

Complaints Handling Procedure

V 0.1.

2017

1. Introduction

For the management of any professional of the financial sector, as well as for the CSSF, who is responsible for the prudential supervision of the latter, client or investor claims can be tell-tale symptoms of malfunctions in the financial market. A client or investor who addresses a claim or a complaint to a professional of the financial sector will be all the more willing to accept the answer of the professional or their suggestion for a resolution and renew his confidence in the professional and the financial market, if he sees his claim handled with diligence, transparency and objectivity.

As required by article 7 of the CSSF Regulation 10-4 and the CSSF Regulation 16-07 Luxembourg Capital Partners S.A. (herein after also “the Company”) has put in place the present “Complaints Handling procedure”, which requires a reasonable and expeditious treatment of complaints that clients or investors could raise against the Company. The procedure, which has been approved by the Board of Directors of the Company, follows closely the provisions of the relevant laws in Luxembourg and is subject to revision whenever material modifications in the law occur.

In conformity with article 15 of CSSF regulation 16-07 the procedure is publicly available to the Company’s clients, investors and counterparties via publication on the Company’s website: www.luxembourgcapital.lu.

The purpose of this procedure is three-fold:

- to describe the Company’s internal process for the reception and processing of clients’ and investors’ complaints;
- to inform any interested party on how the CSSF intervenes when it receives a client or investor complaint;
- to identify and mitigate any possible conflicts of interests.

Luxembourg Capital Partners S.A. shall take every effort to ensure that all possible client or customer complaints are being escalated to the Company; including those complaints lodged directly to a third party to whom a specific function has been delegated (including distributors, delegated managers or administrative agents).

2. Procedure for handling complaints

2.1. Responsible Person

Luxembourg Capital Partners S.A. appoints Mr Clément Gauthier as the person in charge of client and investor complaints and – according to CSSF Circular 12/546, CSSF Regulation N° 10-4 and CSSF Regulation n°16-07 - notifies this appointment, and any future change, to CSSF. The handling of client and investor complaints is under the authority of Mr Clément Gauthier.

All client or investor complaints should be addressed in writing to:

Luxembourg Capital Partners S.A.

Att. Clément Gauthier

25A, Boulevard Royal,

L-2449, Luxembourg

Telephone: +352 27 44 27

Email address: c.gauthier@luxcap.lu

Mr Gauthier will act as the single point of contact for all complaints and will be accountable notably for:

- Filing the complaint form (*appendix 1*);
- Logging the complaint in the Luxembourg Capital Partners S.A. complaint register (*appendix 2*);
- Sending a receipt of complaint to the client or investor within two working days from receiving the complaint;
- Communicating the final decision to the client or investor.

2.2. Complaints handling process

The treatment of complaints will be conducted diligently and in a timely manner, on the basis of objectivity and truth and aiming at the resolution of complaints without judicial proceedings.

In general, the Compliance Officer of the Company shall answer the complaint within a few business days following its receipt.

Complex cases that require in depth review shall be resolved as quickly as possible, but may take longer than the general case.

The complaints handling process encompasses the following steps:

Receipt of the complaint:

Complaints can be addressed to the Company free of charge. Any complaint received must be notified to the person in charge of client and investor complaints.

Upon receiving the Complaint, the Managers shall establish whether this is a first complaint or a follow-up on an existing complaint and then shall transfer the matter further to the person in charge of client and investor complaints.

The person in charge of client and investor complaints must acknowledge receipt of the Complaint, within two working days of receiving it. The acknowledgement should be sent in written to the claimant, without accepting any liability at this stage.

To be considered “eligible”, a complaint should contain a clear identification of the client/ investor, their address, telephone number or email address, the date of the complaint, the signature of the client/ investor and a description of the facts that make the object of the complaint. The complaint may be addressed under any written form, however only readable complaints will be dealt with.

In case the complaint is rejected for whatever reason, the person in charge of client and investor complaints shall provide the interested party with a duly substantiated decision. The complaint will be then considered as “closed”.

Analysis of the Complaint

The person in charge of client and investor complaints will analyse without delay any claim brought to his attention. Specifically, he shall:

- establish the authenticity (verification of signatures), exact nature and relevance of the complaint;
- establish whether the Company is indeed related to the facts raised in the complaint;
- identify the processes that make the subject of the complaint;
- identify the various responsibilities of the members of the staff of the Company in relation to the content of the complaint;
- assess the urgency of the complaint both in terms of the risks posed on the commercial relationship and the potential financial impact.

NB: Even if it must be assumed, until proved otherwise, that a complaint has been made in good faith, the contrary may also be possible. In this case, the CSSF invites financial professionals to put a determined and orderly end to any business relationship that is no longer based on trust.

If at the end of the person in charge of client and investor complaints analysis, the content of the claim is found to be within the jurisdiction of the Company, he shall officially log the complaint as described in the section following below. A copy of the referenced claim will be sent to:

- the Manager of the Service concerned;
- the head of Internal Audit;
- the Management team.

He shall then proceed to:

- collect, with the help of the Service concerned, all main documents relating to operations that make the subject of the complaint;
- perform further investigative work in order to establish the potential liability, malfunctions, breaches of existing procedures or lack of formalization of process. If it turns out that the complaint received is the result of organizational and/or procedural shortcomings, the Internal Audit function should describe in a brief report the flaws and weaknesses encountered during their investigations. The Internal Audit function will issue recommendations to address the identified gaps;
- ensure coordination between the various Services concerned with a view of formulating an appropriate response to the Complaint.

Log of Complaints:

Luxembourg Capital Partners S.A. has put in place a complaint log, in which the progress of each individual complaint can be monitored is maintained. All correspondence between interested parties shall be stored in both hard copy and electronical format in the individual client or investor file for a period of five years following the complaint.

