

REGULATION No. 4/2016
on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN)

In force since: May 19, 2016
Published in the Official Journal no. 383 from May 19, 2016.
There are no amendments until June 1, 2016.

In accordance with the provisions of *art. 5 and art. 6 para. (2) of Government Emergency Ordinance no. 93/2012 on the establishment, organisation and operation of the Financial Supervisory Authority, approved as amended and supplemented by Law no. 113/2013*, as subsequently amended and supplemented.

Based on the provisions of *art. 15 and 17 of GO no. 38/2015 on the on alternative dispute resolution between*

consumers and traders establishing the legal framework so that any complaints against traders can be voluntarily submitted by consumers to entities that apply alternative dispute resolution procedures in a manner that is independent, impartial, transparent, effective, fast and fair, in order to ensure a high level of consumer protection and the proper functioning of the market,

having in regard the Decision of the Financial Supervisory Authority's Board from November 19, 2015 on the establishment of SAL-FIN and the approval of the work procedures associated to proposing/imposing of solutions,

And taking into account the Notice no. 842 from February 29, 2016 of the competent authority from Romania, the Ministry Of Economy, Commerce, and Business Environment, on the establishment of SAL-FIN, following deliberations of the Financial Supervisory Authority in the meeting held on March 16, 2016,

the Financial Supervisory Authority hereby issues this regulation.

CHAPTER I
General Provisions

Art. 1. – (1) The Alternative Dispute Resolution Entity in the non-banking financial field, hereinafter referred to as SAL-FIN, is established within the Financial Supervisory Authority, hereinafter referred to as A.S.F., based on Government Ordinance no. 38/2015 on alternative dispute resolution between consumers and traders, hereinafter referred to as GO No. 38/2015, which offers the resolution of a dispute through a SAL procedure, operating exclusively under Financial Supervisory Authority (ASF). SAL-FIN is organised and operates under these regulations and any subsequent specific procedures.

(2) SAL-FIN has the task of organising and settling, through SAL procedures, the disputes between consumers, as defined in art. 2 point 2 of Government Ordinance No. 21/1992 on consumer protection, republished, as subsequently amended and supplemented, and the entities authorised, regulated and/or supervised by ASF, as appropriate, hereinafter referred to as trader/professional.

Art. 2. (1) SAL-FIN is the only alternative dispute resolution entity in the fields in which ASF is competent, organising and managing SAL procedures, which proposes or imposes, as appropriate, a solution to/on the parties.

(2) In order to resolve a dispute with a professional through the application of the SAL procedure, the consumer must express this option on a voluntary basis and to apply to SAL-FIN in writing, directly at the headquarters of SAL-FIN, by post or by electronic means of communication.

(3) The procedures managed and organised by SAL-FIN are without prejudice to:

a) the provisions of Law no. 192/2006 on mediation and organisation of the profession of mediator, as subsequently amended and supplemented;

b) the provisions of Government Ordinance no. 27/2002 on the regulation of the activity of petition settlement, approved as amended and supplemented by Law no 233/2002;

c) the rights of persons to refer to competent courts of law, or to the information provided to consumers relating to extrajudicial remedies contained in other legislative acts transposing EU legal acts.

(4) The consumer may apply to any of these dispute resolution means, without excluding each other, except in the cases expressly provided for in GO No. 38/2015.

CHAPTER II

Definitions

Art. 3. - (1) For the purposes of this regulation, the terms and expressions below shall have the following meanings:

a) consumer – means any natural person or group of natural persons established as associations, buying, acquiring, using or consuming products or services, outside their professional activity, as defined in Art. 2 point 2 of Government Ordinance No. 21/1992 on consumer protection, republished, as subsequently amended and supplemented;

b) trader/professional – means any natural or legal person, irrespective of whether privately or publicly owned, who is acting, for purposes relating to its business, in the non-banking financial market sectors, i.e. insurance-reinsurance, capital market, private pension system;

c) sales contract – means any contract having as its object the transfer of both non-banking financial products and of non-banking financial services related thereto;

d) service contract – means any contract, other than a sales contract, under which the trader supplies or undertakes to supply a non-banking financial service to the consumer, and the consumer pays or undertakes to pay the price;

e) national dispute – means a dispute arising from a sales contract or service contract of non-banking financial services, where the consumer is resident in the same Member State in which the trader is established;

f) cross-border dispute – means a dispute arising from a sales contract or service contract, where, at the time the consumer orders the goods or services, the consumer is resident in a Member State other than the Member State in which the trader is established;

g) online dispute resolution platform at European level, hereinafter referred to as ODR platform – means a digital instrument created by the European Commission to facilitate the independent, impartial, transparent, effective, fast and fair extrajudicial resolution of contractual disputes arising from online sales or service contracts between a consumer resident in a EU Member State and a trader resident in a EU Member State, in accordance with Regulation (EU) no. 524/2013 of the European Parliament and of the Council of May 21, 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) no. 2.006/2004 and Directive no. 2009/22/CEODR Regulation on consumer);

h) conciliator – means the natural person who possesses the necessary knowledge and skills in the field of alternative dispute resolution procedures or of judicial resolution of consumer disputes, as well as a good general and specific understanding of the legislation on the financial sector where such person resolves the dispute and of the consumer protection legislation; such persons are independent and impartial.

(2) A trader/service provider is established:

- a)** if the trader/service provider is a natural person, where he has his place of business;
- b)** if the trader/service provider is a company or other legal person or association of natural or legal persons, where it has its registered office or place of business, including a branch, agency or any other establishment.

CHAPTER III

Tasks

Art. 4. (1) The main task of SAL-FIN consists in organising and managing SAL procedures on national or cross-border disputes arising from sales or service contracts concluded between consumers and traders as defined at Art. 1 para. (2).

(2) Consumers may apply to the SAL procedures managed by SAL-FIN if they prove that they first tried to resolve their disputes directly with the trader concerned.

(3) Dispute organisation and alternative resolution shall be made through the SAL Procedure which shall propose or impose a solution, detailed in the annex no. 1, respectively annex no. 2, which are an integral part of the present regulation.

