

Complaints Handling Policy for Luxembourg Investment Solutions S.A.

16. Complaints Handling Policy

16.1 Introduction

To comply with the provisions of CSSF Regulation 16-07 and Circular 14/589, 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 has appointed Pierre Weimerskirch 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.

16.2 Definition of complaint

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.

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.

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

16.3 Responsibilities in regards to and registration of complaints

If possible, any employee receiving a complaint should attempt immediately to resolve the 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.

If the matter cannot be resolved by the relevant department or function and the complainant forwards his claims in written form, the issue becomes a formal complaint. Then, the dedicated PRC and the Chief Compliance Officer (CCO) shall be informed as soon as possible.

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.

The BoD has appointed Marc Boesen 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 of the relevant facts and circumstances before making a recommendation as 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 16.4.3 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 he deems necessary. 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.

16.4 Complaint Resolution Process

16.4.1 Confirmation of complaint

Upon receiving a complaint, whether written or oral, the PRC shall prepare and send a letter to the complainant, confirming its receipt, informing the complainant 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 14/589, article 2.

16.4.2 Investigation, Follow-up & 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 16.3 and/or 16.4.3 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

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.

16.4.3 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.

16.4.4 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.”

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 16.4.5.1 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, LIS’ proposed remedy. 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 16.4.5 below. The CCO, after receiving notice of the rejection, will change the status of the complaint to “on hold.”

16.4.5 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.

16.4.5.1 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.

16.4.5.2 Legal action

In principle, the same action, as described above in article 16.4.5.1, shall be taken but it may be that a company lawyer will take over here instead of the CCO.

16.4.5.3 External legal advice or assistance

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

16.5 Contact

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

- By mail: Person responsible for complaints (PRC): Mr. Marc Boesen
Luxembourg Investment Solutions SA
5, Heienhaff
L-1736 Senningerberg
- By Telephone: 00352-26 34 56 630
- By email: complaints@lis-aifm.lu

16.6 Complaints Register

16.6.1 Register keeping

As already stated in several of the previous articles, the Complaints Register is kept by the CCO. The register shall enable the CCO to fulfill his obligations concerning CSSF 16-07, article 16.3, 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 14/589.

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.

16.6.2 Monitoring and reporting

The CCO will, at least on an annual basis, analyze the register for any patterns in complaints. These patterns 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;

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 (CSSF 16-07 and 14/589 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

Approval: this is an extract of the Organizational Manual of Luxembourg Investment Solutions S.A. which has been approved by the Board of Directors.