



NATIONAL BANK OF SERBIA

DEPARTMENT FOR FINANCIAL CONSUMER PROTECTION

**INFORMATION ABOUT COMPLAINTS AGAINST  
FINANCIAL SERVICE PROVIDERS**

**(January–December 2023)**

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## **INTRODUCTION**

Pursuant to 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 National Bank of Serbia, among other tasks, performs the activities of the protection of the rights and interests of consumers of services provided by banks, insurance undertakings, financial lessors, voluntary pension fund management companies, payment service providers and e-money issuers, in accordance with law.

The source of data in this Information are the activities of the NBS carried out in the area of protection of consumers of services provided by banks, financial lessors, payment service providers and e-money issuers.

The Law on the Protection of Financial Service Consumers (RS Official Gazette, Nos 36/2011 and 139/2014, hereinafter: Law on Consumer Protection) regulates, inter alia, the rights of consumers of financial services provided by banks and financial lessors, as well as the conditions and manner of exercising and protecting those rights, while the Law on Payment Services (RS Official Gazette, Nos 139/2014 and 44/2018) regulates, inter alia, the conditions and manner of providing payment services, e-money and the supervision of implementation of the provisions of this law. The Law on Payment Services stipulates that the procedure of protecting the rights and interests of payment service consumers and e-money holders shall be subject to the relevant provisions of the law governing the protection of rights and interests of financial service consumers.

In order for consumers to learn quickly about the steps of the procedure for the protection of their rights, the first part of the Information presents the procedure for the protection of financial service consumers, starting from filing a complaint to a financial service provider, through filing a complaint to the NBS, to submitting a mediation proposal to the NBS, with a brief look at the advantages of consumer rights protection before the NBS.

The second part of the document refers to the imposing of measures and/or fines in respect of financial service providers by the NBS once it has detected irregularities in their operations.

The third part of the document contains information about financial service providers found non-compliant with the Law on Consumer Protection or the law

regulating payment services, which the NBS announces in accordance with Article 45, paragraph 6 of the Law on Consumer Protection and Section 30 of the Decision on Handling Complaints of Financial Service Consumers (RS Official Gazette, Nos 1/2019, 50/2019, 87/2021 and 77/2023; hereinafter: Decision). Namely, the Decision sets forth that the National Bank of Serbia must publish on its website quarterly information on the service providers which were found, in the complaint procedure – and in case of banks and lessors also in the supervision procedure – not to have acted in accordance with the Law on the Protection of Financial Service Consumers, the law governing payment services or other law related to the protection of consumers.

The fourth and the sixth part present information about complaints filed against banks, financial lessors, payment service providers and e-money issuers, published quarterly by the NBS in accordance with Section 30 of the Decision, while the fifth part presents information about mediation proposals and mediation procedures.

## 1 Protection of financial service consumers

### *Financial service providers against which complaints can be filed*

In the procedure laid down by the Law on the Protection of Financial Service Consumers and the decision on the procedure for protecting consumers' rights and interests, the NBS acts upon complaints filed by financial consumers in relation to the services provided by:

- banks,
- financial lessors,
- payment service providers,
- electronic money issuers.

### *What is a complaint?*

A complaint is a written statement addressed to a financial service provider by consumers of financial services, expressing their dissatisfaction with the provider's treatment or pointing to their errors, indicating that their rights or interests have been violated and suggesting that the financial service provider is not observing laws, other regulations, general terms of business, provisions of a concluded contract or good business practices.

### *How to file a complaint to a financial service provider?*

A complaint to a financial service provider is filed in writing, through the website of the financial service provider, by e-mail, in the business premises of the financial service provider, by mail or in the e- or m-banking application, if the complaint relates to the services provided through these.

### *Deadline for filing a complaint to a financial service provider*

A financial service and/or payment service consumer, or e-money holder within the meaning of the law regulating payment services (including a legal person) may file a complaint against a financial service provider within three years from the day of

breach of their rights or legal interests. A legal person which is the consumer of services provided by a bank on the basis of a loan contract, deposit contract, safe-deposit box contract or a contract relating to foreign exchange operations, foreign currency operations and exchange transactions, contract on the issuance of guarantees, sureties and other types of warranties (guarantee operations), and other services provided by a bank in line with the law (other than payment services within the meaning of the law on payment services), may file a complaint against 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.

