



# COMPLAINTS HANDLING PROCEDURE POLICY

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## 1. Introduction

Viverno Markets Ltd (hereinafter "Viverno" or "the Company") is a Cyprus Investment Firm (hereinafter "CIF"), which operates as a liquidity provider. The Company is incorporated in the Republic of Cyprus through the Department of Registrar of Companies with registration number HE 300153 and is authorized and regulated by the Cyprus Securities and Exchange Commission (hereinafter "CySec") with License Number 199/13. It operates under the European Markets in Financial Instruments Directive 2014/65/EU (hereinafter "MiFID II") and the Cyprus Investment Services and Activities regulated Markets Law 87(I)/2017 (hereinafter the "Law").

## 2. Scope and Purpose

Under the Law and, more specifically, the Commission Delegated Regulation (EU) 2017/565, the Company is required to establish, implement and maintain effective and transparent procedures for the reasonable and prompt handling of complaints or grievances received from complainants, and keep records of such complaints as well as any actions taken by the Company to remedy the situation,

This Policy sets out the procedure for submission of complaints by Clients and the processes followed by the Company's personnel when dealing with such complaints.

## 3. Definitions

**"Complaint"** is defined as a statement, or an expression of dissatisfaction addressed to the Company by a Client (natural or legal person) regarding the provision of investment and/or ancillary services provided by the Company to the Client.

**"Complainant"** is defined as any person, natural or legal, who has read, agreed with and accepted all the terms and conditions contained in the Client Agreement (without modifications), and has lodged a complaint.

## 4. Complaint Handling Procedure

### 4.1 Procedure to be followed for Complaints

The Customer Support Department and, if necessary, the Compliance Department, shall efficiently handle any complaint received by a Complainant. In the event where the complaint is against the Compliance Department, the complaint shall be handled by a member of Senior Management.

The Company considers as having received a complaint when the complainant has filled out the relevant Complaint Form, hereto attached as Appendix A, and submitted it to the Company via the following channels:

- By email at [complaints@viverno.com](mailto:complaints@viverno.com)

In case the Company receives a notification through the line of communication established by the Company to receive complaints, but it does not fall within the definition of "complaint", as provided above, and can be characterized as an enquiry, this shall be treated as an enquiry rather than as a

complaint and will be forwarded to the relevant department to be handled accordingly. The Complainant maintains the right to request for the re-classification of his/her enquiry as a complaint.

The current Policy applies to all registered Clients with Viverno.

#### **4.2 Procedure to be followed for Verbal Complaints**

It is the Company's Policy not to accept any verbal complaints or grievances. Should any of the Company's employees (regardless of department) receive a verbal complaint or grievance, the following procedure must be followed:

- 4.2.1 The employee receiving the verbal complaint or grievance shall take all the necessary actions so that the complaint or grievance is properly addressed. The said employee will inform the Complainant that all the complaints or grievances must be made in writing by completing the relevant Complaint Form, hereto attached as Appendix A, and submit it to the Company via the channels described in Section 4.1 above. Once the Complainant completes and submits the Complaint Form, in the manner described above, the *Procedure for Written Complaints* shall be followed as described in paragraph 4.3.
- 4.2.2 If the Complainant submits the Complaint Form to his/her Sales Agent or Account Manager then the complaint or grievance, in the form that has been received, must be forwarded to [complaints@viverno.com](mailto:complaints@viverno.com) within the same working day.
- 4.2.3 Subsequently, a member of the Support Department will inform the Complainant that his/her complaint or grievance has been forwarded to [complaints@viverno.com](mailto:complaints@viverno.com), providing all details so that the Complainant is aware who is dealing with his/her complaint or grievance.
- 4.2.4 The member of staff, in addition to the above, should make all best efforts to ensure that in the case of the complaint or grievance being of such nature that can be resolved immediately, to do so that the Client will not have to pursue the filling of a formal complaint. The member of staff in such a case shall not:
  - Commit himself/herself in any way to the Client
  - Address any issues in relation to best execution
  - Address any issues relating to legal issues
  - Commit the Company in taking any action prior to examining the issues in a formal manner

#### **4.3 Procedure to be followed for Written Complaints**

When a written complaint is received, in the manner described in Paragraph 4, the procedure which shall be followed by the Company is the following:

- 4.3.1 If the complaint was not received in the manner described in paragraph 4 (i.e. the complaint was received through other channels of communication such as chat, Client correspondence, Viverno's other emails, or by a member of the Back Office Department or by any other employee of the Company) then the complaint, in the form that it has been received, must be forwarded to [complaints@viverno.com](mailto:complaints@viverno.com) within the same working day.

