RS Official Gazette, Nos 87/2021 and 101/2025

Pursuant to Article 45, paragraph 4 of the Law on Banks (RS Official Gazette, Nos 107/2005, 91/2010 and 14/2015) and Article 15, paragraph 1 of the Law on the National Bank of Serbia (RS Official Gazette, Nos 72/2003, 55/2004, 85/2005 – other law, 44/2010, 76/2012, 106/2012, 14/2015, 40/2015 – CC decision and 44/2018), the Executive Board of the National Bank of Serbia hereby issues the following

D E C I S I O N
ON COMPLAINTS OF LEGAL PERSONS AND THE HANDLING OF SUCH COMPLAINTS BY BANKS

Introductory provision

1. This Decision governs in more detail the manner in which a legal person – bank client (hereinafter: client) files a complaint to a bank and the handling of such complaint by the bank, as well as other matters pertaining to the protection of clients' rights and interests.

2. For the purposes of this Decision, the following definitions shall apply:

1) *client* is a legal person using the services offered by the bank on the basis of a loan contract, deposit contract, safe-deposit box contract and contract relating to foreign exchange operations, foreign currency operations and exchange transactions, contract on the issuing of guantees, sureties on promissory notes and other types of warranties (guarantee operations), as well as other services provided by a bank in line with the law, other than payment services within the meaning of the law governing payment services;

2) *bank* has the meaning defined by the law governing banks;

3) *means of distance communication* is any means which may be used for direct advertising, provision of pre-contractual information, making and/or accepting an offer, negotiating and concluding a contract without involving simultaneous physical presence of the bank and the client (e.g. internet, e-mail, mail, telefax and telephone).

Manner of filing complaints and complaint handling by the bank

3. A client may file a complaint about the work of a bank within 60 days from the day it realised that its right or legal interest had been breached, and not later than three years from the day of such breach, in writing – at the business premises of the bank, by mail, through the bank's website or by e-mail.

The service provider shall enable the client to file the complaint in any of the manners specified in paragraph 1 of this Section, or in another appropriate manner in electronic form which makes it possible to determine the date and time of receipt of the complaint and its substance.

In the case of financial services agreed using means of distance communication, the bank shall enable the client to file the complaint in the same manner and/or by using the same means of distance communication used for concluding the contract to which the complaint refers.

If the client filed the complaint after the expiry of the deadline specified in paragraph 1 of this Section, the bank shall immediately notify the client that the complaint was filed after the stipulated deadline and that it therefore has no obligation to consider it.

The expiry of the deadline referred to in paragraph 4 of this Decision shall not prevent the bank from considering and/or accepting the client's complaint if it considers such complaint to be founded.

4. The complaint shall contain client information which enables unequivocal establishment of the client's relationship with the bank to which the complaint refers, as well as the reasons for the complaint.

If submitted by a proxy, the complaint shall be accompanied by a special power of attorney whereby the legal representative of the client authorises the proxy to file a complaint about the work of a specific bank in its name and for its account, to take actions in the complaint procedure, and to access information related to the client which is considered a bank secret within the meaning of the law governing banks and/or business secret within the meaning of the law governing payment services.

5. The bank shall visibly display at its business premises where its services are offered the information on how complaints are filed and handled.

The bank shall enable the client to access the form for filing a complaint on its website homepage by posting an easy-to-spot link that is clearly designated as relating to client complaints.

In the part of its website dedicated to client complaints, the bank shall also post the information referred to in paragraph 1 of this Section, and shall mandatorily specify the e-mail address to which client complaints can be filed.

6. The bank shall accept a written complaint at any of its business premises where its services are provided and issue to the client a confirmation of receipt of the complaint, stating the time and place of the receipt, as well as the name of the employee in the bank who received the complaint.

If the client intends to make a verbal complaint, the bank shall inform such client that it is under no obligation to consider a verbal complaint and advise the client about the manner in which a complaint can be filed.

Notwithstanding paragraph 2 of this Section, in the event from Section 3, paragraph 3 of this Decision, when a verbal complaint has been filed by telephone, the bank shall make a record of this complaint by recording, i.e. entering in the appropriate records, the information about the client, substance of the complaint and the date and time of receiving the complaint.

7. If the client filed the complaint using the bank's website, by e-mail or in another appropriate manner in electronic form referred to in Section 3, paragraph 2 of this Decision, and in the event referred to in Section 6, paragraph 3 of this Decision, the bank shall confirm the receipt of the complaint immediately by e-mail or in another appropriate manner in electronic form.