### *Financial service provider's deadline for addressing the complaint*

A financial service provider is required to consider the complaint and reply to the consumer in writing in a clear and understandable way, within 15 days (only exceptionally may this deadline be extended by further 15 days, but the financial service provider must notify the consumer thereof before the first deadline has expired).

The financial service provider must state whether the complaint is founded, and if so, whether the reasons for the complaint have been removed, i.e. it has to commit to eliminating the irregularities and specify in the reply the method and the deadline for doing so.

### *The complaint procedure is free of charge*

A financial service provider may not charge the consumer any fees or any other amount in respect of the costs of complaint handling.

### *How to file a complaint to the NBS?*

If a consumer is dissatisfied with the financial service provider's reply to the complaint or if the reply was not sent in due time, the consumer may address the National Bank of Serbia (NBS).

The fastest and easiest way to file a complaint to the NBS is by filling out the appropriate e-form accessed from the NBS's home page by clicking on the link: [File a complaint against a financial service provider / Mediation proposal](#). In a few steps this form guides the consumer through all the mandatory information and documents to be submitted so that the complaint can be handled.

The complaint can also be sent by mail to the following address: National Bank of Serbia, PO Box 712, 11 000 Belgrade.

When it comes to legal persons' complaints, subject to regulations the NBS may only consider the complaints of legal persons as payment services consumers or e-money holders within the meaning of the law governing payment services.

#### *Mandatory elements of the complaint*

By filling out the appropriate e-form on the NBS website, a consumer is guided through all the elements which a complaint must contain in order for the NBS to act upon it.

If a complaint is submitted in free form, it must contain the following:

- information enabling consumer identification (name, surname and address, or business name, head office, registration number and name and surname of the legal representative for legal persons) and financial service provider's identification (business name and head office);
- complaint filed to the financial service provider;
- financial service provider's reply (if any);
- brief description and/or reasons for the complaint, i.e. what is demanded in the complaint;
- other documents based on which the allegations in the complaint can be assessed;
- if submitted by a proxy, the complaint should be accompanied by a special power of attorney in line with the decision governing the complaint procedure.

#### *Deadline for filing a complaint to the NBS*

The consumer should file a complaint within six months from the receipt of the reply from the financial service provider or from the expiry of the deadline for submitting such reply.

#### *Cases where the NBS does not consider complaints*

In addition to other reasons stipulated in regulations, we particularly emphasise that the NBS may not consider a complaint submitted after court proceedings had been initiated, i.e. when the subject of the complaint is the subject of an ongoing (or past) dispute, and/or a complaint requesting the NBS to ensure that financial service provider observes a court decision, decision of another competent body and organization or entity entrusted with the exercise of public authority (public bailiffs, public notaries, etc.). Also, the NBS may not resolve a dispute where the establishment of facts requires presentation of evidence, client/witness hearing, court expert analysis, inspection, etc.

#### *Deadline for the NBS to address complaints*

The NBS is required to reply to a consumer complaint within no more than three months following the day of its receipt. In more complex cases, the deadline can be extended by three more months at most, of which the NBS is required to notify the consumer before the expiry of the first deadline.

#### *The procedure in respect of a complaint filed to the NBS is free of charge*

The NBS does not charge the consumer any fees or any other amount in respect of the costs of complaint handling. If a consumer hires a lawyer, he will bear the costs himself (even when the complaint is founded) as the NBS does not decide on the costs in this procedure.

#### *How to file a mediation proposal to the NBS?*

A dispute between a consumer and a financial service provider may be resolved in an out-of-court procedure, i.e. mediation procedure, with the consent

of both parties. Mediation by the NBS may be initiated only if court proceedings have not started.

The fastest and easiest way to submit a mediation proposal to the NBS is by filling out the appropriate e-form on the NBS home page by clicking on the link: [File a complaint against a financial service provider / Mediation proposal](#). In a few steps this form guides the consumer through all the mandatory information and documents to be submitted, so that the mediation proposal can be addressed. It should be noted that the NBS acts upon mediation proposals immediately.

Mediation proposals can also be sent by mail to the following address: National Bank of Serbia, PO Box 712, 11 000 Belgrade.

When it comes to legal persons' mediation proposals, subject to regulations the NBS may only consider the proposals of legal persons as payment services consumers or e-money holders within the meaning of the law governing payment services.

