

EFG Cyprus Limited
Complaints Handling Standard

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1. Introduction

- 1.1. The Company must establish, implement and maintain effective and transparent procedures to promptly handle complaints by clients or potential clients. For this purpose the Company must establish a Complaints Management Function which enables Complaints to be investigated fairly and possible conflicts of interest to be identified and mitigated.
- 1.2. The Complaints Management Function investigating Complaints shall comprise of the Chief Executive Office and the Compliance Officer to whom the respective CRO or Company employee receiving the Complaint should report to in accordance with paragraph 4.1, and shall be monitored by the Board of Directors.
- 1.3. In particular, the Compliance Officer, as part of the annual report to the Senior Management/ Board of Directors of the Company, regarding the implementation and effectiveness of the control environment for investment services, shall report on the complaints-handling by the Company and any remedial action undertaken or to be undertaken. The Compliance Officer whilst monitoring the operations of the complaint-handling process shall consider Complaints as a source of relevant information in the context of its general monitoring responsibilities and shall analyse the data to ensure identification of risks and issues.
- 1.4. The purpose of this Standard is to provide clear, accurate and up-to-date information about the Complaints-handling process. The Standard sets out the manner in which the Company identifies, investigates and resolves Complaints, ensuring that Complaints are dealt appropriately and timely in accordance with the applicable legal and regulatory requirements:
 - i. Guidelines on complaints-handling by CIFs issued by CYSEC No.C338, as amended from time to time;
 - ii. Guidelines on complaints-handling issued by ESMA and EBA No. JC 2018 35, as amended from time to time;
 - iii. EU Regulation 2017/565 as regards organisational requirements and operating conditions for investment firms (MiFID 11);
 - iv. EU Directive 2014/65 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU; and
 - v. Investment Services and Activities and Regulated Markets Law 87(1)/2017.
- 1.5. The Company's Senior Management and the Board of Directors is responsible for defining, endorsing, implementing and monitoring the compliance with this Standard.
- 1.6. The Company shall analyse complaint-handling data to ensure that recurring or systemic problems and potential legal and operational risks are identified and addressed.
- 1.7. The Company should publish details of its complaints-handling process, including contact details of the Complaints Management Function, in an easily accessible manner, for example via the Company's website or in a brochure.
- 1.8. The Internal Auditor supervises the implementation of this Standard.
- 1.9. In preparing this Standard, the Company has aligned it with the following:
 - i. All applicable legal and regulatory requirements;
 - ii. General Directive 8 01 001 – Handling of Circumstances, Complaints, Litigations;
 - iii. The Company's Internal Operations Manual;
 - iv. Current best practice, guidance and expectations.

2. Scope

- 2.1. This Standard applies to the Company and its employees.
- 2.2. This Standard is made available to all employees of the Company through an internal channel of communication and should be read and adhered to by all employees of the Company.

3. What is a complaint?

- 3.1. For the purposes of this Standard, a Complaint, in relation to a regulated activity, is:

“a statement of dissatisfaction addressed to the Company, by a natural or legal person, relating to the provision of investment services”
- 3.2. Complaints about activities other than those supervised by competent authorities, or, the activities of another entity for which the Company has no legal and regulatory responsibility do not fall within this Standard. Nevertheless the Complaints Handling Function should respond within reasonable time explaining the Company's position or giving details of another entity responsible for handling the complaint.

- 3.3. A Complaint may be in a written or oral form. For example, an e-mail or a telephone call may trigger the application of the complaint-handling process. Where a Complainant expresses an oral Complaint, the Recipient shall urge the Complainant to provide it to the Company in a written format, or, if not possible, then the Complainant shall be invited to confirm in writing that the Company's understanding of the Complaint is accurate.
- 3.4. Please be aware that the Complainant does not have to say the word 'Complaint' in order for it to constitute a Complaint and for the Complaint-handling process to start.
- 3.5. A Complaint should be addressed to the contact person listed in the Company's informative Complaint-Handling brochure; however any employee receiving a Complaint is regarded as a Recipient.
- 3.6. Complainants are able to submit Complaints to the Company and receive complaint-handling information from the Company upon request, or when acknowledging a Complaint as per paragraph 4.2, free of charge.
- 3.7. Complaints may relate to (but are not limited to):
 - i. Unsuitable investment advice,
 - ii. Portfolio mismanagement,
 - iii. Lack of information provided,
 - iv. Fees and charges,
 - v. Unauthorised business being offered.

4. Complaints handling process

- 4.1. Immediate Internal Notification
 - i. All Complaints must be reported by the Recipients to the Complaints Management Function **immediately** upon receipt to initiate the complaint handling process. The Recipient, being a CRO or another employee of the Company, should assist the Complaints Management Function with providing all relevant documentation or information requested pertinent to the Complaint. If you have any complaints please contact us at: **Complaints@efgcy.com**
 - ii. The Complaints Management Function upon notification immediately registers the Complaint in the internal Complaints Registry and gives it a unique reference number in accordance with paragraph 5.
- 4.2. Acknowledgement and Initial Information
 - i. The Company must acknowledge in writing receipt of the Complaint, within five (5) days from receipt, and provide to the Complainant

written information regarding the complaints-handling process of the Company. Such information includes this Standard and the contact details of the Complaints Management Function.

- ii. Additionally, the Complainant is informed in writing to use the unique reference number in all future communications pertaining to the specific Complaint, with the Company, CYSEC and/or the Financial Ombudsman.
- iii. All communications when handling a Complaint must be in plain language that is easy to understand, and the Company shall reply without undue delay and in any circumstance respect the timeframes set in this Standard.

