

**REGULATION
OF THE MINISTER OF FINANCE⁽¹⁾**

from the 14th January 2016

on extrajudicial proceedings before Financial Ombudsman

(Journal of Laws from the 20th January 2016)

On the basis of art. 43 of the law from the 5th August 2015 on examining of complaints by financial market entities and on Financial Ombudsman (Journal of Laws, items 1348, 1830 and 1844) the following is administered:

§ 1. The regulation determines in detail mode of proceedings in cases dealt with extrajudicially on resolving disputes between client and financial market entity, hereinafter referred to as 'proceedings', conducted by Financial Ombudsman hereinafter referred to as 'Ombudsman'.

§ 2. 1. Motion for conducting the proceedings, hereinafter referred to as 'motion', can be submitted in written form to the Office of the Financial Ombudsman or by means of electronic communication in form and to the address indicated at Ombudsman's website.

2. Ombudsman informs parties about undertaken actions in written form and as far as it is possible and the case's circumstances allow, by means of electronic communication.

§ 3. 1. Motion includes:

- 1) name and surname of the client of financial market entity, hereinafter referred to as 'client', client's residence and correspondence address if the two differ, as well as telephone number or e-mail address if applicable;
- 2) name or business name of financial market entity, address of its seat or residence address of financial market entity;
- 3) precise description of client's demands, including indication of the amount of money claim or expected response from financial market entity as well as expectation as to the manner of finalising the dispute;
- 4) description of actual state of affairs;
- 5) signature of the client or his proxy if the motion is submitted in written form.

2. Motion should be appended with:

- 1) documents supporting the described actual state of matters;
- 2) document confirming termination of complaint's proceedings or indicating circumstances justifying failure to deliver the document;
- 3) proof of submitted payment or request for exemption from obligation of payment;
- 4) power of attorney if the motion is submitted by the proxy;
- 5) declaration that there are no circumstances present, as described in art. 36 item 2 point 2 of the law from the 5th August 2015 on examining of complaints by financial market entities and on Financial Ombudsman, hereinafter referred to as 'law'.

3. If the motion is deemed incomplete, Ombudsman calls upon client to complete the motion within specified time frame, not shorter than 7 days.

§ 4. 1. When submitting request for exemption from payment of the due charge, client shall indicate feasible circumstances justifying the exemption.

2. Ombudsman may call upon client to provide additional clarifications and documents allowing to recognise request for exemption from payment of the due charge as justified.

3. Ombudsman informs client about exemption from payment of the due charge or about refusal to exempt from payment and specifies date of payment.

§ 5. 1. Ombudsman informs client immediately about refusal to initiate proceedings, indicating the legal basis and justifying circumstances.

2. In case of refusal as described in item 1, Ombudsman, upon client's request, reimburses the payment if it was paid, within 7 days from receiving the request.

§ 6. 1. Initiation of proceedings by the Ombudsman follows within 14 days since receipt of the complete motion and due payment submitted by the client or information on exemption from payment.

2. Ombudsman informs promptly all parties about initiating proceedings and, if necessary, calls upon them to provide clarifications and indicate all circumstances that may contribute to resolving the dispute within specified time that is not shorter than 7 days.

3. Throughout the proceedings, Ombudsman may use documents and other evidence collected in connection with examining of motion, described in art. 17 item 1 point 1 and 2 of the law, concerning dispute between the same parties.

§ 7. 1. Ombudsman terminates proceedings within 90 days since the date when completed motion was received.

2. In case of complex disputes, the time frame described in item 1 may be prolonged and Ombudsman informs parties to the proceedings thereof, specifying expected date of their termination.

§ 8. 1. Ombudsman presents to the parties a proposal of termination of the dispute within time frame enabling its termination according to § 7 item 1.

2. Ombudsman specifies the date, by which parties shall reply to the dispute's termination proposal but not shorter than 7 days.

§ 9. Ombudsman may summon hearing to which he calls the parties to the proceedings, if the dispute's character requires taking such an action. The date of the hearing should be set in a way enabling the parties or their proxies, if appointed, to appear.

§ 10. Opinion, described in art. 40 of the law, is prepared by Ombudsman on the basis of the documents or clarifications presented by the parties to the proceedings and other evidence collected throughout examination of the case.

§ 11. In case of withdrawal of the motion by client in the course of proceedings or when proceedings are impossible to be conducted for other reasons, Ombudsman discontinues the proceedings informing immediately the parties involved thereof.

§ 12. Proceedings are conducted following the principles of independence and impartiality.

§ 13. Regulation becomes effective as of the next day following its announcement.