



COMPLAINTS HANDLING PROCEDURE

POSITIVA MARKETS (CY) LTD

CYSEC License Number 285/15

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1. Introduction

POSITIVA MARKETS (CY) LTD (hereinafter “**the Company**”) is incorporated in Cyprus under registration number HE 340674 through the Department of Registrar of Companies and Official Receiver (<http://www.mcit.gov.cy/drcor>)

The Company is authorized and regulated by the Cyprus Securities and Exchange Commission (hereinafter ‘Commission’) (<http://www.cysec.gov.cy>) to act as a Cyprus Investment Firm (CIF) with CIF License No. 285/15 operating as an international foreign exchange broker.

The Company operates under the under the Provision of Investment Services, the Exercise of Investment Activities, the Operation of Regulated Markets and Other Related Matters Law of 2007, Law 144(I)/2007, as subsequently amended from time to time (hereinafter “the Law”).

2. General

Under the Provision of the Directive DI144-2007-01 of 2011 for the authorization and operating conditions of the CIFs states that: “ A CIF is required to establish, implement and maintain effective and transparent procedures for the reasonable and prompt handling of complaints or grievances received from retail Clients or potential retail Clients, and to keep a record of each complaint or grievance and the measures taken for the complaint’s resolution”.

The Company is required to have in place and disclose to its Clients and potential Clients a Complaints Handling Procedure (hereinafter “**the Policy**”), which is described in this document.

The policy forms part of the Client’s agreement, namely, the *Terms and Conditions Agreement* with the Company, thus the Client is also bound by the terms of this policy, as set out herein.

3 Scope

The policy sets out the method for the submission of complaints with the Company from its Clients and the processes taken by the Company when dealing with such complaints in order to solve potential inconveniences that might occur among the business relation.

The operational procedures for the handling of complaints received by the Company are also outlined in the Internal Operations Manual of the Company.

4. Definition of a Complaint

A complaint is an expression of dissatisfaction by Clients regarding the provision of investment and/ or ancillary services provided to them by the Company.

4.1. Required information

The Client shall provide the Company with the following information in relation to the complaint:

- a. The Client's name;
- b. Contact information;
- c. Account identification number;
- d. The time of the circumstances constituting the basis of the complaint;
- e. Identification numbers or relevant orders and positions;
- f. A description of violation;
- g. A clear claim, and, if possible, documents in the form of documents supporting such claim.

5. Procedure

5.1. Submitting Complaints

The Clients wishing to submit a complaint are advised to complete a Complaints Form (accessible through the Company's website and at the last page of this Policy) and submit it in any of the following ways:

- By submitting the Complaints form electronically at the following email addresses:
complaints@positivafx.eu, compliance@positivafx.eu
- By sending by post or delivering in person at the following address: Spyrou Kyprianou 19, SILVER HOUSE, Ground floor, 3060, Limassol, Cyprus
- By Fax at: +35725022820
- By making a phone call at + 35725281913

5.2. Receiving Complaints

Following the receipt of the complaint, by the Company, the Head of the Administration/Back Office Department shall confirm to the respective Client the receipt of the complaint via email within five (5) working days from the moment of a complaint is received and commence actions to resolve the complaint.

Personnel of the Administration/Back Office Department may contact the Client directly in order to obtain further clarifications and/or information in relation to the complaint. The Client's cooperation is required for the handling of the complaint in question.

5.3. Handling Complaints

The Head of the Administration/Back Office Department is responsible for handling customer complaints. Their duties include the effective and efficient handling of customer's complaints so as to enable the Company to adopt and apply the required actions to prevent the repetition of the same complaints.

Following the receipt of the complaint, by the Company, the Head of the Administration/Back Office Department shall confirm receipt of the Client's complaint

In the event that the issue has not been resolved within five (5) working days, or if the remedy measure involves actions by other departments, then the Head of the Administration/Back Office Department shall communicate the Client's complaint or grievance to the General Manager. At the same time, the Client shall be informed about the delayed resolving of the complaint in a format, which can be reproduced in writing, informing him of the new timeframe for response to the complaint, which should be expected four (4) weeks since the receipt of the complaint and also informing the Client that the Company will ensure that the complaint or grievance is resolved within eight (8) weeks from its receipt.

