

99142051058000

Beschwerdeverfahren nach Kapitalanlagegesetzbuch Durchführung

Heruntergeladen am 24.05.2025

<https://fimportal.de/xzufi-services/102806769/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99142051058000
Leistungsbezeichnung I	Beschwerdeverfahren nach Kapitalanlagegesetzbuch Durchführung
Leistungsbezeichnung II	Submitting a complaint against companies in the financial services sector
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Durchführung (58)
SDG-Informationsbereich	Besitz eines Bankkontos in einem anderen

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	Mitgliedstaat
Lagen Portalverbund	Verbraucherschutz (1150300), Verbraucherschutz (2140100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	09.01.2024
Fachlich freigegeben durch	Federal Ministry of Finance (BMF)
Handlungsgrundlage	Section 342 KAGB, Section 4b FinDAG https://www.gesetze-im-internet.de/kagb/__342.html https://www.gesetze-im-internet.de/findag/__4b.html
Teaser	Do you believe that a company has violated the German Investment Code? Then you can lodge a complaint with the Federal Financial Supervisory Authority (BaFin). You can use the general complaints procedure to do so.
Volltext	<p>The Federal Financial Supervisory Authority (BaFin) is responsible for protecting all consumers in the financial services sector. You can only submit complaints to BaFin about possible malpractice in a company in the financial services sector that is under the supervision of BaFin. BaFin cannot refund money that you have lost through securities transactions, for example.</p> <p>It also has no influence on statutory or contractual deadlines, such as payment, reporting or limitation periods, if you submit a complaint. To ensure that you do not suffer any disadvantages, you must ensure that you comply with such deadlines yourself, irrespective of BaFin's review. In cases of doubt, it is advisable to seek legal advice.</p> <p>In the event of a dispute, BaFin offers the parties involved the opportunity to settle the dispute out of court in addition to lodging a complaint, if your complaint is suitable for this.</p> <p>Regardless of which body is responsible for settling a specific disagreement, all procedures have certain principles in common:</p>

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- Conciliation proceedings are largely conducted in writing.
- Before an arbitration procedure, you should always have complained in writing to the company or institution concerned.
- The arbitration procedure itself is generally free of charge for you as a consumer.
- If you do not agree with the arbitrator's decision, you can still decide to take legal action, i.e. sue the institution in question.

BaFin is not responsible for complaints about

- statutory health insurance, accident insurance, pension insurance or municipal compensation,
- the stock exchange supervisory authority,
- some smaller insurance companies that only operate regionally and are subject to state supervision,
- Old funds, provided they are not subject to the Capital Investment Code, the Securities Sales Prospectus Act or the Asset Investment Act,
- brokers of investment funds and other financial service providers that do not conduct business requiring a license under the German Banking Act.
- Restrictions also apply to foreign companies.

Erforderliche Unterlagen

- a description of your problem that is as precise as possible (with signature)
- Copies of documents that help to understand the matter; for example, contract, statements, insurance policy, correspondence
- if you are complaining on behalf of another person: a written power of attorney authorizing you to act on behalf of the person concerned
- if you have someone represent you in the complaint: a written power of attorney for the authorized person

Voraussetzungen

- BaFin supervises the company about which you file a complaint.

Kosten

Gebühr: Es fallen keine Kosten an

Verfahrensablauf

You can use the online complaint form for complaints under the German Investment Code. To do so, use the

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online service "BaFin online complaint form".

- When submitting the complaint, you will be guided through the form and asked for the necessary information
 - The following information is requested:
 - Your name and address
 - in the case of a complaint on behalf of another person: name and address of the person concerned
 - Name and address of the company concerned
 - in the case of a complaint about a credit or financial services institution:
 - Type of business relationship, e.g. securities account, current account, savings contract
 - Account or customer number
 - Name of the account holder, if you are not the account holder yourself
 - in the event of complaints in connection with the purchase of securities:
 - Securities identification number: WKN or ISIN
 - if you wish to complain about a capital management company:
 - the full name of the investment fund concerned, if applicable, as well as the WKN or ISIN and the name of the custodian.

BaFin normally examines complaints in several steps:

- First, it checks whether your case can already be assessed on the basis of the information you have provided and the documents you have submitted.
 - If not, BaFin clarifies the facts further. To do this, it requests a statement from the company concerned. As a rule, BaFin will forward your letter of complaint to the company.
 - The company will respond to your complaint to BaFin.
 - BaFin examines the company's statement in accordance with regulatory standards and decides whether and to what extent further steps against the company are necessary. However, due to its mandate and its duty of confidentiality, BaFin will not inform you of the outcome of its review.

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	<ul style="list-style-type: none"> In any case, you will receive a final letter regarding your complaint. If the company agrees, BaFin will also forward its response to your complaint to you.
Bearbeitungsdauer	3 Monat(e) Processing usually takes up to 3 months.
Frist	<ul style="list-style-type: none"> You can lodge a complaint at any time. Please note that statutory or contractual deadlines, for example payment, notification or limitation periods, continue to run despite your complaint.
weiterführende Informationen	https://www.bafin.de/DE/Verbraucher/BeschwerdenStreitschlichtung/BeiBaFinbeschwerden/BeiBaFinbeschwerden_node.html https://www.bafin.de/DE/PublikationenDaten/Datenbanken/Unternehmenssuche/unternehmenssuche_node.html
Hinweise	There are no indications or special features.
Rechtsbehelf	<ul style="list-style-type: none"> Administrative court action
Kurztext	<ul style="list-style-type: none"> Complaints procedure under the German Investment Code Implementation <ul style="list-style-type: none"> Clients of companies subject to BaFin supervision may lodge complaints with BaFin regarding alleged violations Complaints must be submitted to BaFin in writing or text form and should include the facts of the case and the reason for the complaint <ul style="list-style-type: none"> In the case of suitable complaints, BaFin may refer to out-of-court dispute resolution options Responsible: Federal Financial Supervisory Authority (BaFin)
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Beschwerdeverfahren nach Kapitalanlagegesetzbuch Durchführung, Beschwerdeverfahren nach Kapitalanlagegesetzbuch Durchführung