5. Complaints Investigation

- i. The Complaint Management Function upon receipt of the Complaint undertakes a full independent investigation into the Complaint and makes efforts to resolve it as soon as practically possible and in any case within two (2) months from the date of receipt. If the Complaint is resolved within this timeframe, the outcome is communicated to the Complainant in accordance with paragraph 4.4. The Complaints Management Function records the remedial measures in the Complaints Registry as per paragraph 5.
 - ii. If the Complaint has not been resolved as described in paragraph 4.3 i., then the Complaints Management Function shall escalate the matter to the Board of Directors.
 - iii. If the Company is unable to respond to the Complainant within two (2) months from the receipt of the Complaint with the outcome/ decision of the Complaint investigation, the Complaint Management Function informs the Complainant of the reasons for the delay and indicates the period of time within which it is possible to complete the investigation. This period shall not exceed three (3) months from the date of submission of the Complaint.
- 5.1. Formal Response
 - i. The outcome of the Complaint investigation shall be communicated in writing to the Complainant in a Formal Response by the Complaint Handling Function. A copy of the formal response shall be retained in the records kept by the Complaints Management Function in accordance with paragraph 5.

- ii. The Complaint Management Function, shall notify to the Complainant the following in the Formal Response:
 - Reference to the fact that the Complainant made a Complaint and the material issues of such Complaint;
 - Reference to the Company’s explanation of its position on the Complaint and the outcome of the investigation;
 - The nature and terms of any offer of settlement that the Company may make, and including a form of acceptance, indemnity etc; and
 - Inform the Complainant that if they are dissatisfied with the resolution of the Complaint, they have the option to refer the Complaint to CYSEC (including CYSEC’s contact details), the Financial Ombudsman (including FO’s contact details), Alternative Dispute Resolutions mechanisms¹ or recourse to civil action (as applicable).
- 5.2. Further Correspondence
- i. In the event of receiving any further correspondence relating to a Complaint, the Recipient must forward it directly to the Complaints Management Function to deal with and record it as necessary.
- ## 6. Record-keeping
- 6.1. Immediately upon receipt of a Complaint, the Recipient notifies the Complaints Management Function who is responsible for recording Complaints and any resolution measures taken. The Complaints Management Function must immediately register the Complaint in the internal Complaints Registry, giving it a unique ten (10) digit reference number in the appropriate format conforming with the competent authority’s guidelines²
- i. The first two digits are the code of the Company regarding the Transaction Reporting System;
 - ii. The following four digits define the year, and
 - iii. The last four digits denote the number of each complaint serial number (e.g. for 2018 – AA20180001, AA20180002)
- 6.2. The Company must retain the Complaints Register, as well as relevant correspondence to each Complaint for a minimum of five (5) years from the date of receipt of the Complaint.
- 6.3. The Complaints Registry shall document, at least, the following details:
- i. the identity of the Complainant (full name, ID/Passport Number, e-mail, country);
 - ii. the unique ten (10) digit reference number assigned to the Complaint;
 - iii. the identity of the Recipient;
 - iv. the department to which the relevant employee relates to;
 - v. the date of receipt of the Complaint;
 - vi. full description of the Complaint (including the cause and the financial instruments in relates to);
 - vii. the extent in financial terms of the potential loss that the Complainant claims to have suffered;
 - viii. the date and, in summary, the content of the reply of the Company to the Complaint (including settlement amount if applicable).
- 6.4. The Company’s Compliance Officer must have uninterrupted access to the Complaints Register and all relevant correspondence.
- ## 7. Reporting to competent authority
- 7.1. The Company must provide to the competent authority (CYSEC) information regarding the Complaints received and the manner these are being handled. The information is provided via the completion of an Excel Spreadsheet, attached to the Standard as Annex 1³ (the ‘Report’). The Report is sent to CYSEC in an electronic form via the Transaction Reporting System. CYSEC’s guidelines on the completion of this Report are attached to the Standard as Annex 2⁴.
- 7.2. Regardless of whether the Company has received any complaints within the reporting month, the Report must be submitted to CYSEC monthly, within (5) days after the reporting month.

¹ As defined in article 4(h) of Directive 2013/11/EU on consumer ADR

² Guidelines on complaints-handing by CIFs issued by CYSEC No.C338

³ Circular C338 COMP-CIF-Form regarding the submission of CIF-Client’s Complaints

⁴ Annex 2 to the C338 Circular

8. Definitions

Company	EFG Cyprus Limited
CYSEC	The Cyprus Securities and Exchange Commission
Financial Ombudsman	The Financial Ombudsman (Ενιαίος Φορέας Εξώδικης Επίλυσης Διαφορών Χρηματοοικονομικής Φύσης) established by Law 84(I)/2010
ESMA/EBA	The European Securities and Markets Authority/The European Banking Authority
Complaint	A statement of dissatisfaction by the Complainant addressed by the Company, relating to the provision of investment services.
Complainant	Any person, natural or legal, which is eligible for lodging a complaint to the Company and who has already lodged a complaint. Note: a Complainant may be a client or potential client of the Company.
Complaints Management Function	The Compliance Officer and the Chief Executive Officer.
Recipient	The CRO or Company employee receiving a Complaint.

ANNEX 1 – COMP-CIF-Form regarding the submission of CIF-Client’s Complaints as per CYSEC Circular C338

ANNEX 2 – Annex 2 to the C338 CYSEC Circular

EFG Cyprus Limited is an investment firm established in Cyprus with company No. HE408062, having its registered address at 23 John Kennedy Avenue, Globe House, 6th Floor, 1075, Nicosia, Cyprus. EFG Cyprus Limited is authorised and regulated by the Cyprus Securities and Exchange Commission (CySEC) under License No. 393/20.