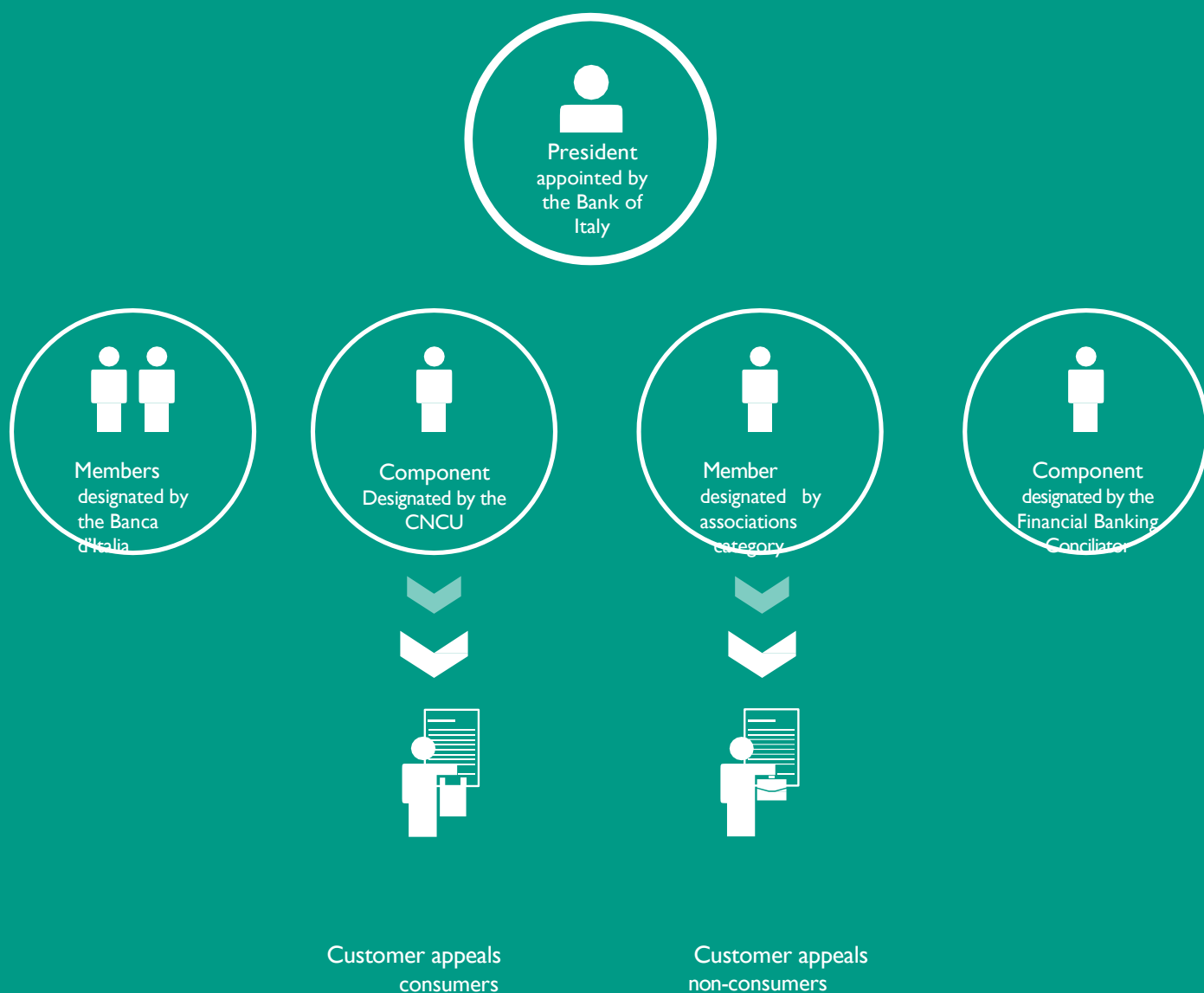
Due to the functionality of the system, it is possible that a different Board may decide on your appeal. In any case, you will be notified via an alert on the website.

COLLEGE	REGIONS
Milan	Friuli-Venezia Giulia, Lombardia, Trentino-Alto Adige, Veneto
Torino	Liguria, Piemonte, Valle d'Aosta
Bologna	Emilia-Romagna, Tuscany
Rome	Abruzzo, Lazio, Marche, Umbria, Foreign
Naples	Campania, Molise
Bari	Basilicata, Calabria, Puglia
Palermo	Sardinia, Sicily



Each College shall be composed of five members:

- The President and two members shall be appointed by the Banca d'Italia;
- a member shall be designated by the associations of intermediaries;
- a member is designated by associations representing customers (consumers and businesses).



Each College shall be assisted by a Technical Secretariat set up at the relevant offices of the Banca d'Italia.

Each Technical Secretariat shall be responsible , inter alia, for:

- receive the appeal, first of all verifying that it is complete, regular and submitted within the time limits;
- receive the documentation submitted by the intermediary;

- maintain communications relating to the appeal procedure to the parties.