The person in charge of client and investor complaints shall put in place and maintain a summary report of the complaint received and of the subsequent correspondence (*appendix 2*). The Complaint log may be forwarded to the CSSF according the circular 12/546.

Complaint Resolution:

The person in charge of client and investor complaints shall collect all the necessary information with the help of the relevant Service involved, including technical or legal advices, before drafting a response to the client/ investor. As explained above and depending on the complexity of each situation, the response to the client/ investor shall be drafted within the next business days following receipt of the complaint, or where the complexity of the case makes this impossible, at the earliest possible.

If an indemnity or refund is proposed, this shall be submitted to the **Board**'s formal approval and the latter's response shall then be communicated to the client. The proposed solution will always be in line with the applicable laws and regulations. The client or investor shall be always provided with an answer in writing.

Referral to the CSSF

Where the client/ investor did not receive an answer or a satisfactory answer within a reasonable period of time referred to above they may file their request with the CSSF within one year after they filed their complaint with Luxembourg Capital Partners S.A.

The request must be filed with the CSSF in writing, by post, by fax or by email (to the address/number available on the CSSF website), or online on the CSSF website. In order to facilitate the filing of a request, the CSSF publishes a form on its website.

The request is supported by a statement of the reasons on which it is based together with the following documents:

- a detailed and chronological statement of the facts underlying the complaint and the steps already taken by the applicant;
- a copy of the prior complaint
- a copy of the answer to the prior complaint or the confirmation by the applicant that s/he did not receive an answer one month after s/he sent his/her prior complaint;
- the statement of the applicant that s/he did not refer the matter to a court, an arbitrator or another out-of-court complaint resolution body in Luxembourg or abroad;
- the agreement of the applicant with the request handling conditions of the CSSF as body responsible for the out-of-court resolution of his/her complaint;
- the express authorisation of the applicant so that the CSSF can transmit its request (including the attachments) as well as any future correspondence or information to the professional concerned by the request;
- a document showing that the person is legally entitled to act so; if applicable

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- a copy of a valid ID document of the applicant (natural person) or, where the applicant is a legal person, of the natural person representing this legal person.

The CSSF may request the production of any other document or information, in any form whatsoever, it deems necessary to handle the request.

Where the CSSF receives a request that meets all the conditions, it shall transmit a copy thereof to Luxembourg Capital Partners S.A., with the request to take position within a period up to one month from the date at which the file was sent. The CSSF shall inform the applicant of such transmission within 90 days.

Where the analysis of the file relating to the request has been completed, the CSSF shall address a conclusion letter to the parties, including the statement of reasons for the position taken. Where the CSSF concludes that the request is totally or partly justified, it shall ask the parties to establish contact with each other.

3. External Service Providers

It can happen that a complaint is introduced to one of the external service providers of the respective Funds administered by Luxembourg Capital Partners S.A. For that purpose, Luxembourg Capital Partners S.A. maintains effective organisational and administrative arrangements, including reporting and access to information, with a view to taking all necessary steps to handle complaints properly.

In all circumstances, Luxembourg Capital Partners S.A. aims to ensure that complaints are treated with care, in a consistent way, verifiable and within a reasonable period of time.

All counterparties are contractually obliged to escalate without delay to the Company any complaint received from clients/ investors, and to provide assistance to Luxembourg Capital Partners S.A. until the final resolution of the complaint. The person in charge of client and investor complaints should receive either by email or by fax a copy of any complaint received by external providers referred to above.

Such complaint will be registered in the Complaint Log, indicating that it was received through an external service provider.

4. Controls

The person in charge of client and investor complaints shall ensure that the present procedure is applied by the members of staff of Luxembourg Capital Partners S.A.

Every time a complaint is received, he shall report to the Board of Directors on the specifics of the complaint received and on the actions taken. In his report to the Board, he shall underline the lessons learnt and shall propose mitigation measures to prevent the reoccurrence of similar future complaints. The implementation of the mitigation measures should be further monitored by him.

5. Complaints Handling procedure publication

Luxembourg Capital Partners S.A. shall publish the details of this Complaints Handling procedure including the information on CSSF acting as an out-of-court complaint resolution body in a clear, comprehensible and easily accessible manner, via its website www.luxembourgcapital.lu and where appropriate, in its brochures, leaflets and contractual documents.

Date: June 1st, 2017

Signature:

Appendix 1: Complaint Filing Form*(to be completed by the person in charge of client and investor complaints)*

Internal reference number	
Details of claimant (client/ investor)	Name: Address: Phone number: Email address:
Name of the Fund concerned	
Date of receiving the complaint and any additional relevant correspondence	
Received by	<input type="checkbox"/> Letter <input type="checkbox"/> Fax <input type="checkbox"/> Email
Date of sending out the acknowledgement of receipt	<input type="checkbox"/>
Date of incident	<input type="checkbox"/>
Type of activity/ product under scrutiny	<input type="checkbox"/>
Name of member of staff / Service/ Service Provider (if applicable) concerned by the complaint	<input type="checkbox"/>
Reasons for the complaint	
Value of investment	
Financial prejudice to mitigate	<input type="checkbox"/>
General observations	<input type="checkbox"/> This is Luxembourg Capital Partners S.A. mistake <input type="checkbox"/> This is not Luxembourg Capital Partners S.A. mistake

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Solution/Action taken	
Lesson learned	
Date of communicating Luxembourg Capital Partners' final answer to the claimant	
Person in charge of client and investor complaints	
Date & Signature	

Appendix 2: Complaints file

Fund concerned	Date of reception	Reference Number	Client Name	Client (Contact)	How is the complaint received	Summary Complaint	Financial exposure	Compliance officer advice	Legal advice if applicable	Final decision	Date of sending the answer