

Zavarovalnica Triglav, d.d.
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PUBLIC

**RULES ON FOREIGN COMPLAINTS RELATED TO INSURANCE CONTRACTED IN
THE MEMBER STATES OF THE EUROPEAN UNION THROUGH A MANAGING
GENERAL AGENT**

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Prepared by (file admin)	Director of Insurance Law Department, Matej Eigner
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On the basis of Article 183 of Directive 2009/138/EC of the European Parliament and the Council, 25 November 2009, on the taking-up and pursuit of the business of Insurance and Reinsurance (“Solvency II”), the Management Board of Zavarovalnica Triglav, d.d., at its xx. session on the 24.1.2023, adopted the following

RULES ON FOREIGN COMPLAINTS RELATED TO INSURANCE CONTRACTED IN THE MEMBER STATES OF THE EUROPEAN UNION THROUGH A MANAGING GENERAL AGENT

(Hereinafter the “Rules”)

I. GENERAL PROVISIONS

1.1. Contents of the Rules

Article 1

These Rules govern the internal complaints handling procedure at Zavarovalnica Triglav, d.d., (hereinafter “Triglav” or the “insurance company”) and are used in the case of a direct complaint from a foreign person (the word "foreign" in the sense of these regulations means a person who does not reside in the Republic of Slovenia) which is addressed to Triglav and is related to an insurance which had been contracted in the member states of the European Union through a Managing General Agent (Hereinafter the “MGA”).

1.2. Definitions

Article 2

- (1) For the purpose of these Rules, the following definitions shall apply:
- 1) A **Complaint** is a written statement of dissatisfaction addressed to Triglav by a foreign natural person and is related to an insurance contract or service provided or contracted through an MGA. Complaints are differentiated from claims as well as from simple requests for execution of the contract, information or clarification.
 - 2) **PPD complaint** is a complaint, which by content refers to the processing of the complainant’s personal data by the MGA, in particular to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

- 3) **Managing General Agent (MGA)** is a specialised type of insurance agent or broker that has been granted underwriting authority by Triglav and can negotiate contracts for an insurer, for and on his behalf.
- 4) **The Complaints Committee** is a three-member committee which is responsible for consideration, management and decision-making in individual complaints procedures.
- 5) **Head of the Complaints Handling Function** is a person at Triglav that disposes all means and powers to communicate with any personnel, departments or areas/units of the insurance company, in order to gather any required information for an objective and thorough investigation of the complaint. The contact details of such a person as well as of any replacement or new appointment of such a person are communicated to competent authorities under EU and national law, by insurance undertakings doing business in their jurisdiction under freedom of services or freedom of establishment. The Head of the Complaints Handling Function is appointed by the Management Board.
- 6) **Complainant** is generally a foreign natural person (in exceptional cases also a foreign legal entity) who is eligible to have a complaint considered by Triglav and has lodged such a complaint (e.g. a policyholder, insured person, beneficiary and in some jurisdictions, a third party).
- 7) **Competent Director** is the Executive Director of Corporate Policyholders at Triglav, which is responsible for the implementation of these Rules within the business area/unit he or she leads and within all the MGA's with whom Triglav does business. A competent director communicates with an MGA and provides the MGA with the authority to underwrite.
- 8) **Responsible person** is a person who replaces the Competent Director in the event of the latter's absence, or a person authorised by the Competent Director to appoint complaints committees. In such cases, all the powers and duties of the Competent Director according to these Rules apply mutatis mutandis to the responsible person.

1.3. General principles

Article 3

The complaints handling procedure respects the principle of equal treatment of parties, the principle of good faith, the principle of prevention of conflicts of interest, the principle of fairness, the principle of proportionality, the principle of legality and professionalism, the principle of confidentiality and protection of personal data, and the principle of efficiency and expediency.

II. JURISDICTION, METHOD OF FILING AND REGISTRATION OF COMPLAINTS

2.1. Filing a complaint

Article 4

- (1) Complaints can only be filed in written form by regular mail, e-mail or through the Zavarovalnica Triglav, d.d., website (triglav.eu).
- (2) Each complaint will be registered and transferred directly to the Head of the Complaints Handling Function and to the Competent Director. If the content of a complaint does not relate to the field of the Competent Director, he or she is obliged to forward it to the competent company unit to be considered and resolved.
- (3) If the complaint is incomprehensible or does not contain sufficient data, facts or circumstances to be considered, the Complaints Committee asks the complainant to correct or supplement the complaint within 15 days so that it is suitable for consideration. If the complaint is not properly corrected within 15 days, the Complaints Committee notifies the complainant in writing that the complaint is considered withdrawn and specifies the grounds for such a decision. The Complaints Committee may exceptionally, at the request of the complainant, extend the specified deadline, depending on the nature of the corrections and/or additions required to the complaint.