Art. 5. - **(1)** SAL-FIN shall also have the following tasks:

- a)** to verify the eligibility conditions of persons to be entered in the Register of Conciliators and who have the competence to apply SAL procedures;
- b)** to submit for approval by ASF's Board the registration of eligible conciliators in the Register of Conciliators;
- c)** to assist the parties, upon request, in the choice of the SAL procedure;
- d)** to maintain a website (SAL-FIN.ro), constantly updated, which allows easy access for the parties to information on the SAL procedures developed and supports online dispute resolution;
- e)** to publish on its website, on a durable medium if required, and by any other means that are considered appropriate, the information on SAL procedures and any necessary documents, in accordance with Art. 7 para. (1) of GO no. 38/2015;
- f)** to allow the consumer to submit its dispute online, as well as in writing, on paper or on another durable medium, as appropriate;
- g)** to facilitate the exchange of information and documents for the parties in relation to the dispute, by electronic means or by mail, as appropriate;
- h)** to cooperate with other SAL entities for the resolution of cross-border disputes;
- i)** to cooperate with other SAL entities, through the exchange of information regarding the disputes resolved, following the evolution of their resolution, and to carry out regular exchanges of good practice as regards cross-border and national dispute resolution;
- j)** to send the information concerning the disputes resolved to the competent authority in accordance with Art. 18 para. (4) of GO no. 38/2015;
- k)** to submit to ASF's Board, on an annual basis or at its request, and also to the competent authority, within the time limit prescribed by GO no. 38/2015, the information concerning:
 - (i)** the number of disputes received and the types of complaints to which they related;
 - (ii)** the average time taken to resolve disputes;
 - (iii)** the rate of SAL procedures which were discontinued and cause of discontinuance;
 - (iv)** the rate of compliance, if known, with the outcomes of the SAL procedures;

(v) any recurrent problems leading to disputes between consumers and traders; the information provided in this regard may be accompanied by recommendations on how these problems could be avoided or resolved in the future;

(vi) an assessment of the effectiveness of their cooperation within networks of SAL entities facilitating the resolution of cross-border disputes;

(vii) an assessment of the effectiveness of the SAL procedure offered by the entity and of possible ways of improving its performance.

l) to publish on its website and, upon request, on durable medium, annual activity reports which shall include the information referred to in Art. 7 para. (2) of GO No. 38/2015;

(2) In addition to the information referred to in letter k), SAL-FIN shall immediately report to ASF any disputes submitted to it by the persons concerned having as their object the infringement of the legal provisions and/or of the regulations applicable to the entities referred to in Art. 2 para. (1) of GEO no. 93/2012 on the establishment, organisation and operation of the Financial Supervisory Authority, approved with amendments and supplements by Law no. 113/2013 , as further amended and supplemented (GEO no. 93/2012).

CHAPTER III

SAL-FIN Organisation

Art. 6. – (1) The overall management of SAL-FIN shall be ensured by a Coordinating College.

(2) The Coordinating College shall consist of 5 members. 2 members shall be nominated by ASF, 1 by the National Authority for Consumer Protection (ANPC) and 2 by the associations of the non-banking financial market and consumer associations.

(3) The members nominated by consumer associations shall be those designated from the consumer associations participating in the Permanent Dialogue Advisory Group in the non-banking financial services consumer protection field.

(4) The members of the Coordinating College shall be appointed by decision of ASF's Board, for a period of 5 years, with a possibility of one renewal.

(5) In order for a person to be a member of the Coordinating College, he/she shall meet the following requirements:

a) he/she must be a Romanian citizen;

b) he/she must have full capacity to act;

c) he/she must be a higher education graduate of economic or legal fields, attested by a bachelor's degree diploma;

d) he/she is of good repute and has at least 5 years of experience in the financial field or in the consumer protection filed for a member designated by N.A.C.P;

e) he/she has not been convicted by final ruling for property crime, corruption, embezzlement, forged documents, tax evasion, crimes provided for in Law no. 656/2002 for the prevention and sanctioning of money laundering, and taking measures to prevent and combat terrorist financing, republished, as subsequently amended, or for other crimes punished by law by prison sentence of three years or longer;

f) he/she has not been sanctioned by ASF in the last 3 years under the applicable legislation.

(6) The Coordinating College member's mandates shall end:

a) on expiry of the mandate which was not renewed;

b) by resignation;

c) due to the final impossibility to exercise their mandate, caused by an unavailability exceeding 120 consecutive days;

d) by being put under judicial interdiction;

e) on the date the court ruling whereby the member is convicted for the perpetration of a crime becomes final;

f) by death;

g) by revocation, according to the provisions of para. (7)

(7) The Coordinating College Members may be removed by ASF's Board, if they do not meet at least one of the requirements referred to in Para (5), for infringement of the provision of the present regulation and of the OG no. 38/2015.

(8) If there is any vacancy in the Coordinating College, in the course of their mandate, the member of the Coordinating College shall be replaced by the same election or appointment procedure, as appropriate. The members shall be replaced for the remaining period of their mandate.

Art. 7. – (1) The Coordinating College shall carry out its works in plenary, which shall meet at least once a month or whenever necessary.

(2) The Coordinating College shall be convened either on the initiative of the coordinating member, or at the request of at least 3 members.

(3) The quorum for the opening meeting shall be constituted by the presence of at least 3 members.

(4) Resolutions shall be adopted by a majority of members present; in the cases set out in art. 9 para. (1) letters a) -c), resolutions shall be adopted by the vote of 4 members of the Coordinating College.

Art. 8. – The Coordinating College shall take decisions binding on its members, secretariat and conciliators.

Art. 9. – (1) The Coordinating College shall prepare and submit for approval by ASF's Board the following:

a) the alternative dispute resolution procedures;

b) the amendment and/or addition of the present regulation

c) the registration of eligible conciliators in the Register of Conciliators;

d) the establishment of the expenditure budget of SAL-FIN.

(2) The Coordinating College shall also have the following tasks:

a) to draw up an annual report on its activity and on the activity of SAL-FIN, which shall be communicated, for information purposes, to ASF's Board and published on the website of SAL-FIN;

b) to request the Institute for Financial Studies, as foundation whose sole founder is ASF, to organise vocational training courses for the persons who wish to become conciliators, to examine and certify them, to establish their competence structure on the basis of a subject matter submitted for approval by the Coordinating College;

c) to regularly publish compilations of solutions.

Art. 10. – (1) The Coordinating College shall be managed by a coordinating member appointed from among ASF's members.

(2) In its day-to-day business, the coordinating member of the Coordinating College shall represent SAL-FIN with regard to third parties; the main duty of the coordinating member is to give effect to the resolutions of the Coordinating College.

(3) The coordinating member shall conclude the mandate contracts with the SAL-FIN conciliators and shall set up their duties.

(4) The coordinating member may refer the situations requiring the amendment of the Register of Conciliators, and, where appropriate, the amendment and/or supplementation of the present regulation.

Art. 11. – The conciliators shall review the disputes submitted to SAL-FIN in accordance with the applicable procedures.

Art. 12. – Any natural person who meets the requirements below may become conciliator and shall be entered in the Register of Conciliators:

a) he/she must have full capacity to act;

b) he/she must be long term higher education graduates, attested by a bachelor's degree diploma;

- c) he/she is of good repute;
- d) he/she has professional training and experience in the alternative dispute resolution;
- e) he/she has appropriate professional experience in the field in which ASF is competent to exercise the entrusted responsibilities of at least four years, or he/she carried out specific activities within ASF;
- f) he/she has a clean criminal or tax record certificate;
- g) he/she has not been convicted by final ruling for property crime, corruption, embezzlement, forged documents, tax evasion, crimes provided for in Law no. 656/2002 for the prevention and sanctioning of money laundering, and taking measures to prevent and combat terrorist financing, republished, as subsequently amended, or for other crimes punished by law by prison sentence of three years or longer;
- h) he/she has not been sanctioned by ASF in the last 3 years under the applicable legislation.
- i) he/she has filled in the application for registration drawn up by the Coordinating College;
- j) he/she has been declared eligible by the Coordinating College.

Art. 13. – (1) The conciliators entered in the Register of Conciliators must inform SAL-FIN within 10 days, through the coordinating member, of any event capable of affecting the fulfilment of any of the conditions referred to in art. 12

(2) The conciliators shall be independent from the parties to the dispute, i.e. they shall not be remunerated directly or indirectly by them at the time of appointment, and shall not be in any situation of incompatibility or conflict of interests with the parties to the dispute in which they have been appointed.

(3) It is incompatible with the resolution of a certain dispute, regardless of the chosen procedure, the conciliator who:

- a) has delivered a judgment which settled another dispute between the two parties;
- b) was a witness, expert, arbitrator, prosecutor, judge, lawyer, magistrate, assistant, mediator in a dispute between the two parties or has developed its activity in the last 2 years with the trader/professional that is part of the dispute;
- c) has been remunerated by any of the parties, or his/her spouse, relatives or affines up to the second degree;
- d) is a relative or affine up to the second degree with the consumer, party to the dispute;
- e) is an associate or member in the management bodies of the trader, or his/her spouse, relatives or affines up to the second degree.

(4) The conciliators entered in the Register of Conciliators may be rejected in accordance with the provisions of SAL procedures adopted by the Coordinating College.

Art. 14. – The removal of a conciliator and deregistration of such conciliator from the Register of Conciliators shall be decided by ASF's Board on the proposal of the Coordinating College:

- a) at the conciliator's request;
- b) when the conciliator has been put under interdiction for legal incapacity;
- c) when the conciliator has been convicted by a final court judgment;
- d) when the conciliator is unjustifiably unavailable for two consecutive disputes, or the conciliator fails to comply with the request to resolve a dispute, without any prior information, grounded and sent to the Technical Secretariat;
- e) in case of decease;
- f) in any other situations, by reasoned decision of ASF at the proposal of the Coordinating College.

Art. 15. – (1) The disputes submitted to SAL-FIN shall be reviewed and resolved, as appropriate, by one or more persons entered in the Register of Conciliators, as agreed by the parties, by a reasoned ruling or decision, in compliance with SAL procedures, depending on the chosen procedure.

(2) The consumer may choose the conciliator/conciliators included in the list specific to the matters in dispute.

(3) The Coordinating College must refrain from interfering or influencing, through the organisation and management of SAL procedures, in any manner whatsoever, the conciliators authorised to resolve the disputes.

(4) Any complaints concerning the activity of conciliators, or the proposals concerning their activity, shall be submitted to and settled by the Coordinating College.

Art. 16. – (1) When reviewing and resolving the disputes, the conciliators shall apply the procedures adopted by the ASF.'s board.

(2) In the performance of his/her tasks, the conciliator must refuse any instructions from any party or their representatives.

Art. 17. – (1) SAL-FIN shall have a Technical Secretariat provided and remunerated by ASF.

(2) The Technical Secretariat of the Coordinating College shall have the following tasks:

a) to send the notice to attend to the Coordinating College, at the request of the coordinating member or of at least three members of the Coordinating College, and to prepare the meetings of the College;

b) to prepare the reports and other documents to be approved by the Coordinating College.

c) to provide expert assistance to consumers for the submission of an application for dispute resolution;

d) to provide organisational and functional support for the proper performance of SAL-FIN business, including to register the complaints concerning the activity of the conciliators within SAL- FIN;

e) to provide the parties in the dispute with all information on the chosen SAL procedure, and on the dispute, documents required to be submitted, deadlines and categories of disputes which could be rejected upon review by SAL-FIN, i.e.:

(i) the consumer did not try to contact the trader concerned to discuss its complaint and did not try first to resolve the dispute directly with the trader;

(ii) the dispute is vexatious or maliciously made;

(iii) the dispute is or has been previously reviewed by another SAL entity or by a court of law;

(iv) the consumer did not submit the dispute to SAL-FIN within one year from the date it submitted the complaint to the trader or from the date of the deed resulting in the dispute, as appropriate, or in the case of continuous deeds, from the date they ended;

(v) handling such dispute would seriously affect the efficient operation of SAL-FIN;

(vi) the dispute does not concern a trader supervised by ASF.

CHAPTER IV

Financing of SAL-FIN

Art. 18. – (1) SAL-FIN shall be financed by ASF.

(2) The dispute resolution procedure by SAL-FIN shall be free of charge for the consumer, party to the dispute.

(3) The expenses with expert appraisals, translation of documents and other additional evidence required for the dispute resolution shall be borne by the party requesting the same.

Art. 19. – The financial resources provided in the budget of ASF for the organisation and operation of SAL-FIN is intended to cover costs related to:

a) the organisation and operation activity of SAL-FIN;

b) the indemnities of the members of the Coordinating College;

c) the fees of the persons entered in the Register of Conciliators involved in the dispute resolution;

d) the remuneration of the staff of the Technical Secretariat of SAL-FIN.

Art. 20. – (1) The remunerations granted to the members of the Coordinating College and to the conciliators shall be established annually by decision of ASF's Board, after the approval of the revenue and expenditure budget.

- (2) The members of the Coordinating College shall receive a monthly gross fixed remuneration.
- (3) The conciliators shall receive a gross fixed sum for each conciliation case, depending on the type of procedure chosen.

CHAPTER VI

Final Provisions

Art. 21. – The Coordinating College and conciliators involved in the dispute resolution must ensure the confidentiality of that dispute.

Art. 22. – (1) When resolving the disputes submitted to them, the conciliators shall be impartial and independent and shall be directly and personally liable under the applicable law.

(2) The conciliators entered in the Register of Conciliators by fields of activity and specialties shall form the Body of conciliators.

(3) Conciliators shall be entered in the Register of Conciliators by a registration fee, of a fixed amount, approved by decision of ASF's Board on the proposal of the Coordinating College.

Art. 23. – (1) The entities authorised, regulated and/or supervised by ASF, as appropriate, must allow and inform the consumer, including by publication on its website, of its right to make use of the alternative dispute resolution, in accordance with this regulation and GO no. 38/2015, and of the conditions to access alternative dispute resolution procedures.

(2) The entities authorised, regulated and/or supervised by ASF, as appropriate, have the obligation to inform consumers of the SAL-FIN entity competent to deal with their disputes.

(3) The entities authorised, regulated and/or supervised by ASF, shall not refuse the dispute resolution of SAL-FIN, if the consumer has expressed directly and voluntarily the resolution option.

Art. 24. – The provisions of this regulation shall be without prejudice to ASF's powers as set out in GEO no. 93/2012.

Art. 25. - (1) The present Regulation will be published in the Official Journal of Romania, Part 1, and shall enter into force on the date of its publication.

(2) This regulation shall be supplemented with the mandatory provisions of GO no. 38/2015 and of the applicable legislation in force.

(3) The entities authorised, regulated and/or supervised by ASF have the obligation to comply with the provisions of the present regulation within 60 days from the date of entering into force.

President of the Financial Supervisory Authority
Gheorghe Cornel Coca Constantinescu

Bucharest, Str.
Nr. 4

Financial Supervisory Authority - ASF – Procedure of April 27, 2016

**Procedure
for alternate disputes solving by proposing a solution within SAL-FIN din 27.04.2016**

In force since May 19th, 2016

*Published in Romania's Official Journal, Part I, no. 383 of May 19, 2016.
There are no amendments until June^t, 2016.*

ARTICLE 1

Organisation, management and operation

(1) SAL-FIN for the non-banking financial market is established by the Financial Supervisory Authority (A.S.F.) as an entity of alternative resolution of the disputes between a trader performing activities in Romania and subject to A.S.F. authorization, regulation and/or supervision, by the case, and a consumer resident in the European Union.

(2) SAL-FIN is established in view of securing the application of the provisions of Directive 2013/11/EU of European Parliament and of the Council of May 21st, 2013 regarding alternative resolution of disputes in consumption and for the change of the Regulation (EC) no. 2.006/2004 and of the Directive 2009/22/EC (Directive regarding SAL in consumption) in the field of consumer's protection, transposed in the Romanian legislation by Government's Ordinance no. 38/2015 regarding the alternative resolution of disputes between consumers and traders, hereinafter called GO no. 38/2015. The Ordinance assures the framework for a direct application of the provisions of Regulation (EU) no. 524/2013 of European Parliament and of the Council of May 21st, 2013 regarding the alternative resolution of disputes in consumption and for the change of the Regulation (EC) no. 2.006/2004 and of the Directive 2009/22/EC (Regulation regarding SOL in consumption).

(3) SAL-FIN shall operate according to the legal provisions in force:

a) the Emergency Government Ordinance no. 93/2012 regarding the establishment, organisation and operation of the Financial Supervisory Authority, approved with amendments and supplementations by Law no. 113/2013, with further amendments and supplementations;

b) primary legislation, completed by secondary legislation applicable to the fields of insurances-reinsurances, financial instruments and investments, privately managed pensions system, completed by incident legislation;

c) GO no. 38/2015;

d) Law no. 287/2009 regarding the Civil Code, republished, with further amendments;

e) Law no. 53/2003 – Labor republished, with further amendments and supplementations, and its incident legislation;

f) Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN).

(4) The present procedure is applied to the operation of SAL-FIN established by A.S.F.

(5) Not subject to the present provisions are the following:

- a)** traders' own procedures for solving the consumers' complaints;
- b)** non-economic services of general interest;
- c)** disputes between traders;
- d)** direct negotiations between consumer and trader;
- e)** the attempts of a judge to solve a dispute within a legal procedure related to the respective dispute;
- f)** the procedures initiated by a trader against a consumer;
- g)** disputes regarding the marital status, the persons' capacity, succession debate, family relations, rights which the parties are not entitled to.

(6) SAL-FIN is assisted in its operation by a Technical Secretariat.

ARTICLE 2

Definitions

In construing the present procedure, the terms and phrases used have the meanings defined by the Regulation regarding the organisation and operation of the Alternative Dispute Resolution Entity in non-banking financial field (SAL-FIN).

ARTICLE 3

Refuse of SAL-FIN

(1) SAL-FIN can refuse to orchestrate a certain dispute, according to the provisions of GO no. 38/2015, for the following reasons:

- a)** the consumer did not try to contact the respective trader to discuss his complaints and, as a first step, did not attempt to solve the dispute directly with the trader;
- b)** the dispute is promoted in bad faith or is offending;
- c)** the dispute is or has been previously analyzed by another entity, by SAL or by a court of law;
- d)** the consumer did not present the complaints to SAL-FIN within one year since the date, by the case, he presented the complaint to the trader, or since the date the action which generated the dispute was taken, or, in case of continued facts, since the date of their cease;
- e)** the orchestration of such a dispute would seriously affect the efficient operation of a SAL-FIN;
- f)** the dispute does not relate to a trader under A.S.F. supervision;

(2) In case SAL-FIN cannot analyze a forwarded dispute, it will give both parties an explanation on the reasons for which it did not analyze the dispute within 21 calendar days since the file receipt.

(3) The refuse to analyze a certain dispute, according to the present document, shall not affect the consumers' access to SAL procedures, including in case of cross-border disputes.

(4) In case SAL-FIN cannot analyze a forwarded dispute, according to para. (1), the consumer can address to another competent SAL entity.

ARTICLE 4

Independence and impartiality

(1) Within SAL-FIN, the conciliators will be registered which will also be found in the Register of Conciliators, by specific fields to their professional competences.

- (2) The conciliators are independent and impartial in meeting their assignments.
- (3) No authority can, directly or indirectly intervene in the adoption and proposal of a solution by a conciliator.
- (4) For each case submitted to the procedure for alternative dispute resolution by proposing a solution within SAL-FIN, the parties mutually select a person from the Register of Conciliators.
- (5) The conciliator is appointed within 5 days since the filing of the application for an alternative dispute resolution by SAL-FIN.
- (6) the appointed conciliator is entitled to judge a certain dispute and propose the parties a dispute resolution solution.
- (7) In case the parties do not reach an agreement on the conciliator's person, the Coordination College appoint another person registered in the Register of Conciliators.
- (8) The conciliator stipulates the proceedings in meeting conclusions, analyzes the parties' documents and forwards them to Technical Secretariat of SAL-FIN.
- (9) The Technical Secretariat of SAL-FIN does not participate in a decision making of a conciliator.
- (10) A.S.F. can request any information or documents to assure the conciliators' integrity and impartiality in the managed cases.
- (11) The parties in dispute will be notified by the Technical Secretariat of SAL-FIN immediately after receiving all the documents with relevant information regarding the dispute.
- (12) During the SAL-FIN procedures:
- a) the parties have the right to express their opinion on the object of the disputed submitted for solving within 15 calendar days since the date of SAL-FIN notification, as well as to receive from SAL-FIN the evidences, documents and factual elements presented by the other party, any statements and notices of the experts and to make comments on them;
 - b) the parties are informed about the result of SAL procedure, in writing on a lasting support or by electronic mail, with the specification of the reasons the result relies on.

ARTICLE 5

Register of Conciliators

- (1) The Register of Conciliators is established according to the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN).
- (2) The conciliators are registered in the Register by specifying for each conciliator the owned scientific titles and the defining professional activity, the seniority in work and the field of competences within which he can solve the disputes.
- (3) SAL-FIN Register of Conciliators is public, being available on SAL-FIN internet page.
- (4) The total conciliators registered in the Register make up the Conciliators' Body.
- (5) The cease of conciliator's quality and, respectively, his deregistration from the Register are performed in the conditions stipulated in the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN).

ARTICLE

Conciliators' liability

- (1) In case the SAL-FIN Coordination College has suspicions related to impartiality, the College calls the Plenum of Conciliators' Body to discuss the case submitted by SAL-FIN. The meeting can be called within 3 working days since the case is acknowledged and there is enough quorum if at least half plus one of the

conciliators registered in the Register are present. If the quorum is not met, another meeting will be called in which the decision will be made by the majority of the present members. The absence from the call can be justified, or else the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN) will be applied.

(2) The conciliators are liable and can be held to pay damages according to the law both to the parties, and to SAL-FIN:

- a)** if after acceptance they give up their assignment without justification;
- b)** if they do not attend the dispute judgment or do not pronounce the decision within the deadline set up by the present procedure;
- c)** if they do not comply with the confidential character of SAL-FIN procedure;
- d)** if they flagrantly violate their duties according to the regulation provided in para. (1) and by the present procedure.

(3) Conciliators are impartial and independent in solving the disputes they were noticed about and are directly and personally liable according to the applicable common law.

ARTICLE 7

Technical Secretariat of SAL-FIN

(1) The Technical Secretariat is set up within of SAL-FIN as an operating center of information processing regarding the disputes submitted for solving.

(2) The Technical Secretariat is made of personnel with assignments in the management of the secretariat, registration office, documents archive, summoning the parties and forwarding documents and in other administrative activities, grading the required guidance for the activity performance, as well as of personnel with specialty assignments, securing the specialized technical support to conciliators' activity within the meaning of the present procedure.

ARTICLE 8

Conciliator's appointment

(1) SAL-FIN publishes the Register of Conciliators, specialized on non-banking financial market, depending on the field of their professional competences.

(2) The consumer addressing SAL-FIN specifies the conciliator of his choice. The Technical Secretariat specifies the proposed conciliator in the call notice sent to the other party, asking that the proposed conciliator's approval or rejection is specified at the same time with the acceptance of the solving solution of the dispute.

(3) The trader has the right to reject the conciliator selected by the plaintiff without justification, within maximum 5 days since the notification date. The refuse can be made only once.

(4) In case of disagreement, SAL-FIN will mediate the parties in the mutual selection of a conciliator by both parties and will notify them the date and hour of the first meeting.

ARTICLE 9

Proposal of a solution

(1) In case of SAL-FIN procedures proposing a solution, the consumers have the chance to withdraw at any time from the procedure if they are not satisfied by the procedure operation or progress.

(2) Before accepting the proposed solution, the parties are informed about:

- a) the chance to accept or not the proposed solution;
 - b) the fact that being involved in the procedure does not exclude the chance to claim damages by a court procedure;
 - c) the fact that the proposed solution can be different from a result decided by a court applying the legal provisions in force;
 - d) the legal consequences of accepting such a solution.
- (3) The result of SAL-FIN procedure is notified to the parties by a note on the alternative dispute resolution within 60 calendar days since the date the Technical Secretariat received the full file of the complaint and the conciliator was appointed, unless such term was extended.
- (4) Before accepting the proposed solution, a period of 15 calendar days is granted to express agreement or disagreement. Within the 15 calendar days since the receipt of disputes resolution note, the parties shall forward their acceptance or rejection decision of the proposed solution.
- (5) The result of SAL-FIN procedures is not mandatory if only one of the parties accepts the proposed solution.
- (6) In case the parties accept the proposed solution, SAL-FIN issues a justified resolution, while in case the parties do not accept the proposed solution, SAL-FIN issues a conclusion including facts description, the proposed solution and the parties' decision.
- (7) In case the trader does not accept the proposed solution, SAL-FIN informs the consumer by the conclusion about the administrative, respectively legal remedies available to him to solve the dispute.
- (8) The resolution, respectively the conclusion is forwarded to the parties within 15 calendar days since its adoption and starts producing effects since the notification date. They can be attacked with the competent court of law.
- (9) The resolutions which are not attacked within the term of 15 calendar days since the notification date are rightfully turned into a writ of execution.
- (10) SAL procedures are finalized within 60 calendar days since the date SAL-FIN received the complete file of the dispute. In case of complex disputes, SAL-FIN can, if the case, extend the term of 45 calendar days and inform the parties about any extension, as well as about the estimated time until the dispute resolution.

ARTICLE 10

Purpose of the procedure proposing a solution

- (1) The proposal of a solution stands for solving a dispute under the supervision and guidance of a conciliator within SAL-FIN, which results from the proposals made by conciliators, the suggestions and concessions the parties agree upon in view of solving the dispute, within SAL-FIN procedures.
- (2) Conciliation is based on parties' cooperation and on conciliator's use of specific methods and techniques relying on communication and negotiation. The methods and techniques used by the conciliator should exclusively serve the legitimate interests and objectives sought by the parties in conflict.
- (3) The procedure of proposing a solution is optional for the parties and can take place only based on the mutual agreement expressed by the parties.
- (4) The conciliator will propose the parties a solution related to the conflict submitted to conciliation.

ARTICLE 11

Procedure of proposing a solution

- (1) The procedure is submitted to SAL-FIN attention if the consumer addresses SAL-FIN by a written request.

(2) The procedure implies the parties' call by SAL-FIN, which notifies the parties about the date, venue and exact hour of the alternative dispute resolution by proposing a solution. The procedure can also be conducted on-line, upon the consumer's request. The consumer will provide SAL-FIN the required data to contact the other party.

(3) The call notice is sent by a registered letter with receipt confirmation, by fax or any other communication means securing the transmission of the document text and the confirmation of its receipt.

(4) According to the chosen procedure, the conciliation date will be set up not earlier than 15 calendar days since the date the parties received the call notice.

(5) The parties confirm or decline their participation in the procedure of alternative dispute resolution by the proposal of a solution within 5 days since the call notice receipt. In the absence of the confirmation or declination of participation, the dispute is classified for a resolution by means of SAL-FIN.

(6) Upon the specific and written request of any of the parties, another date will be established only once for the procedure of alternative dispute resolution by the proposal of a solution, which both parties have to agree.

(7) The conciliator will guide the parties in finding a mutually advantageous solution/equitable concession by proposing the solution to amicably solve the dispute.

(8) The parties will benefit of conciliator's guidance for 3 meetings, at most. If during the 3 meetings the parties do not agree, the conciliation is regarded as failed.

(9) The SAL-FIN procedures are finalized within 60 calendar days since the date SAL-FIN received the complete file of the dispute.

(10) In case of complex disputes, SAL-FIN can, if the case, extend the term of 45 calendar days and inform the parties about any extension, as well as about the estimated time until the dispute resolution.

(11) The parties in conflict have the right to be assisted by an attorney or by other persons. The conciliator will warn the persons participating in the procedure about their obligation to keep confidentiality.

(12) If during the conciliation, a situation occurs likely to affect its purpose, the conciliator's independence or impartiality, the latter is bound to notify the parties which will decide about continuing or denouncing the procedure.

(13) The conciliator informs the involved persons about the proposed solution to solve the dispute so that they can express their agreement or disagreement regarding the proposed solution, according to Art. 11 of GO no. 38/2015. The conciliation is concluded, by the case:

a) by the conciliator's drafting a justified resolution, and in case the parties do not accept the proposed solution, SAL-FIN issues a conclusion including the facts description, the proposed solution and the parties' decision. The resolution, respectively the conclusion is forwarded to the parties within 15 calendar days since its adoption and starts producing effects since the notification date. They can be attacked with the competent court of law. The resolutions which are not attacked within the term of 15 calendar days since the notification date are rightfully turned into a writ of execution;

b) by the consumer's withdrawal from the procedure the case is regarded as closed.

(14) By concluding and signing a conciliation resolution note, the parties will also decide if they full acknowledge the solution, or if they reserve the right to use another way to solve the dispute or a part of it.

(15) If a conciliation is reached, the dispute is regarded as solved.

(16) If no conciliation is reached, the interested party can enclose to the summon to court the resolution note showing the results of SAL-FIN procedure.

(17) In case the trader does not accept the proposed solution, SAL-FIN informs the consumer by the conclusion about the administrative, respectively legal remedies available to him to solve the dispute.

ARTICLE 12

Setting up financial resources

(1) The procedure of disputes solving by SAL-FIN is free of charge for the consumer who is a party in the dispute.

(2) In case the dispute resolution requires technical examinations, notarized and apostilled translations or other evidences, their cost will be borne by the dispute party requesting them.

(3) In case the parties require the dispute resolution in a different location than that of SAL-FIN and the conciliator and the Technical Secretariat have to travel there, the requesting party will provide the space and bear the travel cost.

ARTICLE 13

Assurance of the required conditions for activity performance

A.S.F. provides the required space for SAL-FIN activity, except for the case stipulated in Art. 12 para. (3).

ARTICLE 14

Duty of confidentiality

The conciliators and the personnel of the Technical Secretariat are bound to assure the procedure confidentiality.

ARTICLE 15

Language used in the procedure to impose a solution

The language used during conciliation is the Romanian language. The party requesting the debate in another language, upon its request and on its expense, will secure the services of an interpreter for the conciliator.

ARTICLE 16

Final provisions

The date of the present procedure coming into force is the publication date of the Regulation no. 4/2016 regarding the organisation and operation of the Alternative Dispute Resolution Entity in non-banking financial field (SAL-FIN).

Financial Supervisory Authority - ASF – Procedure of April 27, 2016

**Procedure
for alternate disputes solving by proposing a solution within SAL-FIN din 27.04.2016**

In force since May 19th, 2016

Published in Romania's Official Journal, Part I, no. 383 of May 19, 2016.

There are no amendments until June^t, 2016.

ARTICLE 1

Organisation, management and operation

(1) SAL-FIN for the non-banking financial market is established by the Financial Supervisory Authority (A.S.F.) as an entity of alternative resolution of the disputes between a trader performing activities in Romania and subject to A.S.F. authorization, regulation and/or supervision, by the case, and a consumer resident in the European Union.

(2) SAL-FIN is established in view of securing the application of the provisions of Directive 2013/11/EU of European Parliament and of the Council of May 21st, 2013 regarding alternative resolution of disputes in consumption and for the change of the Regulation (EC) no. 2.006/2004 and of the Directive 2009/22/EC (Directive regarding SAL in consumption) in the field of consumer's protection, transposed in the Romanian legislation by Government's Ordinance no. 38/2015 regarding the alternative resolution of disputes between consumers and traders, hereinafter called GO no. 38/2015. The Ordinance assures the framework for a direct application of the provisions of Regulation (EU) no. 524/2013 of European Parliament and of the Council of May 21st, 2013 regarding the alternative resolution of disputes in consumption and for the change of the Regulation (EC) no. 2.006/2004 and of the Directive 2009/22/EC (Regulation regarding SOL in consumption).

(3) SAL-FIN shall operate according to the legal provisions in force:

a) the Emergency Government Ordinance no. 93/2012 regarding the establishment, organisation and operation of the Financial Supervisory Authority, approved with amendments and supplementations by Law no. 113/2013, with further amendments and supplementations;

b) legislation in the fields of insurances-reinsurances, financial instruments and investments, privately managed pensions system, completed by incident legislation;

c) GO no. 38/2015;

d) Law no. 287/2009 regarding the Civil Code, republished, with further amendments;

e) Law no. 53/2003 – Labor Code republished, with further amendments and supplementations, and its incident legislation;

f) Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN).

