

Pursuant to Article 175 paragraph 6 of the Law on Insurance (Official Gazette of the Republic of Montenegro, No 78/06 of 22 December 2006, 19/07 of 2 April 2007; Official Gazette of Montenegro, No 53/09 of 7 August 2009, 73/10 of 10 December 2010, 40/11 of 8 August 2011, 45/12 of 17 August 2012, 06/13 of 31 January 2013), the Council of the Insurance Supervision Agency, at its 157th session held on 12 March 2015, adopted the

DECISION ON THE FEES OF THE INSURANCE SUPERVISION AGENCY

(Official Gazette of Montenegro, No 26/15 of 26 May 2015, 38/2015 of 17 July 2015)

SUBJECT-MATTER

Article 1

This Decision establishes the fees referred to in Article 175 of the Law on Insurance (hereinafter referred to as the Law) which are paid for founding of a company carrying out the activities of insurance, reinsurance, insurance agency, insurance brokerage and provision of insurance ancillary services – licenses; fees for obtaining consents and approvals; fees for training and taking professional exams and acquisition of titles; fees for conducting supervision; and other fees for activities the Agency performs in accordance with laws and other regulations, as well as the amount, the manner of calculation and payment of fees.

LICENSING FEES

Article 2

The Agency shall charge fees for:

- 1) Rendering a decision in respect of applications for issuance of licenses for performance of insurance activities and reinsurance activities (Articles 30, 32 and 42 of the Law): €5,000;
- 2) Rendering a decision in respect of applications for amending the license for performance of insurance activities (Article 35 of the Law): €2,500;
- 3) Rendering a decision in respect of applications for issuance of licenses for insurance brokerage activities, insurance agency activities, provision of insurance ancillary services and a separately organized unit of a business organisation for provision of insurance ancillary services (Articles 56, 69, 79 and 80 of the Law): €500;
- 4) Rendering a decision in respect of applications for issuance of licenses to an entrepreneur - insurance agent (Article 71 of the Law): €500.

FEES FOR ISSUANCE OF CONSENTS AND APPROVALS

Article 3

The Agency shall charge fees for:

- 1) Rendering a decision in respect of applications for issuance of the consent for changing the name and registered office of an insurance company (Article 18 of the Law): €200;
- 2) Rendering a decision in respect of applications for issuance of the consent for acquisition of and increase in qualified holding in the insurance company (Article 23 of the Law): €1,000;
- 3) Rendering a decision in respect of applications for issuance of the consent of the statute of the insurance company (Article 39 of the Law): €200;
- 4) Rendering a decision in respect of applications for issuance of the consent of the founding organizational parts of the insurance company (Article 40 of the Law): €200;
- 5) Rendering a decision in respect of applications for issuance of the consent for status changes (divisions, mergers or acquisitions - Article 41 of the Law): €1,000;
- 6) Rendering a decision in respect of applications for issuance of the consent for the appointment of members of the board of directors or executive director (Articles 49 and 50 of the Law): €200;
- 7) Rendering a decision in respect of applications for issuance of the consent of the transfer of insurance portfolio (Article 148 of the Law): €1,000;
- 8) Rendering a decision in respect of applications for granting the approval to the insurance company to appoint an external auditor of the insurance company (Article 168 of the Law): €200;
- 9) Rendering a decision upon request of banks for obtaining consent for pursuit of insurance agency activities (Article 65 of the Law): €500;
- 10) Rendering a decision in respect of applications for issuing a consent for carrying out the voluntary liquidation: €1,000.

**FEES FOR TAKING PROFESSIONAL EXAMS AND ACQUIRING TITLES OF AN
AUTHORISED INSURANCE BROKER AND AGENT
Article 4**

The Agency shall charge the fees for:

- 1) Taking the professional exam for acquiring the titles of authorized insurance broker and authorized insurance agent (Articles 60 and 71 of the Law): €100;
- 2) Rendering a decision in respect of applications for issuing the authorizations for performing insurance brokerage and agency activities (Articles 60 and 71 of the Law): €100;
- 3) Rendering a decision in respect of applications issuing the authorizations for performing insurance brokerage and agency activities based on foreign certificates on the title of an authorized insurance broker and authorized insurance agent (Articles 60 and 71 of the Law): €100;

**FEES FOR TRAINING AND TAKING PROFESSIONAL EXAMS FOR PERFORMING
ACTIVITIES OF AN AUTHORISED ACTUARY AND ACQUIRING TITLE OF AN
AUTHORISED ACTUARY**

Article 5

The fee for training and taking professional exam for performing an authorised actuary activities and acquiring title of an authorised actuary (Article 153 of the Law) shall be calculated and charged for:

- 1) Training and taking the professional exam for performing an authorized actuary activities : €5,000;
- 2) Training and taking exams for subjects referred to in Article 2 paragraph 1 items 1 to 14 of the Rulebook on Requirements for Taking the Exam, the Manner of Taking the Exam and Program of the Professional Exam for Conducting Authorised Actuary Activities, per subject: €350;
- 3) Taking exams for the subject National legislation referred to in Article 2 paragraph 1 item 15 of the Rulebook on Requirements for Taking the Exam, the Manner of Taking the Exam and Program of the Professional Exam for Conducting Authorised Actuary Activities: €250;
- 4) Rendering a decision in respect of applications for recognizing exams for performing the authorized actuary activities: €500;
- 5) Rendering a decision in respect of applications for obtaining the authorization for performing actuary activities: €200;

FEES FOR CONDUCT OF SUPERVISION

Article 6

The annual fee to be paid by an insurance company for conduct of supervision of its operations shall be 0.99% of the annual gross premium of the company (Article 175 of the Law).

The annual fee for conduct of supervision of the operations of insurance companies shall be paid to the Agency in equal monthly instalments due on each fifth day of the month for the current month.

If the insurance company fails to pay the annual fee for conduct of supervision within the deadline referred to in paragraph 2 of this Article, the Agency shall order to the insurance company by way of a decision to pay such fee with the statutory penalty interest starting from the day the liability was due.

The insurance company shall be obliged to inform the Agency every year, no later than 31 March of the current year, on the amount of calculated gross insurance premium stated in the form "Balance Sheet" for the previous calendar year, which shall serve as the base for determining the annual fee for supervision conduct in the current year.

Until the base referred to in paragraph 4 of this Article is established, the fee in the current year shall be paid based on the amount of the fee determined for the previous calendar year, whereas each potential supplementary payment or overpayment shall be

taken into consideration when paying the first instalment that is determined based on the final data on the amount of the base referred to in paragraph 4 of this Article.

The liability of the new obligor i.e. the insurance company regarding for the annual fee shall arise in the first following month after the beginning of the new obligor's operations and shall be determined based on the revenues forecasted in the business plan of such company for the first financial year.

OTHER FEES

Article 7

The fee for issuance of other documents of the Agency (opinions, extracts from the register, transcripts, duplicates of decisions, and other) shall amount to €50 and shall be paid upon the submission of the application.

The insurance company to which a supervisory measure has been imposed shall pay a special fee that is specified by a decision on imposing the supervisory measure, whereby the fee amount cannot exceed 0.5% of the amount of capital of the insurance company to which the supervisory measure is being imposed, or the fee cannot be lower than:

- 1) For non-life insurances:
 - a) 0.05% of the amount of the capital of the insurance company to which the supervisory measure is being imposed, for measures stipulated under Article 129, paragraph 1, items 1 and 2 of the Law;
 - b) 0.2% of the amount of the capital of the insurance company to which the supervisory measure is being imposed, for measures stipulated under Article 129, paragraph 1, items 3, 4 and 5 of the Law;
- 2) For life insurances:
 - a. 0.07% of the amount of the capital of the insurance company to which the supervisory measure is being imposed, for measures stipulated under Article 129, paragraph 1, items 1 and 2 of the Law;
 - b. 0.25% of the amount of the capital of the insurance company to which the supervisory measure is being imposed, for measures stipulated under Article 129, paragraph 1, items 3, 4 and 5 of the Law;

Calculation of the fee shall be done with respect to the amount of the capital of the insurance company being imposed the supervisory measure, as stated in the opinion of an authorised actuary issued for a business year preceding the year for which the supervisory measure is being imposed.

Article 8

Evidence on the payment of the fees referred to in this Decision, except the fees referred to in Articles 7 and Article 8 paragraph 2 of the Decision, shall be submitted with the application to the Agency and shall represent a condition for consideration of the application.

Article 9

All payments of the fees referred to in this Decision shall be made to the account of the Agency.

Article 9a

As of the day this Decision enters into force the Decision on the Fees of the Insurance Supervision Agency (Official Gazette of Montenegro, No 04/08, 42/12, 17/13 and 49/13) shall cease to have effect.

FINAL PROVISION

Article 10

This Decision shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro, subject to the prior approval of the Government of Montenegro.

Number: 01-179/3-15
Podgorica, 12 March 2015

Council of the Insurance Supervision Agency
President of the Council
Branko Vujović, m.p.

NOTE:

The consolidate text of the Decision does not include the following provision of the Decision Supplementing the Decision on the Fees of the Insurance Supervision Agency (*Official Gazette of Montenegro, No 38/15 of 17 July 2015*):

“Article 2

This Decision shall enter into force on the day of its publication in the Official Gazette of Montenegro.

*Number: 01-601/3-15
Podgorica, 17 June 2015*

*President of the Council
Branko Vujović, m.p.”*