



SM CAPITAL MARKETS

Global Online Trading

SM CAPITAL MARKETS COMPLAINT HANDLING POLICY October 2019

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SM CAPITAL MARKETS LTD (previously named ABC 123 (CY) LTD)
is authorized and regulated by CySEC License (339/17)
with its registered business Office
9, Spyrou Kyprianou Avenue,
Neda Court Floor 1,
3070 Limassol, Cyprus
Tel: 00357 25281811 – Fax: 00357 25350175

SM Capital Markets Ltd (hereinafter called as the “Company” or “we” or “our” or “us”) is an Investment Firm incorporated and registered under the laws of the Republic of Cyprus, with registration number HE 346068. The Company is authorized and regulated by the Cyprus Securities and Exchange Commission (hereafter the “CySEC”) under the license number 339/17.

This Complaint Handling Policy (hereinafter referred to as the “Policy”) sets out the processes employed when dealing with complaints received by clients.

1. The Policy

The purpose of this Policy is to outline our effective and transparent procedure in place for immediate complaint handling for all existing and potential clients so as to ensure the Company’s compliance with applicable Laws, Rules and/or Regulations and operate in line with the complaint management procedures of CySEC.

2. Categories of complaints

Any clients’ complaints will be investigated in a prompt way with the necessary attention. The main categories of complaints under which your potential dissatisfaction and/or complaint may fall are the following:

- a) Execution of orders (e.g. delay in execution, re-quotes, slippage, erroneous trades etc.);
- b) Investment advice (e.g. unsuitable advice);
- c) Quality or lack of information provided to the client;
- d) Terms of contract / fees / charges (including withdrawal problems, cancelation of profits etc.);
- e) General administration / customer services (including custody / safekeeping services).
- f) Unauthorised business being offered or carried out;
- g) Other (clients should specify any other reason which does not fall under any of the above categories).

3. How to make a complaint

All clients' complaints shall be handled by the Compliance Department. However, the final settlement of non-trivial complaints shall be approved by Senior Management.

In order to file a complaint, a complainant shall complete the Complaint Form developed by the Company (see Annex 1 attached hereto). Once completed, it should be sent either to one of the following:

- a) in a hard copy along with a copy of the complainant's identification document and any other additional documentation relevant to the complaint, to the Company's head offices, which are situated at 9, Spyrou Kyprianou Avenue, Neda Court Floor 1 3070 Limassol Cyprus; or
- b) by e-mail to compliance@smcapitalmarkets.com

Upon receipt of a clients' complaint, the Company will start investigating all relevant evidence and/or information provided. The following information should be provided to and recorded by the Compliance Department, whenever possible, so as to make sure that the complaint is expedited in the most efficient and fair way for the best interest of the client:

- a) Full name of the client;
- b) Account Number;
- c) Date when the issue and/or problem first took place;
- d) Short summary of the complaint;
- e) Disputed amount and currency; and
- f) Provide any other document or otherwise relevant to the complaint.

Once the formal complaint is with the Company, the latter will send a written acknowledgement to the complainant within five (5) business days from the date the complaint was received, confirming safe receipt of the complaint and that all necessary steps will be taken in order to resolve the complaint. Additionally, the Company will give an estimated timeframe required to resolve the said complaint along with the complainant's unique reference number, which will be assigned to his/her complaint and which should be used in all future contact with the Company, the Financial Ombudsman and/or the CySEC, regarding that specific complaint.

After the above step, the Company will start investigating the client's complaint and within two (2) months, the Company should reply to the complainant about the outcome and/or decision.

It is provided that, during the aforementioned investigation of the complaint, the Company will keep informing the complainant of the handling process of his/her complaint.

In the event that the Company is unable to respond within the aforementioned two (2) months, it will inform the complainant of the reasons for the delay and indicates the period of time within it is possible to complete the investigation. This period of time cannot and should not exceed the three (3) months from the submission of the complaint.

When we reach our final decision we will inform you without delay and we will provide you with an explanation of our position and propose remedial measures (if applicable).

In case the complaint involves the Compliance Department of the Company, then the Senior Management will investigate the client's complaint and reply to the complainant within the timeframes aforementioned.

