

To,

Alternative Banking Dispute Resolution Centre

Name

with the registered office in

str. nr. building entry

floor apt. county/district

having the Tax Identification Code/Single Registration Code (CIF/CUI) ,
registered with the Trade Register under no.

email address phone no.

by

the Representative¹ pursuant to

by attorney
according to the power of attorney no. /

hereby lodge this

APPLICATION FOR ALTERNATIVE DISPUTE RESOLUTION

BY MEANS OF THE ADR PROCEDURE CONCLUDED WITH PROPOSAL OF A SOLUTION²,

Against the trader (name):

registered office and other known identification data:

I hereby mention that:

¹ Director, manager, legal advisor, accountant, etc. Please, enclose the document supporting the mandate granted to the representative.

² This application shall be filled in by the legal entity, shall be signed off, and submitted to ABDRC via email or by mail, or shall be submitted to the offices of ABDRC, Str. Sevastopol nr. 24, etaj 2, sector 1, Bucharest.

1. I tried to have an amicable settlement with the Trader:

YES³

NO

2. It's been more than 1 year since the complaint was filed with the Trader:

YES

NO

3. The dispute was further examined by the Alternative Dispute Resolution Centre:

YES

NO

4. There is a final court judgment rendered by a court of law or arbitration court in a dispute between the undersigned and the above-mentioned trader.

YES

NO

5. Currency:

RON

EUR

CHF

Other currency

The facts are the following:

(A brief account of the subject-matter of the case shall be made):

³ If ticked off, please enclose the complaint filed with the Trader and their reply.

As regards the above-mentioned, I hereby request:

I enclose herewith the following documents:⁴

By sending/signing this application, being aware of the applicable legal provisions, I hereby assume the accuracy of those written above.

I agree that all communications, except the communication of the award, be sent to the email address without the need of sending it by registered letter with acknowledgment of receipt.

Pursuant to the Regulation (EU) No 2016/679 on the protection of individuals with regard to the processing of personal data and the free movement of such data (GDRP), I hereby state that I agree to have my data processed.

Pursuant to Art. 13 GDPR, please be advised of the following:

- **Purpose and ground of your data processing:** ABDRC processes personal data in order to facilitate the alternative dispute resolution procedures, under the applicable legal framework represented by the Government Ordinance no. 38/2015;
- **Recipients of the data you supply to us:** The Procedural Secretariat of ABDRC, for the purpose of processing your application and data, and transmitting such to the following recipients:

⁴ Documents relating to the facts presented shall be enclosed herewith: agreements, excerpts, correspondence related to the topic, including the proof that a direct settlement was sought with the co-contractor trader.

the trader seized and the designated conciliator (joint controller), for the purpose of facilitating the dispute resolution procedure you initiated with us. As **joint controller**, the conciliator is required to provide information to the data subject in compliance with the provisions of GDPR after their appointment to resolve your dispute. In order to render more efficient the entire activity and reduce the flow of documents, please be advised that ABDRC lawfully took over this task (by signing a cooperation agreement), making available to you all the information you need to know pursuant to the regulations in effect;

- **Duration of storage:** your data will be processed and stored throughout the entire resolution process, and, after the casefile is closed, this will be stored for two years for statistical and reporting purposes (pursuant to the Government Ordinance no. 38/2015), and then archived during a period of time that complies with the terms set out for the courts of law (because it concerns the same scope of services);

- In performance of its activities, ABDRC intends to provide you with the possibility to exercise your rights under the law as regards your personal data, which are equal to those defined under the laws of the European Union: the right to request access to data, the right to rectification or erasure of the personal data, as well as the right to restriction of processing, the right to object to processing, and the right to data portability;

- Please be reassured that we reduce to minimum the amount of data we ask from you, and that the data you supply in this form are mandatory and required to facilitate the resolution of the dispute brought up, as well as efficient communication with you. Your refusal to provide us with this data prevents us from adequately performing the procedures that we manage.

