



Customer Complaints Handling Procedure



Version	Date	Description	Author
1.0	01-2013	Creation of policy	IRML
1.1	12-2014	Update of policy with regard to: <ul style="list-style-type: none"> ▶ CSSF Regulation 13-02 ▶ CSSF Circular 14/589 	
1.2	10/2017	Annual review and update (CSSF Regulation 16-07, etc.)	Arkus
1.3	12/2018	Annual Review <ul style="list-style-type: none"> ▶ Changes in respect of discontinued use of SalesForce. ▶ Appendix 1 – Complaints Form 	Arkus
1.4	12/2019	Annual Review <ul style="list-style-type: none"> ▶ Change of Complaints Handling Officer 	Arkus
1.5	11/2020	Annual Review	Arkus
1.6	01/2022	Annual Review <ul style="list-style-type: none"> ▶ Change of registered seat ▶ Restitution of license under Art. 28-10 LFS ▶ Change of Complaints Handling Officer 	Arkus
Owner of this document: Compliance Officer			

Preamble

Arkus Financial Services ("Arkus") having its registered office at 5, rue Gabriel Lippmann, L-5365 Munsbach, Grand Duchy of Luxembourg is organized as a Limited Company (*société anonyme*). Arkus was incorporated on the 6 of September 2007 and is authorized by the *Commission de Surveillance du Secteur Financier* as "Professionnel du Secteur Financier" ("PSF"), articles 29-1 and 29-2 of the law of 5 April 1993 on the financial sector, as amended.

As of 1 January 2020, Arkus belongs to Profidata Group AG, Switzerland, that in a first step has acquired 60% of IRML.

In March 2021, Profidata Group AG acquired the remaining 40% and became therefore the sole direct shareholder of IRML which in turn holds 100% of Arkus.

As of 1st December 2021, Arkus restituted the license under art 28-10 LFS as a consequence of the decision taken by the Board of Directors of Arkus to discontinue the provision of directorship and secretarial services to third parties.

This document details the customers complaints handling procedure (the "Procedure") applied by Arkus in its present capacity as PSF.

This policy is designed with a view to comply with the below laws and CSSF regulations and circulars in force (list is not limitative):

- ▶ The CSSF Regulation 16-07 of November 11th, 2016 relating to the out-of-court resolution of complaints;
- ▶ The CSSF Circular 17/671 of October 13, 2017 relating to additional information on the implementation of CSSF Regulation N° 16-07 of 26 October 2016 relating to out-of-court complaint resolution as may be amended from time to time.

I. Definition of a complaint

Any expression of dissatisfaction by a customer or potential customer about service delivery, the standard of service, actions or lack of action by the company or its agents, affecting the customer or potential customer. The complaint is to be distinguished from a request for service; however a request for service may develop into a complaint where the provision or timeliness of the service is considered unsatisfactory.

The complaint is a formal statement usually received in writing, by e-mail or by informal means to the Company staff and may require a senior level of involvement to resolve the matter. All complaints will be regarded seriously and will be dealt with in the shortest possible time, and every endeavor will be made to resolve complaints satisfactorily.

II. The Complaints Handling Officer

According to the legal provisions, the Board of Directors is responsible for the implementation of a company's policy related to customer complaint handling. Andrea BREVI, Conducting Officer of the Company, is in charge of the customer complaint handling ("the Complaints Handling Officer") and as such responsible for the handling, centralization and follow-up of customer's complaints. The name of the Complaints Handling Officer must be notified to the CSSF beforehand.

The Complaints Handling Officer is responsible for dealing with complaints fairly and promptly. If the complaint is addressed against the Complaints Handling Officer, then it is directly submitted to the Board of Directors.

Any change regarding the designated Complaints Handling Officer will be notified to the CSSF.

III. Procedure for Handling the Complaint

1. Client communication record

The employee receiving a client complaint shall complete a "Complaints Form" in case of any signs of dissatisfaction or in case of request for services, the employee shall inform his/her senior officer and the Complaints Handling Officer with no delay. The employee will then log the communication by way of a file note saved into the relevant client sub-folder on network "S:\11-Central Administration - Arkus FS\1. Clients" and attach any related call reports, notes or emails.

2. Processing of a complaint

Upon receipt of the Complaint, the employee receiving the request shall:

- a) Inform the Complaints Handling Officer as soon as possible;
- b) Complete a "Complaints Form" and save a copy to "S:\11- Central Administration - Arkus
- c) FS\1. Clients\1. Client Complaints"
- d) The Complaints Handling Officer will send to the complainant a verbal or written acknowledgment within 5 working days of receipt of the complaint and a copy will be attached to the network drive for the client as well as to S:\11- Central Administration - Arkus FS\1. Clients\1. Client Complaints;
- e) The Complaints Handling Officer will investigate and determine the remedial action to be taken and the response to give to the client and make contact with the complainant to inform them of the investigation outcome and, if required, further actions taken;
- f) The Complaints Handling Officer will update the "Complaint Forms" with the remedial action taken and the response given to the client a copy of the letter or email confirming this remedial action will be uploaded the relevant client drive and to S:\11- Central Administration - Arkus FS\1. Clients\1. Client Complaints.
- g) A hardcopy of all completed "Complaints Forms" are then provided to the Compliance Officer for retention in a central file.

Any response to a client's complaint should be written on a letterhead, if possible sent by email as well, and in any case, scanned and saved on the Company's server.

In case the response solves the complaint, no further action is necessary.

In all responses, the Complaints Handling Officer shall explain to the complainant how the complaint was assessed. If the Company decides that remedial action is appropriate in regards to the complaint, the response will detail how the Company will action the remedies.

Where the complainant did not receive a satisfactory answer from the Company, the Complaints Handling Officer will provide the client with a full explanation of the Company's position and inform the complainant in writing of the existence of the out-of court complaint resolution procedure at the CSSF and either send the complainant a copy of the CSSF regulation 16-07 or the reference to the CSSF website, as well as the different means to contact the CSSF to file a request.

All client complaints are be reviewed during the bi-weekly Executive Committee and presented to the Board of Directors at the Arkus Financial Services Board meetings held on a quarterly basis.

In case of a legal action or CSSF intervention as a mediator, the case will be directly addressed by the Board of Directors.

3. Procedure before the CSSF

According to the provisions of article 5 of the CSSF Regulation 16-07, the opening of a procedure at the CSSF is subject to the condition that the complaint has been previously dealt with by the relevant professional. In this respect, the complaint must have been previously sent in writing to the person responsible for complaint handling at the level of the management of Arkus and the complainant must not have received an answer or a satisfactory answer from the Company within one month from the date at which the complaint was sent.

If the complainant is not satisfied with the answer he/she receives or did not receive an answer, he/she can submit a written complaint to the CSSF who will request the Company to take a position and analyze the complaint and forms its reasoned, but not binding, conclusions within a delay of 90 days, deadline which could be extended in case of complex files. The extension of the delay within the CSSF assesses the complaint is communicated to both parties at the latest, before the end of the initial period of 90 days.

If the complainant's request submit meets the admissibility conditions referred to in the CSSF regulation 16-07 in its article 4, the CSSF transmits a copy thereof to the Company, together with a request to take position within a period of one month from the date at which the request was sent to the CSSF.

The request shall be deemed not admissible by the CSSF in the following cases:

- ▶ The complaint has been previously or is currently being examined by another alternative dispute resolution body, arbitrator, arbitration tribunal or a court, in Luxembourg or abroad;
- ▶ The complaint concerns the business policy of the professional;
- ▶ The complaint concerns a non-financial product or service;
- ▶ The request is unreasonable, frivolous or vexatious;
- ▶ The complaint has not been previously submitted to the relevant professional in accordance with article 5(1);
- ▶ The complainant has not filed a request with the CSSF within one year after s/he filed a request with the professional;
- ▶ The request handling would seriously impair the efficient functioning of the CSSF.

Both parties can be represented or assisted by a third party at all stages of this referral before the CSSF. The agent in charge of handling complaints before the CSSF must have the knowledge, skills and experience.

The procedure before the CSSF is in writing but the CSSF may convene a meeting with the parties. The complainants can refer their complaint to the CSSF in Luxembourgish, German, English or French. The request must be filed with the CSSF in writing, by post or by fax to the CSSF or by email (to the address/number available on the CSSF website), or online on the CSSF website. In order to facilitate the filing of a request, the CSSF publishes a form on its website.

The Company will provide the CSSF with any additional information, documents or explanations the Commission may require.

Reporting to the Board of Directors on a regular basis, the Complaints Handling Officer reports to the Board of Directors the status of open and closed customer's complaints and their outcome as part of the management report to the Board of Directors.

4. Communication to the CSSF

The Complaints officer shall communicate to the CSSF on an annual basis:

- ▶ A summary report of the complaints and of the measures taken to address them;
- ▶ A table retrievable from the CSSF's website classifying the complaints by type of complaints.

In case no complaints have been received for the period being reported, the Company will confirm with the CSSF not having received any complaints over the said period.

As from 2016, the Company shall provide the annual report covering the previous calendar year by 1st March of each year.

5. Data protection and professional secrecy

The Company and any of its employee, officer, manager or director shall always comply with Luxembourg laws or regulations relating to data protection and professional secrecy. Any act of investigation and any communication shall always comply with these laws and regulations.

6. Availability of the procedure

This Procedure is freely available at the registered office of the Company. The procedure shall be made available to all relevant staff.

ARKUS FINANCIAL SERVICES

CLIENT COMPLAINTS FORM

Client Name:

Date complaint received:

Compliant received by (employee name):

Received by: Email / Letter **delete where applicable*

Nature & Detail of Complaint:

Date complaint form provided to Complaints Handling Officer:

Date acknowledgement of complaint sent to Client by Complaints Handling Officer:

** due within 5 working days*

Remedial Action / Response to client

Date complaint formally resolved & closed:

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Signed by Complaints Handling Officer

Dated: