

**Luxembourg Investment  
Solutions S.A.**

## **Complaints Handling Policy**

**Part 16 of LIS Organizational Manual**

**V2Nov20**

**Service defines us,  
empowers you**

## 1. Introduction

To comply with the provisions of CSSF Regulation 16-07 and Circular 17/671, as well as ESAs' guidelines JC 2018 35, the internal standards of Luxembourg Investment Solutions S.A. (LIS) foresee that all complaints should be recorded and treated in a careful and prompt manner. Complainants shall be able to file a complaint without charges and this complaints policy shall be freely made available to them. The objective of this complaints handling policy is to describe how LIS wants to:

- Deal with client's issues in a prompt, efficient, appropriate and equitable manner;
- Meet the regulatory obligations mentioned above;
- Ensure that systematic and recurring problems are identified and rectified; and
- Improve the internal system service delivery functions to clients.

As required by CSSF 16-07, the Board of Directors (BoD) of LIS appointed Christian Hertz to be the person on management level being responsible for complaints (MPRC). The MPRC has been duly communicated to the CSSF, and LIS will update the CSSF in the event of any changes to the appointment.

## 2. Definition of complaint and complainant

For the purpose of this policy, the term "complaint" is defined, as a verbal or written expression of dissatisfaction by a client, investor or business partner, which is directly addressed to LIS or indirectly through a delegated party or by a service provider in relation to:

- a service provided or withheld by LIS;
- a product of or administered by LIS; or
- the behavior of any employee or person conducting business on behalf of LIS.

This policy does not apply where LIS receives a complaint about:

- activities other than those supervised by the CSSF; or
- the activities of another entity for which LIS has no legal or regulatory responsibility (and where those activities form the substance of the complaint).

However, LIS should respond, where possible, explaining the firm's position on the complaint and/ or, where appropriate, giving details of the firm or other financial institution responsible for handling the complaint.

Complaints may be expressed orally or in writing and must all be treated equally and seriously. A complaint may not necessarily be founded on valid arguments.

CSSF Regulation 16-07 defines a complaint as follows: "... complaint filed with a professional to recognize a right or to redress a harm".

### 3. Responsibilities regarding the registration of complaints

LIS incorporates a complaints management function which enables complaints to be investigated fairly, timely and possible conflicts of interest to be identified and mitigated.

Responsible individuals:	
Person responsible for complaint handling (PRC)	Wolfram Huwer
Person responsible for complaint handling at the level of the Management (MPRC)	Christian Hertz
Chief Compliance Officer (CCO)	Wolfram Huwer

Any employee receiving a complaint has the responsibility to attempt immediately to resolve any upcoming issue. If the employee is not able to provide a solution to the satisfaction of the complainant, the issue shall be forwarded to the relevant department or function as soon as possible.

The employee receiving the complaint must notify the PRC and the CCO about any new complaints **within one working day** with the help of the Complaints Form <sup>1</sup>.

The PRC and CCO shall be informed on how and when the complaint was received or identified, the details of the complaint, including their relationship to services or activities provided by LIS/Sanne and the contracting entity. Furthermore, a summary of the complaint and any action being taken or proposed (including, if applicable, the forwarding to another department) must be provided

The CCO will provide a unique complaint reference number, which shall be used at all times for any internal and/or external (written) communication concerning the complaint. In his function as the keeper of the Complaints Register, the CCO files the complaint to this register, sets the complaint on an “open” status and will subsequently review and supervise the issue. Furthermore, the complaint is recorded in the OpRiskControl (ORC) by the PRC within two working days.

The BoD has appointed Wolfram Huwer as the PRC, who is responsible for handling complaints. There is no necessity to report the PRC to the CSSF as all outgoing correspondence concerning complaints shall be signed by both, the PRC and the MPRC, and therefore the MPRC always has full control and oversight over each formal complaint.

Upon receipt of a complaint, the PRC shall conduct a thorough investigation and analysis all the relevant evidence, facts and circumstances before making a recommendation in plain language to the appropriate recourse, if any. The PRC’s recommendation may include a range of responses, such as an apology, provision of a detailed explanation to the complainant, compensatory payments (*see article 4.3 below*), and/or remedial action against the concerned employee or department/ function. This list is not exhaustive and the recommended action of the PRC may comprise other things to remedy the issue giving rise to the complaint.

The PRC may also consult the CCO whenever the complaint requires further investigation or actions, a recompense for the client is required, this, or a similar complaint was received before by a client, or the complaint could have a regulatory or legal impact.

If there is a regulated fund affected by the complaint, the Fund Compliance Officer also needs to be informed.

<sup>1</sup> The Complaints Form is available on the share Drive (K) in word format.

If the complaint is cross jurisdictional, the Group Complaints Officer needs to be informed to take further steps.

If this is still not sufficient to resolve the issue, the use of external parties (lawyers, auditors, etc.) may be sought, but only after having consulted the MPRC.

If the complaint involves a violation of law, regulations, circulars, the Code of Conduct (CoC) and/ or any other internal policy, the CCO may treat the matter as a compliance incident, which could entail further (internal) investigations.

LIS responds without any unnecessary delay, however, in case an answer cannot be provided within the expected time limit, LIS informs the complainant about the causes of the delay and indicates when the investigation is likely to be completed.

## 4. Complaint Resolution Process

### 4.1 Confirmation of complaint

Upon receiving a complaint, whether written or oral, the PRC shall provide written confirmation regarding the complaints handling process. A letter is sent to the complainant, confirming the receipt of a complaint, informing that the matter is under investigation, and providing the complainant with the PRC's name and contact information.

This written acknowledgement of receipt shall be provided to the complainant within 10 business days of receipt of the complaint, unless the answer itself is provided to the complainant within this period. The confirmation letter shall contain a copy of this policy or the link to the policy on LIS' website.

An answer to the complainant shall be provided within one month of the date of receipt of the complaint. Where an answer cannot be provided within this period, the PRC shall inform the complainant of the causes of the delay and indicate the date at which an answer is likely to be sent.

Any notifications from a government or regulatory body must be immediately reported to the CCO, who will immediately deliberate with the MPRC. The MPRC shall be the CSSF's sole point of contact for complaints, according to CSSF Circular 17/671, article 2.

### 4.2 Investigation, Follow-up and Reply

All complaints received will be investigated promptly by the PRC with the full cooperation and support of the concerned department or function. To avoid any conflict of interest, any requested logistical support shall be provided by employees who are not related to or involved in the matter giving rise to the complaint. Concerning the investigation, the PRC shall have unlimited access to all relevant data which could potentially help resolve the issue. If the subject of the complaint is the PRC, the MPRC will take over the role of the PRC.

Once the investigation is closed, the PRC shall, when possible, immediately provide an answering letter to the complainant. If this is not possible due to outstanding issues or the need for compensatory payments, the PRC shall proceed as described in article 3 and/or 4.3 of this Complaints Handling Policy.

In any event, the findings or the result of the investigation shall be reported to the CCO, who shall then update the Complaints Register. He also provides clear and succinct details to the ORC, including the key dates.

Where appropriate, implementation of new procedures or amendments to existing ones may be considered as remedial measures, to rectify and ensure the non-recurrence of the issue which gave rise to the complaint.

### 4.3 Compensation

If the investigation results in a finding of liability of LIS and the circumstances require compensation of the complainant, this compensation shall be assessed fairly and in proportion to the nature and seriousness of the complaint. Any compensatory payment, including reimbursement of fees, is subject to the approval of the MPRC (or, in the event of the MPRC's absence, any other member of the Executive Committee (EC)).

All compensatory payments shall be filed with the Complaints Register. Hence, the CCO must be informed thereof.

