



viverno

COMPLAINTS HANDLING PROCEDURE POLICY

January 2023 Version 1.1

1. Introduction

BDSwiss Holding Ltd (hereafter “the Company” or “Viverno”) is a Cyprus Investment Firm (hereafter ‘CIF’) which operates as a broker. The Company is incorporated in the Republic of Cyprus through the Department of Registrar of Companies and Official receiver (Certificate of Incorporation No. HE300153) and is authorized and regulated by the Cyprus Securities and Exchange Commission (hereafter “CySec”) with License Number 199/13 and operates in compliance with the European Markets in Financial Instruments Directive (MiFiD) and the Cyprus Investment Services and Activities regulated Markets Law of 2007 (Law 144(I)/2007).

2. Scope and Purpose

Under the law 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 each complaint as well as any actions taken by the Company to remedy the situation in accordance with the provisions of Paragraph 13 of the Directive DI144-2007-01 of 2012 of the Cyprus Securities and Exchange Commission for the Authorisation and Operating Conditions of the Cyprus Investment Firms.

This Policy sets out the method for the submission of complaints with the Company from its 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), has opened a trading account with the Company and has lodged a complaint.

The Company considers receiving a complaint when the complainant has filled out the relevant electronic Complaint Form which can be found on the Company’s website.

In case the Company receives a notification through the line of communication established by the Company to receive complaints, but which does not fall within the definition of “complaint” above and can be characterized as an enquiry, this shall be categorised 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 trading accounts opened with the Company.

4. Complaint Handling Procedure

The Complaints Specialist(s) and if necessary, the Compliance Department, shall efficiently handle any complaint received by a Complainant. In the case that the complaint is against the Compliance Department, the complaint shall be handled by a member of the Senior Management.

4.1 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:

4.1.1 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 electronic Complaint Form which is located on the Company's website. 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 4.2.

4.1.2 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

4.2 Procedure to be followed for Written Complaints

When a written complaint is received, in the manner described in Paragraph 3, the procedure which shall be followed by the Company is the following:

4.2.1 Once the Complainant submits the electronic Complaint Form they will receive an electronic acknowledgment of receipt to the Complainant's registered email address to verify that the Company has received the written complaint.

4.2.2 Upon completion and submission of the electronic Complaint Form, a Complaints Specialist 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 categorised as an enquiry and will be forwarded to the relevant department to be handled appropriately.

4.2.3 If the grievance falls within the definition of complaint or is considered to be a complaint, then the Complaints Specialist handling the case 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.

4.2.4 In addition, a Complaints Specialist Member 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
- What is the indicative handling time (i.e. 15 working days)
- That the complaint handling procedure is free of charge

4.2.5 Moreover, the following information should be obtained by the Client and recorded:

- The client's full name, surname and telephone number
- The client's trading account number
- The date that the issue arose
- The affected transactions (if applicable)
- Dispute amount
- A brief description of the complaint
- Suggested way if the complaint to be resolved
- Reference of any correspondence exchanged between the Company and the complainant

4.2.6 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 have been retrieved from the Company's archive (i.e. the complainant's transactions, trading history, correspondence, electronic email, recorded telephone calls, IT data etc.)
- The events leading to the complaint

4.2.7 The Company will not handle or investigate a complaint if the Complainant does not complete the electronic Complaint Form which is located on the Company's website or does not provide the information requested in paragraph 4.2.5. of this Policy. In such an event the Company shall revert back to the Complainant and request him/her 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 his/her complaint. The Company shall need the Complainant's cooperation in order to handle the complaint.

4.2.8 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.

4.2.9 The Company shall make every effort to resolve the complaint **within fifteen (15) working days**. When deemed necessary, the Complaint Specialist Member 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 finalise the reply. The Senior Management shall investigate further and coordinate with relevant heads of departments to attend to the subject of the complaint.

4.2.10 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.

4.2.11 In case the Complainant is not fully satisfied with the Company's final decision, the Complainant may maintain the complaint through the Commission,

the Financial Ombudsman, ADR mechanism or the relevant courts, within a period of six months for further investigation.

4.2.12 Once the complaint is concluded the Complaint Specialist Member will keep an electronic record of the complaint received, detailing the course of action which was taken, including what information, data and evidence 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.

4.2.13 Moreover, the Head of the Compliance Department will:

- (a) Analyse, 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 form, on a monthly basis, to the Cyprus Securities and Exchange Commission providing information regarding the complaints it receives and how these are being handled.

4.2.14 The present Complaints Handling Procedure Policy will be uploaded on the Company's official website.

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

5. Record Keeping of Complaints

The Company shall maintain record of all complaints for a minimum period of five years after the closure of the client's trading account. The responsible department shall be the Compliance Department.