

Minimum requirements for independent expert activity

1. General provisions

1.1. These Requirements have been developed in accordance with Article 94-1.10 of the Law of the Republic of Azerbaijan "On Insurance Activity" (hereinafter referred to as the "Law") and determine the minimum requirements for carrying out independent expert activity.

1.2. Sections 2, 4 and 6 of these Requirements shall not apply to independent experts appointed in accordance with the Law of the Republic of Azerbaijan "On Agricultural Insurance".

2. Requirements for the process of assessing insurance events by an independent expert

2.1. An independent expert shall be appointed in accordance with Article 925-1 of the Civil Code of the Republic of Azerbaijan (hereinafter referred to as the "Civil Code").

2.2. In cases where an independent expert is appointed pursuant to Articles 925-1.2 and 925-1.4 of the Civil Code, the expertise may begin if all of the following conditions are met:

2.2.1. a person requesting the expertise shall apply to the insurer for the appointment of an independent expert from among 3 (three) independent experts in the relevant field proposed by him/her;

2.2.2. the insurer shall send a notice of appointment to the independent expert chosen by the insurer from among the 3 (three) independent experts referred to in item 2.2.1 of these Requirements, containing at least the following information:

2.2.2.1. the type of the damaged property, place and address of the insurance event;

2.2.2.2. the location and address of the property involved in the insurance event to be appraised;

2.2.2.3. the amount of the service fee offered to the independent expert for carrying out the expertise.

2.3. When an independent expert is appointed in accordance with Article 925-1.3 of the Civil Code or Article 16.4 of the Law of the Republic of Azerbaijan "On Compulsory Insurance", the expertise begins based on the request addressed to him/her by the person requesting the expertise.

2.4. The independent expert shall, no later than 1 (one) working day from the date of the request, notify the party requesting his/her appointment and the insurer of his/her agreement to carry out an expert examination.

2.5. The independent expert shall notify the insurer and the person requesting the expert opinion about the refusal to perform the expertise within 1 (one) working day at the latest from the date of the request, stating the reason for such refusal.

2.6. In cases where independent experts from two or more different fields are appointed for the expertise of one insurance event, the requirements set out in items 2.2 and 2.3 of these Requirements shall apply to each independent expert appointed.

2.7. Taking into account item 2.8 of these Requirements, the date on which the independent expert agrees to carry out the expertise in accordance with item 2.4 of these Requirements shall be deemed to be the date on which the expertise commences.

2.8. If an independent expert is appointed in accordance with the requirements of Article 925-1.4 of the Civil Code, the date of commencement of the expertise shall be the date agreed upon in the civil-law contract on conducting the expertise.

2.9. Taking into account item 2.10 of the present Requirements, the independent expert shall, after completing the expertise, prepare an expert opinion on the result of the appraised damage and submit it to the insurer and the person requesting the expertise within the term stipulated in the civil-law contract on conducting the expertise.

2.10. An independent expert operating in the field of motor transport shall complete the expertise no later than 7 (seven) working days from the date of commencement of the expertise, draw up a report on the result of the damage assessment and submit it to the insurer and the person requesting the expertise.

2.11. The expertise shall be carried out by an individual independent expert himself/herself, or in the case of a legal entity - by its employee holding a certificate of independent expert in the relevant field and working under the employment agreement, using the ways and means (methods) appropriate to the relevant field of activity and on-site inspection.

2.12. The independent expert may not directly or indirectly demand or accept any additional fees and payments, as well as material and other benefits, privileges or concessions for the independent expert opinion, except for the amount of the service fee agreed and specified in the civil-law contract on conducting the expertise.

2.13. The independent expert shall demonstrate professionalism during the performance of the expertise activities and refrain from unprofessional acts and outside dealings.

2.14. The independent expert shall enable non-cash acceptance of service fee payments and shall not refuse to accept cashless payment of the relevant fee.

3. Content and form of the independent expert opinion

3.1. The independent expert opinion (hereinafter referred to as the “opinion”) shall be drawn up in accordance with the form set out in Appendix No. 1 to these Requirements and shall consist of general and special parts.

3.2. The general part of the opinion shall contain at least the following information:

3.2.1. the registration number determined under item 3.8 of these Requirements;

3.2.2. if the expertise is carried out by an individual independent expert, his/her full name in point 1.1, TIN in point 1.2, registered address in point 1.3, mobile phone number in point 1.4, e-mail address (if any) in point 1.5;

3.2.3. if the expertise is carried out by an independent expert who is a legal entity, its name in point 2.1, TIN in point 2.2, address where it is located (or its permanent operating body located) in point 2.3, the telephone number in point 2.4, e-mail address (if any) in point 2.5;

3.2.4. series and number of the independent expert certificate in point 3.1, field of activity mentioned in the certificate in point 3.2, certificate issuance date in point 3.3, and certificate validity period in point 3.4;

3.2.5. section 4 shall indicate the following information on the person requesting the expertise:

3.2.5.1. in case of an individual, his/her full name in point 4.1, TIN (if any) in point 4.2, registered address in point 4.3, mobile phone number in point 4.4, and e-mail address (if any) in point 4.5;

3.2.5.2. in case of a legal entity, its name in point 4.1, TIN in point 4.2, location address (location address of its permanent body) in point 4.3, telephone number in point 4.4, and, if available, e-mail address in point 4.5.

3.2.6. section 5 shall indicate the following information on the person appointing the independent expert:

3.2.6.1. in case of an individual, full name in point 5.1, TIN, if any, in point 5.2, registered address in point 5.3, mobile phone number in point 5.4, e-mail address, if available, in point 5.5.

3.2.6.2. in case of a legal entity, its name in point 5.1, TIN in point 5.2, location address (location address of its permanent body) in point 5.3, telephone number in point 5.4, and, if available, e-mail address in point 5.5.

3.2.7. if an independent expert is appointed by a person who is not an insurer, insurer’s name indicated in the insurance contract in point 6.1, its TIN in point 6.2, location address (location address of the permanent operating body) in point 6.3, phone number in point 6.4, email address in point 6.5.

3.3. The special part of the expert opinion shall contain at least the following information:

3.3.1. series and number of the insurance contract in section 7;

3.3.2. type of insurance mentioned in the insurance contract in section 8;

3.3.3. section 9 shall indicate the following information on the policyholder:

3.3.3.1. in case of an individual, full name in point 9.1, TIN, if any, in point 9.2, registered address in point 9.3, mobile phone number in point 9.4, e-mail address, if available, in point 9.5.

3.3.3.2. in case of a legal entity, its name in point 9.1, TIN in point 9.2, location address (location address of its permanent body) in point 9.3, phone number in point 9.4, and, if available, e-mail address in point 9.5.

3.3.4. address where the insurance event occurred (city, district, etc.) in section 10;

3.3.5. date (day, month, year) and time (hour, minute) of occurrence of the insurance event in section 11;

3.3.6. list and names of damaged property or properties in section 12;

3.3.7. address of the place where the independent expert examined the incident (city, district, etc.) in section 13;

3.3.8. commencement date of the expertise (day, month, year) in section 14;

3.3.9. completion date of the expertise (day, month, year) in section 15;

3.3.10. amount of costs required for the repair or restoration of each part of the damaged property and other costs related to that event in section 16;

3.3.11. total amount of calculated loss in section 17;

3.3.12. list of documents obtained by the independent expert for conducting the examination in section 18;

3.3.13. ways and means (methods) used for damage assessment, as well as justifications related to the independent expert's damage assessment and/or investigation of insurance event in section 19;

3.3.14. other comments by the independent expert on damage assessment in section 20.

3.4.. Each part of the opinion may be accompanied by other information relevant to that part and deemed necessary by the independent expert.

3.5. Confirming documents obtained by the independent expert, as well as photo and video recordings related to the incident, shall be attached to the expert opinion.

3.6. If the expertise is carried out by an individual independent expert, the opinion shall be drawn up and signed by him/her, stating the date of the opinion.

3.7. If the expertise is conducted by an independent expert who is a legal entity, the opinion shall be drawn up by its employee acting based on the employment contract, signed by him/her and by the head of the executive body of the legal entity, and confirmed by the seal of the legal entity, indicating the date of the opinion.

3.8. The registration of opinions should be carried out in relation to independent expert areas and numbered consecutively in ascending order by using the register code given by the Central Bank of the Republic of Azerbaijan (hereinafter referred to as the "Central Bank").

4. Requirements for a civil law contract concluded with an independent expert

4.1. If an independent expert is appointed in accordance with the requirements of Articles 925-1.2 and 925-1.3 of the Civil Code, the expertise shall be carried out on the basis of the civil law contract concluded between the independent expert and the party appointing him for conducting the expertise.

4.2. If an independent expert is appointed in accordance with the requirements of Article 925-1.4 of the Civil Code, the expertise shall be carried out on the basis of a civil law contract concluded between the independent expert and the party requesting its appointment for conducting the expertise.

4.3. The civil law contract concluded in accordance with items 4.1 and 4.2 of these Requirements shall contain at least the following information:

4.3.1. contract number and date of conclusion;

4.3.2. information about the parties to the contract (in case of an individual, his/her full name, registered address, in case of a legal entity, its name, location address, TIN);

4.3.3. series and number of independent expert certificate;

4.3.4. subject of the contract;

4.3.5. the list of areas of activity subject to the expertise;

4.3.6. in the civil law contract concluded in accordance with item 4.1 of these Requirements, amount of the service fee to be paid to the independent expert for each expert opinion in relation to the type of the subject of the expertise on the area(s) where the independent expert operates and the location of the subject of expertise (city, district, etc.);

4.3.7. amount of the service fee to be paid under the civil law contract concluded in accordance with item 4.2 of these Requirements;

4.3.8. payment date and payment order of the service fee;

4.3.9. commencement date of the expertise;

4.3.10. deadline for submitting the expert opinion;

4.3.11. rights and obligations of the parties.

5. Independent expert reports

5.1. The independent expert shall submit quarterly reports on its activities to the Central Bank.

5.2. The reports of independent experts who are individuals shall be submitted in accordance with the form specified in Appendix No. 2 of these Requirements through the Central Bank's electronic system within 20 (twenty) days after the end of the quarter, confirmed by an enhanced electronic signature.

5.3. The reports of independent experts who are legal entities shall be submitted in accordance with the form specified in Appendix No. 3 of these Requirements through the electronic information system of the Central Bank within 20 (twenty) days after the end of

the quarter, confirmed by enhanced electronic signatures of the head of the executive body or the authorized official(s).

6. Closing provisions

For the types of compulsory insurance, the operations defined in sections 2, 3 and 4 of these Requirements shall be carried out through the electronic information system of the Compulsory Insurance Bureau.

Appendix 1
to Minimum requirements for
independent expert activity

EXPERT OPINION

GENERAL PART

Registration No.

1. Individual independent expert:

1.1. Name: _____

1.2. TIN: _____

1.3. Address: _____

1.4. Phone number: _____

1.5. E-mail address: _____

2. Legal entity independent expert:

2.1. Name: _____

2.2. TIN: _____

2.3. Address: _____

2.4. Phone number: _____

2.5. E-mail address: _____

3. Independent expert's certificate:

3.1. Series and number: _____

3.2. Activity area: _____

3.3. Issuance date: _____

3.4. Validity period: _____

4. Person who requested the expertise:

4.1. Name: _____

4.2. TIN: _____

4.3. Address: _____

4.4. Phone number: _____

4.5. E-mail address: _____

5. Person who appointed the independent expert:

5.1. Name: _____

5.2. TIN: _____

5.3. Address: _____
5.4. Phone number: _____
5.5. E-mail address: _____

6. Insurer:

6.1. Name: _____
6.2. TIN: _____
6.3. Address: _____
6.4. Phone: _____
6.5. E-mail address _____

SPECIAL PART

7. Insurance contract series and number: _____

8. Insurance type: _____

9. Insurer:

9.1. Name: _____
9.2. TIN: _____
9.3. Address: _____
9.4. Phone: _____
9.5. E-mail: _____

10. Address where the insurance event occurred: _____

11. Date and hour of the insurance event: _____

12. List of the damaged property: _____

13. Address where the experts conducted expertise: _____

14. Commencement date of the expertise: _____

15. Completion date of the expertise: _____

16. Amount of expenses necessary for each part of the damaged property and other expenses related to the insurance event:

17. Total amount of loss: _____

18. List of documents: _____

19. Rationale for the independent expert's conclusion:

20. Other information:
