

ARTICLES OF ESTABLISHMENT AND ORGANISATION OF THE MEDIATION CENTRE OF THE SLOVENIAN INSURANCE ASSOCIATION

I. GENERAL PROVISION

Article 1

Subject of these Articles of Association

These Articles regulate the founding and organisation of the Mediation Centre (hereinafter: the MC) of the Slovenian Insurance Association (hereinafter: the SIA) within the framework of which mediation procedures in domestic and cross-border consumer disputes (hereinafter: mediation procedures) are carried out. These Articles of Association also regulate the criteria for including mediators on the list of mediators, the criteria for excluding mediators from the list of mediators, the manner of establishing the list of mediators, the costs of the mediation procedure, and the contents of the mediation files and the register.

Terms used in the masculine grammatical form apply neutrally to both male and female genders.

II. THE FOUNDING AND ORGANISATION OF THE MC

Article 2

Founding of the MC

An MC is established within the SIA for the purpose of the out-of-court resolution of domestic and cross-border consumer disputes through mediation. The MC's activities are non-profit making.

Article 3

Composition of the Mediation Centre

The MC consists of the MC Secretary and the Administrator, both employed by the SIA.

The MC Secretary performs tasks in accordance with the Rules on Mediation Procedures in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association, these Articles of Association, and the Code of Rules on Mediation in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association. The Administrator performs tasks under these Articles of Association and carries out instructions of the MC Secretary.

Article 4

Expert Council of the MC

The MC has an Expert Council, with the following composition: Director of the SIA, a representative of consumers appointed by a consumer organisation, and a representative

of the Insurance Supervision Agency.

The Expert Council is appointed for a period of 5 years.

Article 5 Powers of the MC Expert Council

The MC Expert Council:

- decides on complaints about the work of a mediator, violations by a mediator of the Rules on Mediation Procedures in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association and the Code of Rules on Mediation in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association, and other objections raised by parties to a procedure about a mediation procedure;
- draws up a list of mediators;
- decides on including a mediator on the list of mediators;
- decides on excluding a mediator from the list of mediators;
- forms positions about the fundamental issues of the MC's activities;
- forms proposals on any amendments to these Articles of Association, the Rules on Mediation Procedures in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association, and the Code of Rules on Mediation in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association;
- approves the MC's annual activity report, including the financial report;
- adopts an annual budget to cover mediation procedure costs;
- decides in all other cases where this is reasonable due to the nature and substance of the matter relating to the smooth operation of the MC.

The MC Expert Council adopts decisions at meetings or correspondence meetings. A decision is adopted if the majority of members of the MC Expert Council vote in its favour. Administrative matters for the needs of the MC Expert Council are carried out by the MC Secretary.

Members of the MC Expert Council must keep confidential all personal data and they must act in accordance of personal data protection acts, including General data protection regulation.

Members of the MC Expert Council are eligible for the attendance allowance in the amount of 150,00 EUR.

III. LIST OF MEDIATORS

Article 6 Criteria for mediators

Mediators have legal knowledge acquired in valid study courses offering at least a second-

level legal education, or legal qualifications obtained in study courses which according to the law governing higher education equal at least a second-level education, have passed professional training for mediators and obtained a certificate on professional training for mediators.

Article 7 The list of mediators

The MC of the SIA keeps a list of mediators. The list of mediators is established by the MC Expert Council, and formally endorsed by the Council of the SIA.

Mediators can be put on the list of mediators for a period of five years if they fulfil the following criteria:

- a mediator must file an application and consent for a mediator;
- a mediator must meet the criteria set out in Article 6 of this Act;
- a mediator has not been excluded from the list of mediators in the past due to infringements.

Mediators who do not meet the criteria referred to in the preceding sentence cannot be included on the list of mediators.

The MC Expert Council decides on including a person on the list of mediators on the basis of applications and consents for mediators, after having verified that mediators who filed applications and consents meet the aforementioned criteria and have not been excluded from the list of mediators due to any past infringements.

Mediators are excluded from the list of mediators either on the basis of their request or following a decision of the MC Expert Council due to established infringements or in the case of failure to fulfil his/hers obligations as mediators.

When the Expert Council of the SIA deals with complaints about the work of a mediator, infringements by a mediator of the Rules on Mediation Procedures in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association and the Code of Rules on Mediation in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association, and any other objections raised by parties relating to a mediation procedure and, when it finds that a mediator has committed infringements, the Council may issue a warning to the mediator or exclude him from the list of mediators. Facts and evidence about the grounds for excluding a mediator from the list of mediators are collected by the MC Secretary on the basis of his own findings, statements or information provided by the parties to the procedure, statements made by the mediator etc., and are forwarded to the MC Expert Council. When making decisions, the MC Expert Council abides by the Rules on Mediation Procedures in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association, the Code of Rules on Mediation in Domestic and Cross-Border Consumer Disputes of the Mediation Centre of the Slovenian Insurance Association, the Act on Out-of-Court Resolution of Consumer Disputes, the Act on Mediation in Civil and Commercial Matters as well as the general professional and ethical rules of mediators.

IV. COSTS OF THE MEDIATION PROCEDURE

Article 8

Costs of the mediation procedure

The costs of the mediation procedure comprise:

- the mediator's fee,
- administrative costs,
- costs of taking evidence.

Administrative costs comprise the costs of:

- obtaining consents, where appropriate,
- assistance in the appointment of mediators,
- organising procedural steps in the mediation procedure,
- all tasks relating to obtaining and serving applications and other documents on the parties and mediators,
- organising mediation meetings,
- arranging premises for mediation meetings,
- communicating between the MC, the mediators and the parties,
- keeping files and records of the mediation,
- other tasks for the needs of the mediation procedure for which the MC is competent.

The mediator's fee covers the examination of documentation, the time spent to prepare on initiating and managing the mediation, travel costs, writing up a settlement, and other procedural steps for which the mediator is responsible. A mediator's fee amounts to EUR 130.00 (one hundred and thirty euros) net for each mediation procedure.

The costs of taking evidence include costs relating to document translation, interpretation at mediation meetings, witness costs, expert opinion costs, and costs of experts and other specialists.

Article 9

Recording the costs of the mediation procedure

The costs of the mediation procedure are recorded and financed separately from other activities carried out by the Slovenian Insurance Association.

The funds for covering mediation costs are held in specially designated separate accounts as a special cost centre.

Article 10

Covering the costs of the procedure

Administrative costs are covered through flat-rate contributions of the SIA members, other providers of insurance services and insurance brokerage companies that have recognised the MC as competent for the resolution of disputes, and signed an enrolment declaration.

The flat-rate contribution amounts to EUR 1.500.00 (one thousand five hundred euros) net per year.

The MC Expert Council regularly monitors the work of the MC. In case the paid flat-rate contributions do not suffice to cover its administrative costs, the MC Expert Council asks SIA members, other providers of insurance services and insurance brokerage companies that have recognised the MC as competent for the resolution of disputes and signed an enrolment declaration to pay additional contributions in amounts established by the MC Expert Council. The balance of amounts for covering administrative costs at the end of a calendar year is carried over to the next calendar year and used exclusively to cover administrative costs.

The mediator's fee is covered by members of the SIA, other insurance service providers and insurance brokerage companies that have recognised the MC as competent for dispute resolution.

SIA members, other providers of insurance services and insurance brokerage companies that have recognised the MC as competent for the resolution of disputes, and signed an enrolment declaration are responsible for the costs of his own attorney and the costs of taking evidence. Consumer is responsible for the costs of his own attorney or, where applicable, a third party as well as the costs of expert opinion requested by him even if the mediator is of the opinion that the dispute could also be resolved without it. Consumer has to pay a required fee in an amount of 20,00 EUR (twenty euros).

V. MEDIATION FILES AND REGISTER

Article 11 Mediation files

After receiving a request to initiate a mediation procedure, the MC Secretary opens a mediation file for each case.

The Administrator is responsible for the correct, regular and timely administration of the files. The Administrator must deliver the files in a timely manner to a mediator and the MC Secretary for processing, and must ensure they are returned in due time.

Mediation files are kept in locked cabinets based on sequential numbers.

Article 12 Register

A register is held for the purpose of recording mediation procedures.

The register is kept separately for each procedure, using as a reference M number/year. Each mediation procedure is kept in the Register under the same sequential number until it has been completed, at which point it is marked as completed.

The following data are kept in the register for specific mediation procedures:

- a reference number;
- date of a request;
- the consumer;
- the provider;
- the type of dispute;
- the type of a request;
- the mediator;
- dates of mediation meetings;
- reasons for terminating the process;
- reasons for turning down the request;
- date of the settlement;
- success of the process;
- date of completing the process;
- duration of the process.

Data from the register shall be retained for a period of 5 years after the end of the mediation procedure, after which data are erased or anonymised.

Data from the register are also the basis for statistical and other reports.

Article 13 Archiving mediation files

Upon the completion of the mediation procedure, the MC Secretary reviews the mediation file and returns to the parties all attachments to the request or to the view of the provider on the request. The request, the view of the provider on the request, resolutions and instructions of the MC Secretary, mail sent by post, and a copy of the settlement in writing, if concluded, remain in the mediation file.

A mediation files shall be retained for a period of 5 years after the end of the mediation procedure, after which the entire documentation is destroyed at the latest before the end of the respective year.

VI. FINAL PROVISION

Article 14 Validity of these Articles of Association

These Articles are adopted by the Council of the Slovenian Insurance Association.

These Articles enters into force on 1 of May 2019 and applies to all procedures requested after the day it enters into force.

Ljubljana, 11 of March 2019

President of the SIA Council
Andrej Slapar