The General Manager shall review carefully the details of the Client's complaint or grievance brought to him. Once the General Manager understands fully the nature of the Client complaint or grievance, he may also communicate with the Client, to understand fully the nature and implications of the complaint or grievance, as applicable. At the same time, the General Manager shall investigate and co-ordinate any relevant Heads of the Departments related to the Client complaint or grievance, until it is satisfactorily resolved.

It is understood that the Client's right for legal action remains unaffected by the existence or use of any complaints procedures referred to herein.

Additionally, in case where the Company's final decision in regards to the complaint does not fully satisfy the Client's demands, the Company will notify the Client in writing explaining the Company's position on the respective position and provide the Client with the option to the Financial Ombudsman of Cyprus, the Cyprus Securities and Exchange Commission ("**CySEC**"), ADR Mechanism or the relevant courts.

5.4. Records and Measures

The Company shall maintain effective and transparent procedures for the prompt handling of complaints or grievances received from Clients. The Company shall keep a record of each complaint or grievance as well as the measures taken for the complaint's/grievance's resolution.

The Compliance Department shall maintain all complaints, all relevant correspondence and documents related to complaints, for a minimum period of five (5) years.

One copy of the complaint form is archived in the client's file and another copy is kept in a separate file ("Complain/Grievance File")

At the end of each month the General Manager inspect the "Complain/Grievance File" and ensures that the Heads of the departments have taken all the required actions so as to prevent repetition of the same complains/grievances.

The General Manager shall inform at least once a year the Board of Directors of all complaints/grievances received.

5.5. Principles of the procedure

- a. All complaints shall be treated confidentially;
- b. The Company shall deal with Client's complaints without undue delay;
- c. The company will resolve all complaints in a fair manner;
- d. At the Client's request the Company shall provide reasonable assistance for the formalization of complaints in the form of general guidelines;
- e. A complaint must not include offensive language directed either to the company or to its personnel;

6. Monitoring of Complaints

6.1 The Company is required by CySEC to keep detailed documentation on individual Complaints. The Company is required to report relevant Complaints to CySEC on a regular basis.

6.2 Private Information will not be shared with any Third Parties and the Company complies with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the Prevention of Individuals with regard to the processing of Personal Data and on the Free Movement of such Data, as implemented in Cyprus Law by Cyprus Law on the Processing of Personal Data (*Protection of Individuals*) as the same may be in force from time to time and modified or amended from time to time.

6.3 These details will usually include as a minimum:

- a. The Nature, Date and Method of Communication of the Complaint;
- b. The Complainant's details;
- c. How the Complaint was dealt with (outcomes);
- d. Whether the Complaint was upheld or refuted;
- e. Whether the Complaint was closed, (addressed to the Complainant's satisfaction), or whether it remains open and outstanding; and
- f. What Financial Redress or other significant outcome resulted from the Complaint

7. The Company's Right to Proceed with the Recovery of Debts

7.1 The above Complaints Handling Procedure does not apply to money that you may owe to the Company

7.2 The Company may take immediate action to recover any debts payable to the Company in Court or otherwise.

8. Interim Relief

8.1 Nothing set forth herein shall prevent either Party from applying to Court for interim or injunctive relief.

9. Amendment/Review

The Company will not be obliged to notify its Clients individually of changes, other than substantial material changes to the policy. Thus, the Clients should refer to the Company's website for the latest and most up to date version of the Policy, which will be applicable from the date of publication on the web.

CUSTOMER COMPLAINT FORM

Positiva Markets (CY) LTD puts our clients first and therefore we take any complaint very seriously. If you feel you have been mistreated, misled or otherwise in any way shape or form, you can express your complaint by completing this form and submitting to us at complaints@positivafx.eu or compliance@positivafx.eu.

Handling your Complaint:

Rest assured that your complaint will be handled with the highest professionalism by our Complaints Officer and in line with the provisions of the Complaints Handling Procedure.

Upon the receipt of this form, an acknowledgement shall be sent to you. Your complaint will be handled in line with the provisions of the Complaints Handling Procedure.

Client Details

Full Name: _____

Registered Email: _____

Trading Account Number: _____

Nature of Complaint: (please state full details: like date and time the incident occurred, Incident Description, Tickets of all disputable positions and/or Pending Orders department, financial loss, employee who offered services:

(In case additional space is required for the description of the complaint, please use additional document as appendix to this form)

Signature: _____

Date: _____