- 4.3.2 Once the Complainant submits a written complaint, a member of the Support Department will send an electronic acknowledgment of receipt to the Complainant's registered email address within five (5) working days following receipt, to confirm that the Company has received the written complaint. If the Complainant has not submitted the complaint through the proper channels, as described in Section 4.1 above, the Company will not acknowledge receipt of the complaint, and will instead request the Complainant to complete and submit the relevant Complaint Form, hereto attached as Appendix A.
- 4.3.3 Upon completion and submission of the Complaint Form, a member of the Support Department will investigate the grounds of the complaint and if, based on the information provided, the grievance does not fall within the definition of "complaint" or is not considered to be a complaint it will be categorized as an enquiry and will be forwarded to the relevant department to be handled appropriately.
- 4.3.4 If the grievance falls within the definition of complaint or is considered to be a complaint, then the Head of the Support Department or a member of the Support Department will register the complaint to an internal register by giving it a unique reference number, which will be communicated to the Complainant within five (5) working days.
- 4.3.5 In addition, a member of the Support Department shall inform the Complainant of the following:
- That the Complainant must use the given reference number in all future correspondence with the Company regarding the submitted complaint;
  - The process which is followed when handling a complaint;
  - Who is the person or the department that is dealing with his/her complaint and their contact details;
  - What is the indicative handling time (i.e. 15 working days)
  - That the complaint handling procedure is free of charge
- 4.3.6 Moreover, the following information should be obtained by the Client and recorded:
- The Client's name;
  - The affected transactions (if applicable);
  - The date that the issue arose and a description of the issue;
  - The service provided by the Company and related to the complaint;
  - The employee responsible for the provision of those services;
  - The department where the employee belongs;
  - The content of the complaint;
  - The capital and the value of the financial instruments which belong to the Client;
  - The magnitude of the damage claimed by the complainant;
  - Reference of any correspondence exchanged between the Company and the complainant.
- 4.3.7 The Company will thoroughly examine and assess the following:
- The facts and the information provided by the complainant;
  - The facts and the information provided by the employee responsible for the provision of those services (if applicable);

- The information/data which has been retrieved from the Company's archive (i.e., the complainant's transactions, correspondence, electronic email, recorded telephone calls, IT data etc.)
- The events leading to the complaint.

- 4.3.8 The Company will not handle or investigate a complaint if the Complainant does not complete the Complaint Form, hereto attached as Appendix A, or does not provide the information requested in paragraph 4.3.6. of this Policy. In such an event the Company shall revert to the Complainant and request them to send any additional information. In any event, one of the Company's officials may contact the Complainant directly in order to obtain further clarifications and information relating to their complaint. The Company shall need the Complainant's cooperation in order to handle the complaint.
- 4.3.9 The Company upon examining the complaint and reaching a decision to this respect shall inform the Complainant about the Company's decision, in writing and in plain language, which is clearly understood, together with the reasoning of the Company's decision and any remedial measures it intends to take.
- 4.3.10 The Company shall make every effort to resolve the complaint **within fifteen (15) working days**. When deemed necessary, the Support or the Compliance Department shall convey the complaint to the Senior Management for further investigation. In this case, the Company might take additional time to finalize the reply. The Senior Management shall investigate further and coordinate with relevant heads of departments to attend to the subject of the complaint.
- 4.3.11 In the event that the Company cannot provide a response to the Complainant within the handling time given to the complainant, it will keep the Complainant informed about reasons of delay and indicate when the investigation is expected to be completed. This period of time cannot exceed two months from the submission of the complaint.
- 4.3.12 In case the Complainant is not fully satisfied with the Company's final decision, the Complainant may maintain and escalate the complaint through CySEC, the Financial Ombudsman or any other ADR mechanism, and the relevant courts, within a period of six months for further investigation. It is noted that CySEC does not have restitution powers and therefore does not investigate individual complaints. However, all complaints submitted to CySEC are taken into consideration by CySEC in the performance of its supervisory mandate.
- 4.3.13 Once the complaint is concluded, the Head of the Support Department will keep an electronic record of the complaint received, detailing the course of action that was taken, including all information, data and evidence that were gathered, what measures were taken for the complaint's resolution, whether any conflicts of interest between the Company and its Clients and between other Clients were identified, what was the outcome and how that outcome was reached.
- 4.3.14 Moreover, the Compliance Department will:
- (a) Analyze, on an on-going basis, complaints handling data, in order to identify and address the causes of the individual complaints and/or any recurring or systematic problems

and/or any potential legal and operational risks. Subsequently the relevant person or department should be informed and if necessary, take corrective action.

(b) Submit an electronic Complaints form, on a monthly basis, to CySEC providing information regarding the complaints it receives and how these are being handled.

4.3.15 The present Complaints-Handling Procedure Policy is also available on the Company's official website.

4.3.16 The Complaints-Handling Procedure Policy is available to all the Company's personnel through an internal folder in the Company's channels of communication, which can be accessed any time without any restrictions.

## **5. Record Keeping of Complaints**

The Company shall maintain a record of all complaints for a minimum period of five years after their resolution. The responsible department for maintaining a register of complaints shall be the Support Department.

**APPENDIX A****COMPLAINT FORM**

Client Name: \_\_\_\_\_

Account Number ID: \_\_\_\_\_

Company Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date & Time the disputed situation arose:	
Services provided by the Company:	
Employee responsible for the provision of those services:	
Department were the employee belongs:	
Affected transactions:	
The ID's of the affected positions:	
Equity before:	
Equity after:	
Claimed magnitude of damage:	
Suggested way to be resolved:	

**Brief Description of the Complaint:**



**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

Please enclose any relevant evidence and supporting documentation such as: screenshots, reports, error messages and error codes (if any)

Submit the form to [complaints@viverno.com](mailto:complaints@viverno.com)