(4) The present procedure is applied to the operation of SAL-FIN established by A.S.F.

(5) Not subject to the present provisions are the following:

- a) traders' own procedures for solving the consumers' complaints;
 - b) non-economic services of general interest;
 - c) disputes between traders;
 - d) direct negotiations between consumer and trader;
 - e) the attempts of a judge to solve a dispute within a legal procedure related to the respective dispute;
 - f) the procedures initiated by a trader against a consumer;
 - g) disputes regarding the marital status, the persons' capacity, succession debate, family relations, rights which the parties are not entitled to.
- (6) SAL-FIN is assisted in its operation by a Technical Secretariat.

ARTICLE 2

Definitions

In construing the present procedure, the terms and phrases used have the meanings defined by the Regulation regarding the organisation and operation of the Alternative Dispute Resolution Entity in non-banking financial field (SAL-FIN).

ARTICLE 3

Refuse of SAL-FIN

(1) SAL-FIN can refuse to orchestrate a certain dispute, according to the provisions of GO no. 38/2015, for the following reasons:

- a) the consumer did not try to contact the respective trader to discuss his complaints and, as a first step, did not attempt to solve the dispute directly with the trader;
- b) the dispute is promoted in bad faith or is offending;
- c) the dispute is or has been previously analyzed by another entity, by SAL or by a court of law;
- d) the consumer did not present the complaints to SAL-FIN within one year since the date, by the case, he presented the complaint to the trader, or since the date the action which generated the dispute was taken, or, in case of continued facts, since the date of their cease;
- e) the orchestration of such a dispute would seriously affect the efficient operation of a SAL-FIN;
- f) the dispute does not relate to a trader under A.S.F. supervision;

(2) In case SAL-FIN cannot analyze a forwarded dispute, it will give both parties an explanation on the reasons for which it did not analyze the dispute within 21 calendar days since the file receipt.

(3) The refuse to analyze a certain dispute, according to the present document, shall not affect the consumers' access to SAL procedures, including in case of cross-border disputes.

(4) In case SAL-FIN cannot analyze a forwarded dispute, according to para. (1), the consumer can address to another competent SAL entity

ARTICLE 4

Independence and impartiality

(1) Within SAL-FIN, the conciliators will be registered which will also be found in the Register of Conciliators, by specific fields to their professional competences.

(2) The conciliators are independent and impartial in meeting their assignments.

(3) No authority can, directly or indirectly intervene in the adoption and proposal of a solution by a conciliator.

(4) For each case submitted to the procedure for alternative dispute resolution by proposing a solution within SAL-FIN, the parties mutually select a person from the Register of Conciliators.

(5) The conciliator is appointed within 5 days since the filing of the application for an alternative dispute resolution by SAL-FIN.

(6) the appointed conciliator is entitled to judge a certain dispute and impose the parties a dispute resolution solution.

(7) The conciliator/conciliators stipulate(s) the proceedings in meeting conclusions, analyses the parties' documents and forwards them to Technical Secretariat of SAL-FIN.

(8) The Technical Secretariat of SAL-FIN does not participate in a decision making of a conciliator.

(9) A.S.F. can request any information or documents to assure the conciliators' integrity and impartiality in the managed cases.

(10) The parties in dispute will be notified by the Technical Secretariat of SAL-FIN immediately after receiving all the documents with relevant information regarding the dispute.

(11) During the SAL-FIN procedures:

a) the parties have the right to express their opinion on the object of the dispute submitted for solving within 15 calendar days since the date of SAL-FIN notification, as well as to receive from SAL-FIN the evidences, documents and factual elements presented by the other party, any statements and notices of the experts and to make comments on them;

b) the parties are informed about the result of SAL procedure, in writing on a lasting support or by electronic mail, with the specification of the reasons the result relies on.

ARTICLE 5

Register of Conciliators

(1) The Register of Conciliators is established according to the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN).

(2) The conciliators are registered in the Register by specifying for each conciliator the owned scientific titles and the defining professional activity, the seniority in work and the field of competences within which he can solve the disputes.

(3) SAL-FIN Register of Conciliators is public, being available on SAL-FIN internet page.

(4) The total conciliators registered in the Register make up the Conciliators' Body.

(5) The cease of conciliator's quality and, respectively, his deregistration from the Register are performed in the conditions stipulated in the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN).

ARTICLE 6

Plenary meeting of Conciliators' Body

(1) The meeting of the Conciliators' Body is made in plenum, gathering the total conciliators registered in the Register of Conciliators.

(2) In case the Coordination College of Sal-FIN has suspicions about the impartiality of a conciliator, the College calls the Plenary meeting of the Conciliators' Body to discuss the case submitted to SAL-FIN. The meeting can be called within 3 working days since the case is acknowledged and there is enough quorum if at least half plus one of the conciliators registered in the Register are present. If the quorum is not met, another

meeting will be called in which the decision will be made by the majority of the present members. The absence from the call can be justified, or else the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN) will be applied.

(3) The Plenum of the Conciliators' Body adopts recommendations which are sent to conciliators and the parties in SAL-FIN. The recommendation is adopted by the simple majority of the present members to the extraordinary meeting.

ARTICLE 7

Conciliators' liability

(1) In case the SAL-FIN Coordination College has suspicions related to impartiality, the College calls the Plenum of Conciliators' Body to discuss the case submitted by SAL-FIN. The meeting can be called within 3 working days since the case is acknowledged and there is enough quorum if at least half plus one of the conciliators registered in the Register are present. If the quorum is not met, another meeting will be called in which the decision will be made by the majority of the present members. The absence from the call can be justified, or else the Regulation on the organisation and operation of the Alternative Dispute Resolution Entity in the non-banking financial field (SAL-FIN) will be applied.

(2) The conciliators are liable and can be held to pay damages according to the law both to the parties, and to SAL-FIN:

- a)** if after acceptance they give up their assignment without justification;
- b)** if they do not attend the dispute judgment or do not pronounce the decision within the deadline set up by the present procedure;
- c)** if they do not comply with the confidential character of SAL-FIN procedure;
- d)** if they flagrantly violate their duties according to the regulation provided in para. (1) and by the present procedure.

(3) Conciliators are impartial and independent in solving the disputes they were noticed about and are directly and personally liable according to the applicable common law.

ARTICLE 8

Technical Secretariat of SAL-FIN

(1) The Technical Secretariat is set up within of SAL-FIN as an operating center of information processing regarding the disputes submitted for solving.