#### *Mediation procedure*

Mediation may be initiated if court proceedings have not begun and if the consumer had previously filed a complaint to the financial service provider.

Mediation is conducted by the NBS staff qualified to act as mediators.

The NBS does not charge any fees for carrying out the mediation procedure, but any costs that may arise during the mediation procedure will be borne by the parties (travel and accommodation costs, representation costs, unpaid leave from work, etc.).

Each party may decide to withdraw from the mediation procedure at any stage. The mediation procedure is confidential and urgent.

If parties come to an understanding in the mediation procedure, a written agreement is made. The agreement will have the power of an enforceable document if it contains a statement of the debtor on the acceptance of enforcement following maturity of

a certain liability or fulfilment of a certain condition (enforceability clause), and signatures of the parties to the agreement and the NBS's confirmation of enforceability.

#### *Advantages of consumer rights protection before the NBS*

The procedure for protecting consumers' rights before the NBS is entirely free of charge, i.e. neither the financial service provider nor the NBS may charge any fees or any other amount in respect of the costs of complaint/mediation proposal handling. In addition, consumers have the possibility to resolve a dispute before the NBS without initiating costly court proceedings which last considerably longer.

Complaint handling or mediation procedure by the NBS is not a necessary condition for court proceedings nor is it an obstacle to initiating such proceedings.

## 2 Imposing measures and/or fines

In complaint procedures, the NBS adopts decisions whereby it orders elimination of irregularities and/or imposes fines on banks or other financial service providers found not to have complied with certain provisions of the law governing the protection of financial service consumers. Before adopting a decision, the NBS prepares findings about established irregularities based on which banks or other financial service providers most often promptly eliminate the irregularities during the complaint procedure itself. Also, if minor irregularities are established during the complaint procedure, the NBS issues a notification to the service provider ordering them to eliminate those irregularities.

Furthermore, on-site and off-site bank supervision aimed at consumer protection provides for prompt elimination of established systemic irregularities by banks, frequently leading to specific material benefits for a significant number of consumers and long-term improvement of their position. While complaint procedures establish/eliminate irregularities for individual consumers, supervision procedures have a much greater impact since they require that irregularities be eliminated in respect of all consumers to which they refer.

To illustrate the effects, we would like to point out that in the observed period, January–December 2023, the NBS **bank supervision procedures generated a financial effect of over RSD 2.57 bn for consumers. Additionally, based on the NBS's activities in prior years, many loan users opting for early repayment achieved some reduction of the outstanding debt, which based on data and estimates measured around EUR 5 mn annually.** This amount could have been even higher due to the increase in the amounts of early loan repayments. **Complaint and mediation procedures generated a direct financial effect of around RSD 29.8 mn for consumers.** It should, however, be noted that the financial effect cannot be calculated in all cases and that the NBS's measures act preventatively.

Even though the NBS helps consumers protect their rights and interests by taking measures under its competence in case of established irregularities, it is focused particularly on the prevention of irregularities, and is continuously monitoring bank activities, as well as challenges faced by consumers in the modern banking market. In



addition to continuous monitoring and alerting of banks, the NBS is also committed to informing the public, and has thus issued warnings to consumers in its media appearances and on its website.

In the observed period, the NBS alerted consumers to digital wallets use for payment card fraud, where consumers received text messages inviting them to access a false website of a merchant via the delivered link and to make a payment or update information, which the fraudsters (hackers) controlling those false websites used to make as many as several transactions, before consumers became aware of the fraud and blocked the card.

The NBS invested additional efforts into reclaiming consumers' funds, and its position was that banks should refund unauthorised transactions to all consumers who were the victims of these frauds, except for the first transaction (on condition that the consumers did not use these applications until then and that they reported the fraud immediately). The consumers were thus refunded over RSD 17 mn, or over RSD 59 thousand per consumer.

Further, the NBS warned citizens of frequent false surveys allegedly on behalf of banks, which appeared on social networks, offering consumers awards in different amounts if they complete the survey and submit certain information. However, the aim of these surveys on false profiles is to collect data from citizens which will enable unauthorised access to citizens' accounts through e- and m-banking applications and the execution of transactions by using their funds. For this reason, the NBS warned citizens not to reveal their information and the security codes sent by banks for using payment instruments – cards and e- and m-banking, or security data they create on their own afterwards to anyone, not even to entities which present themselves as bank representatives.