# JUST A FEW QUESTIONS TO LEARN MORE ABOUT ABF



## WHAT CAN ABF DO?

The ABF decides who is right and who is wrong: Its decisions, although not binding on the parties, have a high rate of membership by intermediaries.

If you find the ABF's decision unsatisfactory, you can in any case go to the judge, as the intermediary can in turn do.



## WHEN CAN YOU USE ABF?

You may use ABF if you have or have had contractual relationships or even if you have only entered into a relationship with a banking and financial intermediary, including payment services.

If, for example, your dispute concerns current accounts, mortgages, personal loans, you can resort to the ABF if you ask:

- an amount of money not exceeding eur 200,000;
- the establishment of rights, obligations and entitlements (for example, for failure to provide transparency documentation or for failure to cancel a mortgage after a loan has been paid out), in this case without limit in amount.



## WHEN CAN YOU NOT RESORT TO ABF?

if your dispute:

- It concerns services or activities for investment purposes (e.g. trading or placing of securities, investment advice, asset management): For this, there is the arbitrator for financial disputes – ACF (<https://www.acf.consob.it/>);
- concerns goods or services other than banking and financial;
- relates to transactions or conduct of business prior to the sixth year preceding the date of the appeal;
- it is already submitted to the judicial authority or is already before arbitrators or conciliators.

However, recourse to the ABF is possible if a conciliation or mediation procedure fails or if it was initiated by the intermediary and the client did not join it.



## WHO CAN YOU APPEAL AGAINST?

you may appeal against:

- banks;
- financial intermediaries registered in the register referred to in art. 106 of the Consolidated Banking Law (tub);
- withdrawals entered in the list referred to in art. 112 UPC (until the establishment of the list referred to in Article 112 of the UPC, for confiscations other than those required to register in accordance with Article 106 of the UPC, reference is made to the general list dedicated to minor confiscations pursuant to Article 1 of the UPC. 155(4) of the UB);
- Payment institutions (IP);
- Electronic money institutions (IMELs).

To check whether the person against whom you wish to appeal is subject to the ABF, you can consult the Books and lists kept by the Banca d'Italia (<http://www.bancaditalia.it/compiti/vigilanza/albi-elencchi/>).

You can also appeal against foreign banks and intermediaries operating in Italy that are not subject to an out-of-court system that is part of the European Fin-Net network (see “what is the Fin-Net network”).



## WHAT DO YOU NEED TO DO BEFORE YOU APPEAL?

you must send a written complaint to the intermediary, who usually has 60 days to respond to you (except in special cases, e.g. in the case of payment services where the deadline is 15 working days). Please note that in the appeal you can only propose matters already expressed in the estimate claim.

If the intermediary has not replied to you or you are not satisfied with the reply you have received, you can contact the ABF.

You may use the ABF no later than 12 months after the complaint has been lodged with the intermediary. If 12 months have elapsed you must file a new claim.



## HOW MUCH DOES IT COST TO RESORT TO ABF AND HOW DO YOU PAY FOR IT?

you will only have to pay 20 euro contribution for the procedure.

If your appeal is accepted, even partially, the intermediary is obliged to reimburse you the 20 euro, except in cases expressly covered by the ABF provisions where the contribution is not reimbursed.

Payment may be made:

- By bank transfer to the current account in the name of “Banca d’Italia Segreteria Tecnica dell’Arbitro Bancario Finanziario”, IBAN IT71M0100003205000000000904;
- With payment to postal current account No 98025661 in the name of “Banca d’Italia — Technical Secretariat of the Financial Banking Arbitration”;
- In cash at all branches of the Banca d’Italia open to the public, except specialized supervisory units.

In the reason for the payment, you must indicate “appeal ABF” and your tax code Or your VAT number.



## HOW LONG DO I HAVE TO WAIT TO GET AN ANSWER FROM THE ABF?

the intermediary has 45 days from receipt of the appeal to submit its counter-arguments, then:

- you can reply to the documentation submitted by the intermediary within the next 25 days;
- the intermediary may submit counter-rejoinders within the following 20 days.

Within 90 days of the date of completion of the file, you will receive a notification of the outcome of your appeal. The outcome may also be communicated by sending only the device (where it is indicated whether the appeal was upheld or rejected); in this case, a further 30 days shall be allowed to communicate to the parties the decision together with the statement of reasons.

The 90-day time limit may be extended for a total period not exceeding 90 days if your appeal is of particular complexity (e.g. for the case of the Specific nature of the subject-matter; in the event of the appeal, or other appeal pending on the same matter, being referred to the coordination Board). In any case, you will be informed of this extension and of the new deadline for the conclusion of the procedure.



## WHAT IS FIN-NET?

It is the European network for cooperation between national out-of-court dispute resolution bodies in the field of banking, insurance and financial services.

If the foreign intermediary against whom you want to appeal is a member of a system that is part of FIN-Net, the Technical Secretariat can help you to file the appeal with the competent body.

## COUNT HER OUT!

Further information on FIN-net can be found on the FIN-net website ([https://finance.ec.europa.eu/consumer-finance-and-payments/retail-financial-services/financial-dispute-resolution-network-FIN-net/FIN-net-network\\_it](https://finance.ec.europa.eu/consumer-finance-and-payments/retail-financial-services/financial-dispute-resolution-network-FIN-net/FIN-net-network_it)) and on the ABF website.