- To exercise your rights under the applicable legislation, you may submit a written (in hardcopy or in electronic format) and signed application to the email address secretariat@csalb.ro, or to the mailing address at Str. Sevastopol nr 24, sector 1, Bucharest.

Pursuant to Art. 14 GDPR, please be advised that the trader seized shall supply to ABDRC all the necessary information, including personal data, as well as any confidential documents (agreements, appendices etc.) which are in the possession of the trader and are related to this application with a view to facilitating the resolution of the dispute brought up.

For more information about your rights, as well as about the Confidentiality Policy of ABDRC, please access our website www.csalb.ro, or write us at the email address secretariat@csalb.ro

I hereby state that I took note of the rights and obligations which I have in the Alternative Dispute Resolution procedure concluded with proposal of a solution, including those contained in the appendix hereto.

Date

Signature

APPENDIX TO THE APPLICATION FOR THE PROCEDURE WITH PROPOSED SOLUTION

INFORMATION FOR BENEFICIARIES

Legal entities that opt for the settlement of the disputes between them and traders to be made by the Alternative Dispute Resolution procedure concluded with proposal of a solution have the following rights and duties:

1. The procedure may be pursued with no required independent consultancy.
2. The party has the possibility to withdraw from the Alternative Dispute Resolution procedure concluded with proposal of a solution at any time unless they are satisfied with the operation or the manner in which the procedure is conducted;
3. The party has the choice as to whether or not to accept the proposed solution;
4. Involvement in the procedure shall not exclude the possibility of seeking redress through court proceedings;
5. The proposed solution may be different from an outcome determined by a court applying legal rules;
6. The resolution which the conciliator renders as a result of the acceptance given to the Resolution note by both parties, shall become an enforceable title unless it is challenged in the court within 15 days from its communication.
7. For the procedure to unfold, the legal entity is required to pay the amount of RON 993. This amount shall only be paid when the trader accept the settlement.

We urge you to carefully review the ADR procedure with a proposed solution and the related work flow by accessing the website of ABDRC, www.csalb.ro, Procedures section.

POWER OF ATTORNEY

The undersigned _____ with the registered office in _____
_____ str. _____ nr. _____
bl. _____ et. _____ ap. _____ district/county
registered with the Office of the Trade Register _____ under no. _____
having the Single Code of Registration/Tax Registration Code _____
(CUI/CIF) _____ as applicant,

HEREBY AUTHORIZE

Mr./Mrs. _____ with the domicile in _____ str. _____
_____ nr. _____ bl. _____ et. _____ ap. _____ district/county
holder of the ID series _____ no. _____ Personal Numeric Code (CNP) _____ ,
to represent me before the Alternative Banking Dispute Resolution Centre in the dispute
concerning⁵ _____ which the undersigned has with the trader
_____ with the registered office in _____ str. _____
nr. _____ District _____

In order to carry through this mandate, by proxy is hereby authorized to make and file the necessary applications statements, to propose and produce any evidence, to perform and be served all the proceedings, and to sign in the name of, and for the undersigned wherever necessary, within the scope of this instrument, their signature being enforceable against me.

This power of attorney is valid until the completion of the dispute⁶, or until this is expressly revoked.

⁵ In your account of the subject-matter, please refer to your contract/agreement with the trader, and/or any other identification elements regarding the subject-matter of the dispute, linked to the information supplied in the application.

⁶Completion of the dispute means:

- a) Refusal of the trader to accept the settlement of the disputes via ADR procedures
- b) Rendering a resolution by the conciliator, when the parties accept the Solution proposed by them

In case of revocation, the undersigned hereby undertake to submit forthwith to the ADR Centre the revocation instrument, and to assume all the decisions made by my proxy before the revocation is received by the Centre.

Date

Applicant 's signature,
(print name)

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- c) Issuing of a report under which the conciliator finds the failure of the conciliation attempt
 - d) The notice given by either party as to their withdrawal from the procedure
 - e) The award of the Arbitral Tribunal in the ADR procedure concluded with an imposed solution