2.2. Competence and responsibility for handling complaints

Article 5

- (1) The Complaints Committee is appointed by the Competent Director from among the staff members of the business area/unit he or she manages. Similarly, the Committee is appointed by a director of the area to which the complaint relates, and which was transferred to him or her by the Competent Director.
- (2) The Competent Director may decide, due to objective reasons (e.g., conflict of interests), to transfer the complaint to another professional area or department within the insurance company.
- (3) If the same complaint is submitted to several business areas or professional departments, the area or department to which the complaint mainly refers is responsible for handling the complaint.

2.3. Registration of a complaint

Article 6

- (1) Every complaint must be registered immediately after being received within the insurance company.

- (2) Registration of a complaint demands recording all the data necessary for the identification and resolution of the complaint in an individual file, including the causes or reasons for the filed complaint. More specifically, each complaint file must contain:
 - a. The date of submission of each complaint and the date of resolution,
 - b. the identification details of the complainant,
 - c. a summary of each case,
 - d. the insurance type concerned,
 - e. the outcome, and
 - f. all documents linked to the handling of each complaint.
- (3) After its registration, the complaint is assigned to the Competent Director in order to appoint the Complaints Committee.
- (4) The Complainant must be informed within 8 days from the receipt of the complaint about the fact that the complaint has been registered and that the insurance company will provide a reply to/resolution of the complaint within 21 days from the receipt of the complaint. More specifically:
 - (a) Upon receipt of a complaint, the insurance company sends to the complainant an acknowledgement of receipt of the complaint, including a short description of the process the insurance company follows for the handling of complaints, the contact details of the person or the department/area/unit that will handle the complaint and the type of information required to be provided by the complainant. The acknowledgement of receipt must also include the information related to points (b), (c) and (d) below.
 - (b) The insurance company responds in writing within the above deadline which cannot in any case exceed 21 days from the date that the complaint is filed. In cases where the insurance company is not able to respond within the above deadline, it explicitly provides in writing to the complainant the grounds thereof and defines the time for completion of the processing of the complaint.
 - (c) The insurance company informs the complainant that the complaints handling process does not interrupt the statutory limitation period for the exercise of his/her legal rights.
 - (d) The insurance company informs the complainant of the out-of-court recourse mechanisms available to him or her, including the applicable deadlines for such recourse; and
 - (e) the insurance company keeps the complainant informed about the progress of the complaints handling process.
- (5) The Complainant is informed about the receipt, registration, and processing of the complaint via e-mail or by regular mail.

2.4. Complaints documents

Article 7

- (1) Upon registration of a complaint, the complaint is identified by an identification number under which the complaints process is conducted.
- (2) All documents received or created in an individual complaint are digitised in accordance with the internal acts of the insurance company, which regulate the management of documentary material in electronic form, including the documents received by e-mail. The complaint documentation is kept in electronic form, exceptionally also in written form in accordance with the rules governing the storage of business records at Triglav.

III. HANDLING THE COMPLAINT

3.1. Complaints Committee

Article 8

- (1) The Complaints Committee consists of the Chairman and two members (members of the Complaints Committee), all of whom are appointed from among the employees of the Corporate Policyholders area/unit at Triglav.
- (2) At least one member of the committee must be appointed from among the lawyers of that area/unit if the complaint concerns legal issues. If the Corporate Policyholders area does not have a lawyer who could be a member of the committee, one of the lawyers of the Insurance Law Department is appointed to the Complaints Committee. If the decision of the Complaints Committee could cause consequences also in the area/unit for which another expert department of the insurance company is responsible, at least one member of the Complaints Committee must be appointed from this professional department.
- (3) The Chairman or member of the Complaints Committee cannot be an employee in relation to whom a conflict of interests is stated in the decision-making process on a specific complaint.
- (4) If, after the appointment of the Committee, one of the members of the Committee is absent for a long time and this could cause a delay in resolving the complaint, the Competent Director must appoint a replacement member to the committee.

3.2. Session of the complaints committee

Article 9

- (1) The Complaints Committee discusses the complaint at a meeting, which can also be conducted by correspondence.