### 4.4 Closing of Complaints

The answering letter to the complainant shall always be sent via registered mail or by courier with confirmation of delivery, and contain a statement to the effect of the following:

“We shall assume your acceptance of our proposal if we do not receive a written rejection within two months of the date of this letter.

If you find our proposal to be inadequate, we would like to expressly indicate that a non-judicial alternative dispute resolution process is available, where our supervisory authority CSSF (Commission de Surveillance du Secteur Financier) may take the role of the ombudsman. For details, please refer to the regulation CSSF 16-07 which could be found on [www.cssf.lu](http://www.cssf.lu). Please note this opportunity is only available, if the filing of a request with the CSSF is done within one year after the initial complaint / claim has been filed.”

The letter shall be duly signed by the PRC and the MPRC, enabling the complainant to use the out-of-court dispute settlement of CSSF 16-07 as described in article 4.5.1 below.

There are two possible outcomes upon the complainant's receipt of the answering letter:

- The complainant is satisfied with the LIS' proposed remedy (i.e. the complainant has either confirmed, in writing, his acceptance of the proposal or has failed to reject the proposal in writing within the two month response period). Upon the complainant's acceptance of the proposal, either expressly or by default, the PRC shall inform the CCO who will update the Complaints Register and update the status of the complaint to “closed.”
- The complainant rejects, in writing, then LIS' proposes remedy, ensures that there is a thorough explanation of its position on the complainant and sets out the its option to maintain the complaint. If no new facts are provided by the complainant with his rejection, the complaint will likely escalate to external dispute resolution as described in the article 4.5 below. The CCO, after receiving notice of the rejection, will change the status of the complaint to “on hold.”

### 4.5 External Dispute Resolution

In cases where LIS is not able to provide a satisfactory solution to the complainant, the complainant may escalate the issue to the CSSF or a court of competent jurisdiction.

#### 4.5.1 CSSF 16-07 – relating out-of-court complaint resolution

In certain circumstances and as defined in the regulation itself, it is possible to seek CSSF's out-of-court complaint resolution. This process is free of charge and still allows the complainant or LIS to pursue legal action afterwards.

According to §15.5 of the Regulation this approach could only be taken, if the issue is forwarded to the CSSF within one year after the complaint has been filed with the professional.

As soon as a letter (or any other form of written communication) from the CSSF, concerning a complaint, is received by LIS, the CCO shall be informed and will proceed according to this Policy.

#### 4.5.2 Legal action

In principle, the same action, as described above in article 4.5.1, shall be taken but it may be that a company lawyer will take over here instead of the CCO.

## 5. For both of the two previous articles, the person acting for LIS may seek external legal advice after consultation and approval of the MPRC Contact

The PRC may be reached by use of the following channels:

<ul style="list-style-type: none"> <li>• By mail:             <ul style="list-style-type: none"> <li>▪ Person responsible for complaints (PRC):</li> <li>▪ Mr. Wolfram Huwer</li> <li>▪ Luxembourg Investment Solutions SA</li> <li>▪ 5, Heienhaff</li> <li>▪ L-1736 Senningerberg</li> </ul> </li> <li>• By Telephone: 00352-26 34 56 422</li> <li>• By email: <a href="mailto:complaints@lis-aifm.com">complaints@lis-aifm.com</a></li> </ul>
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## 6. Complaints Register

### 6.1 Register Keeping

The Complaints Register is kept by the CCO. The register shall enable the CCO to fulfill his obligations concerning CSSF 16-07, article 3, and to monitor and to supervise the process set out in this policy. The register has been designed as a table in Excel and contains all necessary and requested specifications as defined in CSSF 16-07 and 17/671.

All correspondence concerning complaints shall be filed and retained by the PRC, using the unique complaint number provided by the CCO. Concerning closed complaints, the retention period shall be 5 years, for complaints with the status “on hold,” the retention period shall be 10 years.