4. Financial Ombudsman

In the event you are not satisfied with our assessment and decision, you can refer your complaint to the Financial Ombudsman, given that:

- Your claimed amount in your complaint does not exceed the amount of €170.000.
- You first file a formal complaint to the Company within fifteen (15) months from the date that you are aware or ought to be aware that the reason of your complaint has occurred;
- You receive the Company's final response and/or decision within three (3) months from the date that the Company acknowledged receipt of your complaint and it is not to your satisfaction or from the closing date by which you should receive the Company's final response in the case you do not received it;
- You submit your complaint to the Financial Ombudsman within four (4) months from the date you received the Company's final response or from the closing date the Company ought to provide it to you in the case you do not receive the Company's final response;
- No judgment has been issued from a Court for the same complaint or not judicial procedure is pending for the assessment of the same complaint.

Financial Ombudsman contact details:

Address: 13 Lord Byron Avenue, 1096 Nicosia, Cyprus

Phone: +357 22 84 89 00

Fax: +357 22 66 05 84, +357 22 66 01 18

Emails:

complaints@financialombudsman.gov.cy fin.ombudsman@financialombudsman.gov.cy

Website: www.financialombudsman.gov.cy

You may maintain your complaint with the Cyprus Securities and Exchange Commission, however please note that the Cyprus Securities and Exchange Commission does not have restitution powers and therefore does not investigate individual complaints.

5. Civil Action

It is understood that your right to take legal action remains unaffected by the existence or use of any complaints procedures referred to above.

Hence, in the event you are still not satisfied with the decision issued by the Financial Ombudsman in regards to your complaint, you may take further legal steps by filing a civil action in the competent Court in the Republic of Cyprus.

6. Complaints on an on-going basis

The Company undertakes to analyse, on an on-going basis, complaints-handling data, to ensure that they identify and address any recurring or systemic problems, and potential legal and operational risks, for example by:

- Analysing the causes of individual complaints so as to identify root causes common to types of complaints;
- Considering whether such root causes also affect other processes or financial means, including those not directly complained of; and
- Correcting, where reasonable to do so, such root causes.

7. Reporting of complaints

Under CySEC's laws and rules, the Company, each month, provides to CySEC, all information in a report, regarding the complaints it receives and how these are being handled.

8. Record-keeping of complaints received

The responsible department for the record keeping of complaints received is the Compliance Department. Pursuant to CySEC's laws and rules, the Company is required to keep an internal register of complaints where all relevant data and progress of each complaint are kept.

All relevant information and progress of the clients' complaints are reported to the Senior Management, on an annual basis, as well as any remedies undertaken or to be undertaken in regards to any deficiencies and/or weaknesses that the Company may have.

Worth noting is that all information is not shared with any third parties, as we comply with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of Personal Data and on the free movement of such data, as transposed into Cyprus law by the Cyprus Law 138 (I) / 2001 on the Personal Data (Protection of Individuals), as subsequently amended by Cyprus Law of 2003 (Law 37 (I) / 2003) and the current law which is Law 125(I)/2018 , as the same may be in force from time to time and replaced or amended from time to time.

The Company shall maintain all complaints or grievances for a minimum period of five years.

10. Disclaimer

All of the above do not apply in a case when the client owes money to the Company.

In a case such as the above, the Company reserves its legal rights to initiate legal proceedings against the client, in order to recover any debts owed.

Also, nothing set forth herein shall prevent either party from applying to the competent Court for any of the interim or injunctive reliefs.

Each party acknowledges that a breach of the provisions set out herewith may cause the other party irreparable injury and damage and, therefore, any such breach may be enjoined through injunctive proceedings, in addition to, any other rights and remedies that may be available to either party as per applicable laws or in equity.

Annex I

CLIENT COMPLAINT FORM

Client Information:

Full Name/Legal Entity name (in case the Client is a legal person):	Account Number:
ID/Passport No/Registration No.:	Address:
E-mail:	Telephone:

Brief Summary of the Complaint:

Name of Employee:	Department:
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Please describe the product or service you are complaining about (description, evidence, amount and suggested way to be solved):

Please enclose any other documentation relevant to your complaint.

Client's Signature: _____

Date and Place: _____

Annex II

FOR INTERNAL USE ONLY

Complaint received by: Date of reception: Reference number: Department involved:

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Initial response to client:	Yes	No	Date:
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Initial Action Taken:

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Informed Client of Initial Action Taken:	Yes	No	Date:
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Further Action Taken:	Yes	No	Date:
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File handed on to Managing Director:	Yes	No	Date:.....
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Settlement of Complaint: Yes No Date:

[Empty box for settlement details]

Summary of how the complaint was settled:

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.....Signature of responsible Officer: Date: