

Pursuant to Article 158-j, Point 1), and in relation to Article 225-a, 225-b and 225-c of the Law on Insurance Supervision (Official Gazette of the Republic of Macedonia Nos. 27/02, 84/02, 98/02, 33/04, 88/05, 79/07, 08/08, 88/08, 56/09, 67/10 and 44/11), the Council of Experts of the Insurance Supervision Agency adopted the following

RULEBOOK

on the Handling Procedure for Complaints Submitted to the Insurance Supervision Agency by the Insured, by Insurance Beneficiaries or by Third Injured Parties

I. General Provisions

Article 1

This Rulebook prescribes more closely the handling procedure for complaints submitted by the insured, by insurance beneficiaries and by third injured parties for insurance and insurance brokering operations by the Insurance Supervision Agency (hereinafter: the Agency).

Article 2

- (1) The insured, insurance beneficiaries and third injured parties (hereinafter: petitioner) shall have the right to file a petition to the Agency addressing the operations of the insurance and reinsurance undertakings, insurance brokerage companies, insurance agencies, insurance agents and the National Insurance Bureau (hereinafter: Entity).
- (2) A petition, in terms of this Rulebook, shall mean any written address by the petitioner to the Agency for the purposes of protecting and exercising their rights and interests.
- (3) In case the petition is filed by another person on behalf of the petitioner, a power of attorney authenticated by a competent person (notary public) shall have to be enclosed therewith.

II. Complaints Handling Procedure

Article 3

- (1) The petitioner shall have the right to file a petition to the Agency only in the case where the petitioner has addressed the Entity in writing and has not been satisfied with the answer or in the case where the Entity has failed to reach a decision regarding the petition and has failed to inform the petitioner in writing within 30 days from the day the petition has been duly received.
- (2) The Agency shall not look into complaints that have been involved in court proceedings or that have already been adjudicated upon or that have been involved in other legal actions.
- (3) The Agency shall not handle anonymous complaints.

Article 4

- (1) The petition shall be filed to the Agency in a written or in an electronic form.
- (2) The petition shall include:
 1. Name and surname and address / name and seat of the petitioner;
 2. Description of the product or service that the petitioner is complaining about;
 3. Entity that the petition is filed against;
 4. Supporting documentation, including:
 - a photocopy of the insurance contract (if one exists);
 - a photocopy of the petition filed to the Entity;
 - The Entity's reply to the petition; and
 - Other documentation necessary to decide on the petition.
- (3) In case the petition is filed in electronic form, the documentation referred to in Paragraph (2), Point 1) of this Article shall mandatorily be scanned and enclosed with the electronic message.

Article 5

- (1) The Agency shall forward a copy of the petition to the Entity that the petition had been filed against, requesting from the Entity to make a statement regarding the allegations made in the petition.
- (2) In order to establish the grounds for the petition, the Agency shall be able to request from the Entity that the petition had been filed against to make the entire case that the petition refers to available for inspection, as well as other supporting documentation and information.
- (3) The Entity that the petition had been filed against shall be required to submit a written reply to the Agency within 5 work days from the day of reception of the request referred to in Paragraph (1) of this Article.
- (4) The Agency shall look into the petition and shall submit a written reply to the petitioner within 30 days from the day of reception of the petition.
- (5) In case the Agency finds it to be beneficial for the resolution of the petition, the Agency shall be able to ask for confrontation of the parties involved so that the parties, by way of mutual agreement, may find the solution that will satisfy the mutual interests with reference to the grounds of the petition.
- (6) The Agency shall keep records of all complaints filed and resolved.

III. Costs Incurred by the Petition Handling Procedure and Amicable Dispute Resolution

Article 6

All services rendered by the Agency in relation to the petition handling procedure shall be free of charge.

IV. Data Confidentiality

Article 7

The Agency shall have to observe the confidentiality principle for all information made available throughout the petition handling procedure.

V. Final Provisions

Article 8

This Rulebook shall enter into force on the day of its promulgation in the Official Gazette of the Republic of Macedonia.

**In Skopje,
No. 0201-4197/2
13.12.2011**

**President of the Council of Experts of the
Agency
Dr. Klime Poposki**