### 6.2 Monitoring and reporting

The CCO will, at least on an annual basis, analyze the complaints register for any patterns to identify root causes of common types of complaints. These may include, but are not limited to:

- numerous complaints regarding a single employee, department or function;
- frequent similar factual issues; and/or
- frequent appearance of the same complainant;
- the consideration whether such root causes also affect other processes or products;
- the correction, where reasonable to do so, of such root causes.

This will usually occur in January, as there is an obligation for the MPRC to provide the CSSF with a statement concerning, as well as a copy of, the register until the 1<sup>st</sup> of March of the subsequent year (CSSF 16-07 and 17/671 article 3), one month after the annual general meeting has been held (CSSF 12/546).

Therefore, the MPRC shall receive the Complaints Register and the CCO's analysis, at least as a draft version, one week before the annual general meeting takes place

### **6.3 Publication**

LIS provides details of its complaints handling process on its website.

## Key contacts

Name	Title	Email
Wolfram Huwer	Person responsible for complaints (PRC)	w.huwer@lis-aifm.com
Christian Hertz	MPCR	c.herz@lis-aifm.com
Wolfram Huwer	Chief Compliance Officer (CCO)	w.huwer@lis-aifm.com

## Related documents

Title	Location
Complaints Register (CR LIS 2020)	Stored by LIS Compliance
Sanne Group Complaints Handling Policy	KnowledgeHub
Complaints Form	Stored by LIS Compliance
CSSF Regulation 16-07	<a href="https://www.cssf.lu/en/document/cssf-regulation-n-16-07/">https://www.cssf.lu/en/document/cssf-regulation-n-16-07/</a> (external link)
CSSF Circular 17/671	<a href="https://www.cssf.lu/en/document/circular-cssf-17-671/">https://www.cssf.lu/en/document/circular-cssf-17-671/</a> (external link)

## Version control

### Complaints Handling Policy

Title	Version
Complaints Handling Policy	Version June 2020



## Annex A

### Complaints Form

All expressions of dissatisfaction or criticisms, whether oral or written and whether justified or not, about a service or activity provided by SANNE/ LIS must be treated as a complaint. In the event of a complaint received, please complete this form and email it to the relevant stakeholders for escalation.

In accordance with the Complaint Handling Policy, information below shall be reviewed by the LIS Director, Risk & Control Manager and Local Compliance Officer. Further escalation maybe required to HoD, MD and regulators.

Details of the complaint are entered onto Op Risk Control (by the PRC) and actions monitored.

For details, the Complaint Handling Policy can be found at the LIS Organizational Manual

<b>Date Reported</b> (DD/MM/YYYY)		<b>Issue Date</b> (DD/MM/YYYY)	
<b>Date of Acknowledgement</b> (DD/MM/YYYY)		<b>Complaint Type</b>	
<b>Complainant Name</b>		<b>Complainant connection to Customer:</b>	
<b>Customer Name</b>		<b>MCL Code</b>	
<b>SANNE Contracting Entity/ (ies)</b> (Primary & Secondary)			
<b>Related to a Fund?</b>		<b>Fund Name</b> (if applicable)	
<b>Summary of the complaint including how and when the complaint was received/identified. <a href="#">Include relevant attachments.</a></b>			
<b>Regulatory Reportable?</b>		<b>Financial Impact (€)</b>	
<b>Complaint Justified / Not Justified:</b>			
<b>Any action being taken (or proposed) to avoid future occurrence, including date of implementation / target action completion date and name of action owner(s)</b>			
Forwarded to (Department), if applicable:			
Action Description:			
Action Owner:			
Target Completion Date:			
Action Description:			
Action Owner:			
Target Completion Date:			

<b>Recorded by:</b>		<b>Event Owner</b> (Director or above) ( <i>who will send by email</i> )	
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**Professionalism**  
sets us apart,  
strengthens your business