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To further raise the level of the protection of consumer rights and the quality of financial services, the NBS will continue to monitor developments in the banking market aimed at corrective, pre-emptive and innovative future actions.

In particular, it should be noted that the NBS has become a fully-fledged member of the International Financial Consumer Protection Organization (FinCoNet), which is yet another confirmation of the results achieved by the NBS in the area of the

protection of consumers' rights and interests, as well as an incentive to stay on this course in the future.

### **3 List of financial service providers found non-compliant with certain provisions of the law governing the protection of financial service consumers**

In the January–December 2023 period, the following financial service providers were found non-compliant with certain provisions of the law governing the protection of financial service consumers:

- *NLB Komercijalna banka ad Beograd,*
- *Eurobank Direktna banka ad Beograd,*
- *OTP banka Srbija ad Novi Sad,*
- *AIK banka ad Beograd,*
- *Banca Intesa ad Beograd,*
- *Raiffeisen banka ad Beograd,*
- *Procredit bank ad Beograd,*
- *3 Banka ad Novi Sad,*
- *OTP Leasing Srbija doo Beograd,*
- *Preduzeće za trgovinu i usluge Mićo Commerce doo, Beograd.*

### **4 Consumer complaints against banks**

In the January–December 2023 period, 1,237 consumer complaints against banks were resolved, 17% more than in the same period last year. The complaints were predominantly filed by natural persons (90%).

More than a third of complaints were resolved in favour of banking services consumers, i.e. 35% of complaints were founded. We would particularly like to stress that the NBS addresses complaints filed by the consumers who had not previously managed to settle a dispute with a bank in their complaint procedure. A significant number of complaints filed by consumers to banks were solved in favour of consumers as banks have in mind the positions of the NBS on many disputable issues already during the complaint handling procedure. In case of an unfounded consumer complaint, the

NBS informs the consumer about its findings in respect of the complaint, as well as about the reasons why the complaint is unfounded.

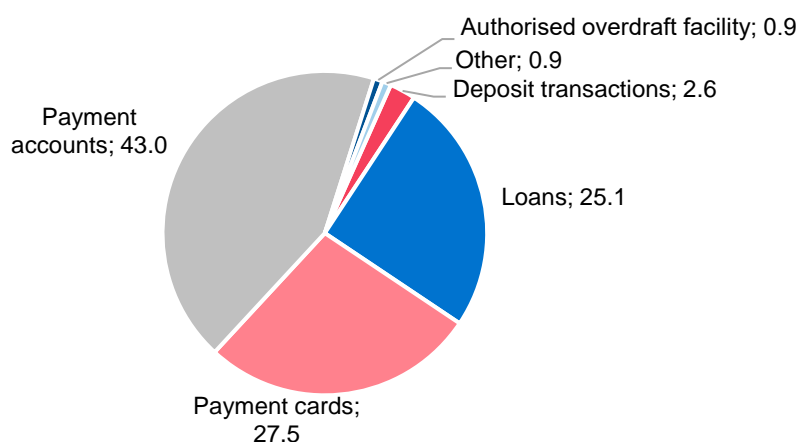
As the NBS continuously monitors conduct in the banking market and takes measures within its scope of competence, amendments to regulations in the previous period have increased the efficiency of procedures in respect of complaints filed by financial service consumers. Hence, for instance, even though the stipulated duration of a consumer complaint procedure before the NBS is three months (and this deadline may be extended in more complex cases by further three months at most), the NBS has invested additional efforts to shorten the procedure. Thus, in practice, the procedure is considerably shorter, i.e. the NBS informs the consumer about its finding on the complaint in around 29 business days, on average.

#### 4.1 Number of complaints and grounds (banks)

In the observed period, the majority of complaints against banks concerned payment services – 70.5% aggregately (payment accounts – 43% and payment cards – 27.5%).

As regards the specific subject of the complaints, consumers' most frequent complaints against banks concerned payment transactions; card abuse; impossibility to use funds in a bank account; opening, keeping and closing of current accounts; data records in the Credit Bureau; problems with ATM operations.

**Chart - Number of complaints by type (banks) (%)**



Source: NBS.