# THE ABF STEP BY STEP PROCEDURE

## 1

## THE INITIAL

You can submit your query online via the ABF portal (“see ABF Portal User Guide”).

After the application has been submitted, the Secretariat will ensure that the documents you have submitted are complete, regular and timely. You may be asked to regularize your use and to provide additional information (the latter may also be addressed to the intermediary).

## 2

## THE DECISION

The appeal shall be decided by the council solely on the basis of the documents submitted. The decision shall be taken by majority vote and shall state the reasons on which it is based. In cases where there is a consolidated approach by the council to the question referred to in the action, which entails the applicant's application being granted, the dispute may be dealt with more quickly by the ABF, thanks to the intervention of the President and without waiting for the decision of the council.

If your appeal is granted, even in part, the intermediary is obliged to comply within 30 days and to reimburse the contribution to the costs of the procedure of EUR 20, except in the cases provided for in the ABF provisions.

## 3

## IN CASE OF DEFAULT OF THE INTERMEDIARY

The intermediary shall be deemed to be in default if:

- It does not perform or performs only in part the provisions of the ABF decision
- It does not reimburse you for the EUR 20 paid as a cost contribution, if the appeal has been granted, even if only in part, subject to the exception in point 2 above
- It did not pay the cost contribution due to the Bank of Italy

If the intermediary does not comply with the decision or does not cooperate in the conduct of the procedure, the default is published for 5 years on the website (<https://www.arbitrobancariofinanziario.it/intermediari-inadempienti/index.html>) of the ABF, where you can find the list of defaulting intermediaries. Notice of non-compliance or non-cooperation shall also be prominently displayed on the homepage of the website of the intermediary for a period of 6 months.

## 4

### OTHER OUTCOMES OF THE PROCEDURE

If, during the proceedings, you indicate that you have submitted the dispute to the judicial authority or to arbitration, the Board shall declare the action inadmissible.

It may also happen that, prior to the decision of the ABF, the intermediary brings the dispute to the attention of the judicial authority or submits it to arbitration. In either case, the technical Secretariat will ask you if you are still interested in continuing the proceedings before the ABF.

If you declare your interest within 30 days, the proceedings before the arbitrator will continue; otherwise, the Board will terminate your appeal.

## 5

### THE CORRECTION INSTANCE

Only if you find omissions, clerical or calculation errors in the decision can you request that it be corrected within a mandatory period of 30 days from its transmission.

The correction may also be requested by the intermediary.



# CONTACTS

## TOLL-FREE NUMBER

In addition to the support request that you can submit through the Portal, for general information about ABF (e.g. who can appeal and how to appeal) you can call the toll-free number **800 196969**.

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## References of the ABF Technical Secretaries

If you only have questions about appeals that have already been filed, you can contact the Technical Secretariat responsible for your territory, where you can leave a voice message on your voicemail or send an email to describe your problem. Either way, we'll get back to you as soon as possible.

### College of Milan

Via Cordusio, 5 - 20123 Milan

Tel: 02.724.242.46 - Email: [milano.abf.segreteriatecnica@bancaditalia.it](mailto:milano.abf.segreteriatecnica@bancaditalia.it)

### Collegio di Torino

Via Arsenale, 8 - 10121 Torino

Tel: 011.551.85.90 - Email: [torino.abf.segreteriatecnica@bancaditalia.it](mailto:torino.abf.segreteriatecnica@bancaditalia.it)

### College of Bologna

Piazza Cavour, 6 - 40124 Bologna

Tel: 051.643.01.20 - Email: [bologna.abf.segreteriatecnica@bancaditalia.it](mailto:bologna.abf.segreteriatecnica@bancaditalia.it)

### College of Rome

Via Venti Settembre, 97/E - 00187 Rome

Tel: 06.4792.92.35 - Email: [roma.abf.segreteriatecnica@bancaditalia.it](mailto:roma.abf.segreteriatecnica@bancaditalia.it)

### College of Naples

Via Miguel Cervantes, 71 - 80133 Naples

Tel: 081.797.53.50 - Email: [napoli.abf.segreteriatecnica@bancaditalia.it](mailto:napoli.abf.segreteriatecnica@bancaditalia.it)

### College of Bari

Corso Cavour, 4 - 70121 Bari

Tel: 080.573.15.10 - Email: [bari.abf.segreteriatecnica@bancaditalia.it](mailto:bari.abf.segreteriatecnica@bancaditalia.it)

### College of Palermo

Via Cavour, 131/A - 90133 Palermo

Tel: 091.607.43.10 - Email: [palermo.abf.segreteriatecnica@bancaditalia.it](mailto:palermo.abf.segreteriatecnica@bancaditalia.it)

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## Branches of the Banca d'Italia

[Branches](#) open to the public, for the purpose of submitting claims by hand.

All [branches](#) to send the complaint by ordinary mail or certified e-mail (PEC).



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