

Decision 2014-09 of 25 June 2015 against Groupama Gan Vie (life insurance policies not paid out – obligation to identify deceased policyholders – non-compliance with a cease-and-desist order)

Through this decision, the Committee handed down a reprimand and a fine of EUR 3 million to Groupama Gan Vie which, several years after the entry into force of the Act of 17 December 2007 and after being sent a cease-and-desist order on 11 April 2013 ordering it to meet the obligation introduced by that Act to identify deceased policyholders, had failed to put in place effective and comprehensive arrangements. It noted that searches carried out in 2013 in response to the cease-and-desist order still involved technical approximations and excluded a non-negligible number of policyholders, with the result that benefits due were not paid out until later than they should have been. Furthermore, efforts to upgrade the systems and resources dedicated to complying with the obligations arising from the Act were not stepped up until 2015, with the result that previously, savings were made for several years.

The Committee pointed out that non-compliance with the cease-and-desist order of 11 April 2013 could not be considered a significant factor in determining the sanction, since Groupama Gan Vie had notified the ACPR's General Secretariat in advance of the actions it intended to take to comply with the order, and had never received any response to that notification. Moreover, this case differed from those relating to insurance policies not paid out examined by the Committee in 2014 in that the scope of the complaints notified was smaller. Finally, the Committee took into account Groupama Gan Vie's efforts to meet its obligations and comply with the supervisor's requests.