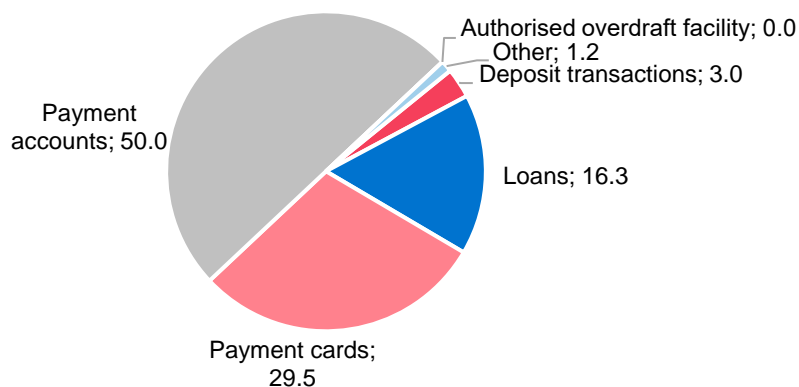
**Table – Number of complaints by type (banks)**  
(1 January - 31 December 2023)

Grounds for complaint	Total	In %
Foreign currency savings	26	2.1
Dinar savings	6	0.5
Other	0	0.0
<b>Deposit transactions</b>	<b>32</b>	<b>2.6</b>
Cash loans	135	10.9
Other loans	18	1.5
Consumer loans	23	1.9
Housing loans	105	8.5
Entrepreneur loans	2	0.2
Agricultural loans	7	0.6
Refinancing loans	21	1.7
<b>Loans</b>	<b>311</b>	<b>25.1</b>
Debit cards	227	18.4
Credit cards	113	9.1
<b>Payment cards</b>	<b>340</b>	<b>27.5</b>
<b>Payment accounts/Payment services</b>	<b>532</b>	<b>43.0</b>
<b>Authorised overdraft facility</b>	<b>11</b>	<b>0.9</b>
<b>Other</b>	<b>11</b>	<b>0.9</b>
<b>TOTAL</b>	<b>1,237</b>	<b>100.0</b>

Source: NBS.

In terms of whether complaints were founded or not, the majority of founded complaints again referred to payment services – 79.5% aggregately (payment accounts – 50% and payment cards – 29.5%).

**Chart - Number of founded complaints by type (banks)**  
(%)



Source: NBS.

**Table – Number of complaints by type and outcome (banks)**  
(1 January - 31 December 2023)

Type of complaints	Total	Founded complaints	Unfounded complaints
Foreign currency savings	26	13	13
Dinar savings	6	0	6
Other	0	0	0
<b>Deposit transactions</b>	<b>32</b>	<b>13</b>	<b>19</b>
Cash loans	135	35	100
Other loans	18	3	15
Consumer loans	23	7	16
Housing loans	105	19	86
Entrepreneur loans	2	0	2
Agricultural loans	7	3	4
Refinancing loans	21	3	18
<b>Loans</b>	<b>311</b>	<b>70</b>	<b>241</b>
Debit cards	227	84	143
Credit cards	113	43	70
<b>Payment cards</b>	<b>340</b>	<b>127</b>	<b>213</b>
<b>Payment accounts/Payment services</b>	<b>532</b>	<b>215</b>	<b>317</b>
<b>Authorised overdraft facility</b>	<b>11</b>	<b>0</b>	<b>11</b>
<b>Other</b>	<b>11</b>	<b>5</b>	<b>6</b>
<b>TOTAL</b>	<b>1,237</b>	<b>430</b>	<b>807</b>

Source: NBS.

## 5 Mediation before the NBS

From 1 January to 31 December 2023, the NBS received 36 mediation proposals for resolving disputes between consumers and banks, and one proposal for resolving a dispute between a consumer and a lessor. The parties accepted a total of 17 proposals.

In the observed period, 17 mediation procedures were conducted to resolve disputes between consumers and banks, and one mediation procedure was conducted to resolve a dispute between a consumer and a lessor.

Of the 18 closed mediation procedures before the NBS, six ended in settlement between a bank and a consumer, while in four procedures the parties reached amicable dispute resolution following the mediation procedure before the NBS.

## 6 Consumer complaints against other financial service providers

In the observed period, five complaints against payment institutions (four of them founded), three complaints against financial lessors (one of them founded) and two complaints against e-money institutions (one of them founded) were closed.