- (2) The Complaints Committee must consider all the reasons for a complaint, examine the evidence, and determine all the facts that are important for the decision in the case. For this purpose, it may request additional documentation or explanations from the Complainant if this is necessary to determine the facts / circumstances that are important for the decision. The Complaints Committee can also request written explanations from individual employees of the insurance company who have information that is important for the decision.
- (3) If it is reasonable, especially for the purpose of clarifying the factual situation, that the Chairman may also invite the Complainant and/or any witnesses to the session, he may also invite other employees of the insurance company, representatives of the MGA who can help resolve the complaint or ask a competent department of the insurance company for an expert opinion.

3.3. Decision-making of the Complaints Committee

Article 10

- (1) The Complaints Committee decides by majority vote.
- (2) The Complaints Committee must decide on the complaint and inform the Complainant no later than 21 days after receiving the complete complaint. Otherwise, the Complainant shall be notified in writing within the specified period of the reasons for the delay, as described under Article 6 above.
- (3) The decision of the Complaints Committee must be clear and written in an understandable manner. It must contain an introduction, a brief summary of the complaint allegations, factual findings and evidence presented, the legal basis on which the Complaints Committee justified its decision, and the reasoning behind the decision, including legal instruction on the possibility of continuing the procedure within the framework of an out-of-court dispute resolution. The decision of the Complaints Committee is signed by the Chairman.
- (4) The Complaints Committee may not make a decision that is to the detriment of the Complainant if he alone filed a complaint, except in the case of a confirmed suspicion of insurance fraud or another criminal act.
- (5) The decision of the Complaints Committee must be forwarded to the Complainant in writing by mail or by e-mail, if the complaint was (also) submitted by e-mail, provided that the protection of personal data is ensured in accordance with the Privacy Policy of Zavarovalnica Triglav, d.d., published on its website. If the response of the Complaints Committee contains sensitive personal data, it should be sent by e-mail in an attachment that is protected by an appropriate password.
- (6) No appeal may be granted against the decision of the Complaints Committee, except in the case of an appeal referred to in paragraph 4 of article 4 hereunder.

3.4. "Fast-track" complaints resolution procedure

Article 11

- (1) A fast-track complaints resolution procedure is admissible if the status of the case can be established based on the data already available to the insurance company and if it would not be expedient to appoint a Complaints Committee to protect the Complainant's rights or legal benefits.
- (2) Considering paragraph 1 of this article, the Competent Director decides, depending on the content and complexity of the complaint, whether it will be resolved through a fast-track procedure or whether a Complaints Committee will be formed. If he decides on an abbreviated procedure, he also designates a person who will independently handle the complaint.
- (3) In case of an appeal against the decision of the insurance company, which was adopted according to the abbreviated procedure, such an appeal must be handled according to the regular complaints procedure, meaning by a committee.

3.5. PPD complaint resolution procedure

Article 12

- (1) A PPD complaint is handled by the Complaints Committee in accordance with the provisions of these regulations but may consult the Authorised Person for the Protection of Personal Data of Zavarovalnica Triglav, d.d., in each case.
- (2) If the Complaints Committee, when considering the complaint, determines that it relates to unauthorised disclosure or access to personal data, it is obliged to immediately notify the Authorised Person for the Protection of Personal Data of Zavarovalnica Triglav, d.d.

3.5. Duty to inform

Article 13

When dealing with an individual complaint, the Complaints Committee is obliged to inform the Competent Director immediately of all the relevant facts in case it finds that major damage, serious misconduct, or inappropriate decisions may be determined, or if the facts of the case in which a suspicion of an irregularity or fraud exists.

3.6. Cooperation of employees, professional departments of the insurance company and external providers

Article 14

(1) All employees and professional departments of the insurance company are obliged to provide the Complaints Committee with data, documentation and other information that is important for decision-making in complaints procedures.

(2) In individual cases, due to the need for specific knowledge of a certain profession, the Chairman of the Complaints Committee may also involve experts from different fields (e.g., medical or transport experts) to participate.

3.7. Informing clients about the complaints procedure

Article 15

Triglav informs its clients about the internal complaint resolution process in the general insurance conditions, the document with information on the insurance product (IPID) and on its website triglav.eu.

V. TRANSITIONAL AND FINAL PROVISION

Article 18

The Rules shall enter into force on the day of the publication and shall apply as of 1. 2. 2023 onwards.

Ljubljana, January 2023

Zavarovalnica Triglav, d.d.

Verified by:
Head of Legal Department
Aleš Vahčič