Specifically, the receipt certificate referred to in paragraph 1 of this Section shall contain information on the client, substance of the complaint and the date and time of receiving the complaint.

8. The bank shall consider the complaint and provide a reply in writing to the client in the manner stipulated in Section 9 of this Decision no later than 15 days from receiving the complaint.

Notwithstanding paragraph 1 of this Section, if the bank is unable to reply within the deadline referred to in that paragraph for reasons that are beyond its control, the deadline may be extended by maximum 15 days, of which the bank shall notify the client in writing as stipulated in Section 9 of this Decision within 15 days from receiving the complaint.

The notification referred to in paragraph 2 of this Section shall set out the reasons why it is impossible to reply within the deadline referred to in paragraph 1 of this Section and shall state the final deadline for sending the reply.

9. The bank shall submit the reply to the complaint in writing, by post or in the form of an electronic document, by e-mail or in another appropriate manner in electronic form which makes it possible to determine the date and time of receiving the reply and its substance – if the client submitted the complaint via the bank's website, by e-mail or in another appropriate manner in electronic form referred to in Section 3, paragraph 2 of this Decision, or if the client explicitly agreed to receive the reply in such electronic form.

The bank may submit the reply to the complaint by post and in the form of a printed copy of the electronic document (hard-copy of the electronic document) and, after receiving such document, the client shall have the right to request the original copy of the electronic document or its certified copy within the meaning of the law governing the electronic document.

The electronic document referred to in paragraphs 1 and 2 of this Section shall contain the qualified electronic signature of the authorised person of the service provider or the qualified electronic stamp, within the meaning of the law governing the electronic document.

10. The bank's reply should be complete, clear and understandable to the client, relate to the subject matter of the complaint and contain an assessment of its merit.

If the bank assesses the complaint to be founded, it shall notify the client of whether the reasons for the complaint have been removed, and/or of the deadline for their removal and of the measures that shall be taken to remove them.

11. The bank shall conduct the complaint procedure in accordance with the law governing banks, this Decision and its internal acts.

The bank shall not charge the client any fees or any other amount in respect of the costs of complaint handling.

Reporting

12. A bank shall keep records of all complaints and information necessary for compiling the report referred to in Section 13 of this Decision.

13. A bank shall compile a quarterly report (Annex 1) with information on the total number of complaints received in the reporting period, on the number of complaints by type of financial service (loans, deposits, FX

operations, exchange operations, guarantees and other), on the total number of complaints handled in the reporting period, on the number of complaints resolved in favour of clients, and information on the total number of clients and the number of clients by type of financial service as at the last day of the reporting period.

The bank shall deliver the report referred to in paragraph 1 of this Section to the National Bank of Serbia electronically in accordance with the technical guidelines governing electronic submission of data to the National Bank of Serbia, which are published on the National Bank of Serbia's website, not later than 15 days following the end of the quarter.

Transitional and closing provisions

14. Procedures of handling the complaints filed by clients, and the mediation procedures initiated before the date of entry into force of this Decision shall end in line with the provisions of the regulations that were in effect until that date.

A complaint procedure shall be deemed to have been initiated within the meaning of paragraph 1 of this Section if the client filed a complaint to the bank until the date of entry into force of this Decision, but has still not received the bank's reply to such complaint and/or the deadline for the submission of such reply has not expired yet.

A complaint procedure shall be deemed to have been initiated within the meaning of paragraph 1 of this Section if the client, which filed a complaint to the bank until the date of entry into force of this Decision, files a duly completed complaint to the National Bank of Serbia within the deadline for filing the complaint specified in the Decision on Handing Complaints of Legal Persons (RS Official Gazette, Nos 1/2019 and 50/2019), as well as if the client filed a duly completed complaint to the National Bank of Serbia until the date of entry into force of this Decision.

The mediation procedure shall be deemed to have been initiated within the meaning of paragraph 1 of this Section if one of the parties to the dispute filed the mediation proposal to the National Bank of Serbia until the date of entry into force of this Decision, and the other party has still not replied to the proposal and/or if the other party to the dispute accepted the mediation proposal until that date.

15. This Decision repeals the Decision on Handling Complaints of Legal Persons (RS Official Gazette, Nos 1/2019 and 50/2019).

16. This Decision shall enter into force on the eighth day from its publication in the RS Official Gazette.

NBS EB No 86
9 September 2021
B e l g r a d e

Chairperson
of the NBS Executive Board
G o v e r n o r
of the National Bank of Serbia

Dr Jorgovanka Tabaković, sign.