(2) The Technical Secretariat is made of personnel with assignments in the management of the secretariat, registration office, documents archive, summoning the parties and forwarding documents and in other administrative activities, grating the required guidance for the activity performance, as well as of personnel with specialty assignments, securing the specialized technical support to conciliators' activity within the meaning of the present procedure

ARTICLE 9

Imposing a solution

(1) Before choosing this possibility to solve the dispute, the parties are informed about the special conditions of such a choice, namely:

- a)** the mandatory character of the solution;

- b)** the fact that the parties cannot choose if they accept or not the solution;
 - c)** the fact that neither of the parties can withdraw from such a procedure;
 - d)** the fact that being involved in the procedure does not exclude the chance to claim damages by a separate court procedure;
 - e)** the fact that the proposed solution can be different from a result decided by a court applying the legal provisions in force;
 - f)** the legal consequences of accepting such a solution.
- (2)** SAL-FIN makes sure that the parties give their written accord regarding the mandatory character of the solution before starting the procedures.
- (3)** SAL-FIN organizes and manages the resolution of national disputes by the way of alternative dispute resolution imposing a solution within SAL-FIN, in an institutionalized way, based on SAL-FIN notification in the conditions of the present procedure.

ARTICLE 10

Conciliation Commission

- (1)** Conciliation Commission is made of a sole conciliator or of 3 appointed conciliators, of which one is supra-conciliator. The dispute solving exclusively belongs to the Conciliation Commission.
- (2)** The appointment of the sole conciliator or of the 2 conciliators is made by the parties represented in the dispute, by choosing from the Register of Conciliators.
- (3)** In case the parties do not reach an agreement about the conciliator, each party appoints its own conciliator and the Coordination College appoints a supra-conciliator from the Register of Conciliators.
- (4)** The conciliators exert their activity individually, independently and impartially, being subject only to the law, while the judgment of evidences and the decisions are made based on the conciliator's personal belief.
- (5)** The conciliators exert their prerogatives and meet their mission according to the provisions of Art. 21 para. (1) - (3) of Romania's Constitution, republished, and of Art. 6 para. 1 of the European Convention on Human Right, which secure the right to an equitable trial within a reasonable time interval, as well as the right to an independent and impartial tribunal.
- (6)** Conciliation Commission is deemed set up on the date of the election, or by the case, appointment of the last conciliator or of the sole conciliator.
- (7)** Within maximum 10 days since the setting up date, the parties are bound to send all the documents requested by SAL-FIN to solve the dispute.
- (8)** The Conciliation Commission can decide, by the case, to hear the parties, if required, and the proceedings resumption in successive sessions.
- (9)** In case one or several conciliators are challenged, they are replaced by the parties' choice, according to para. (2). After the conciliators' challenge and replacement, the new conciliators will resume SAL procedure.
- (10)** The challenge should be requested with a pertinent and objective justification, under penalty of preclusion, within 10 days since the party acknowledged the conciliator's appointment or since the case occurred.
- (11)** Conciliators can be challenged with justification for causes which doubt their independence and impartiality, according to the provisions of the Regulation regarding the organisation and operation of the Alternative Dispute Resolution Entity in non-banking financial field (SAL-FIN).
- (12)** Any conciliator aware of having a challenging reason is bound to notify both the parties, and the other conciliators before accepting the conciliation assignment, or if such facts occur after that moment, immediately he becomes aware of their existence.
- (13)** The unfounded and unjustified challenge requests made by the party which requested the challenge lead to the challenge annulment.

(14) In case the conciliator/conciliators withdraw, he/they will be replaced according to the present procedure.

ARTICLE 11

Decision of the Conciliation Commission

(1) The procedure of alternative dispute resolution by imposing a solution within SAL-FIN ends by the pronouncement of an imposing decision.

(2) Unless the parties agreed otherwise, the Conciliation Commission has to pronounce the decision within 90 days at most since the date of its establishment.

(3) The parties can propose in writing the extension of the term, with the accord of the Conciliation Commission.

(4) For well-grounded reasons, the Conciliation Commission can extend the term by 60 days, at most.

(5) The decision is made by unanimity of votes, or in case of disagreement, by the majority. The conciliator having another opinion will draft and sign his separate opinion, with justification.

(6) Conciliation Commission solves the disputed based on the applicable rules of law, also considering the commercial customs, if the case.

(7) The decision is drafted in writing and should include the parties' identity, domicile, name and domicile in case of representatives, the persons participating in the dispute debate, the nominal composition of the Conciliation Commission, the parties' accord on the mandatory character of the solution, the dispute object and the brief claims of the parties, the venue and date of the decision pronouncement, the signatures of all conciliators, except of the conciliator who had another opinion, if the case.

(8) The decision is notified to the parties within 15 calendar days since its adoption and starts producing effects since its notification date.

(9) The material mistakes in the text of the decision/conclusion, obvious mistakes which do not change the solution essence, as well as the calculation mistakes can be corrected, upon the request of any of the parties, within the provided term, by a correction request, and the pronouncement will take place within the same Conciliation Commission.

(10) The resolution, respectively the conclusion is forwarded to the parties within 15 calendar days since its adoption and starts producing effects since the notification date. They can be attacked with the competent court of law.

(11) The resolutions which are not attacked within the term of 15 calendar days since the notification date are rightfully turned into a writ of execution.

(12) The decisions of the Conciliation Commission can be published.

ARTICLE 12

Setting up financial resources

(1) The procedure of disputes solving by SAL-FIN is free of charge for the consumer who is a party in the dispute.

(2) IN case the dispute resolution requires technical examinations, notarized and apostilled translations or other evidences, their cost will be borne by the dispute party requesting them.

(3) In case the parties require the dispute resolution in a different location than that of SAL-FIN and the conciliator and the Technical Secretariat have to travel there, the requesting party will provide the space and bear the travel cost.

ARTICLE 13

Assurance of the required conditions for activity performance

ASF provides the required space for SAL-FIN activity, except for the case stipulated in Art. 12 para. (3).

ARTICLE 14

Duty of confidentiality

The conciliators and the personnel of the Technical Secretariat are bound to assure the procedure confidentiality.

ARTICLE 15

Language used in the procedure to impose a solution

The language used during conciliation is the Romanian language. The party requesting the debate in another language, upon its request and on its expense, will secure the services of an interpreter for the conciliator.

ARTICLE 16

Final provisions

The date of the present procedure coming into force is the publication date of the Regulation no. 4/2016 regarding the organisation and operation of the Alternative Dispute Resolution Entity in non-banking financial field (SAL-FIN).