

**KDPW COMPLAINT HANDLING RULES****I. Definitions**

1. KDPW – Krajowy Depozyt Papierów Wartościowych S.A.;
2. Client – an entity which is a participant in the depository system, the compensation scheme, Approved Reporting Mechanism system (ARM) or the trade repository, or a pension fund company or an open-ended pension fund or any other entity which is a recipient of services provided by KDPW;
3. Service – an activity performed by KDPW for the benefit of a Client in connection with the operation by KDPW of a depository system ensuring the performance by KDPW of the tasks set out in Article 48 sub-paragraph 1 points 1-6 of the Act on Trading in Financial Instruments, activities relating to the operation of a system for collecting and maintaining details of derivative transactions or securities financing transactions (EMIR and SFTR trade repository), providing information on transactions to the competent authorities using ARM system or other activities which KDPW is authorised to perform by law or under agreements concluded by KDPW and assumed obligations;
4. Penalty – a cash penalty charged to a Client for a settlement fail as referred to in § 136a of the KDPW Rules;
5. Director of the relevant organisational unit – Director of the organisational unit of KDPW responsible for the Service or for the complaint;
6. PBD – any day other than a Saturday or Sunday and other than 1 January and 25 December of a given calendar year.

**II. Scope of matters subject to the complaint handling procedure**

The complaint handling procedure is initiated in the event that a Client submits a complaint (hereinafter: "complaint") regarding non-performance or undue performance of a Service for the Client or a Penalty charged to the Client.

**III. Making a complaint; complaint form**

1. A complaint should be made in writing or electronically on an appropriate form containing all the required information. In justified cases, KDPW may consider a complaint, which was not submitted on the form referred to in par. 2 and par. 3, provided that its content allows for it.
2. The form appropriate for a complaint regarding non-performance or undue performance of a Service for a Client is attached as Appendix 1 to this procedure.
3. The form appropriate for a complaint regarding a Penalty charged to a Client is attached as Appendix 2 to this procedure.
4. Subject to paragraph 1, last sentence a complaint concerning a Penalty charged to a Client which does not meet the conditions specified in sub-paragraph 1 or has been submitted after the deadline specified in § 115c sub-paragraph 2 and 3 of the Detailed Rules of Operation of Krajowy Depozyt Papierów Wartościowych will be rejected.
5. If a complaint regarding non-performance or undue performance of a Service to a Client has not been submitted on an appropriate form, in writing or electronically, or if a check of the authorisation of the persons submitting the complaint on behalf of the Client requires KDPW to

obtain access to additional documents, the Director of the relevant organisational unit requests the Client, respectively, to remove the defects or to supplement the complaint accordingly. The request should include a request to, respectively, submit the complaint in writing using an appropriate form or to sign it in accordance with the principles of representation, or to provide documents confirming the authorisation of the person or persons who signed the complaint to represent the Client. The request should be prepared within 3 days of receipt of the complaint and sent to the Client's e-mail address or registered office/residence address. The director of the relevant organizational unit may waive a request to submit a complaint on the appropriate form if it meets the remaining formal requirements and the case referred to in paragraph 6, first sentence, does not occur.

6. If a complaint concerning non-performance or undue performance of a Service for a Client does not sufficiently clearly indicate the Service or event to which it relates, or raises other doubts which have to be resolved in order to handle the complaint, the Director of the relevant organisational unit requests the Client to clarify such doubts in writing. The request should be prepared within 3 days of receipt of the complaint and sent to the Client's e-mail address or registered office/residence address.

#### **IV. Organisation of the complaint handling system**

1. A complaint submitted by a Client is registered in the Electronic Document Management System ESOD.
2. The Client receives a written or electronic acknowledgement of receipt of the complaint regarding the non-performance or undue performance of a Service to the Client.
3. The complaint is reviewed by the Director of the relevant organisational unit. In particularly justified cases, including due to the complexity of the case or the amount of the contested amount, the Director of the relevant organisational unit may request the Management Board to decide how the complaint should be handled.
4. The Compliance and Internal Control Department keeps the following registers:
  - a) register of complaints regarding non-performance or undue performance of a Service to a Client,
  - b) register of complaints regarding Penalties imposed on Clients
5. The Internal Control Officer is responsible for making entries in the registers referred to in subparagraph 4.
6. The Director of the Compliance and Internal Control Department analyses each submitted complaint with a view to ensuring the effectiveness of the compliance system.
7. The Internal Control Officer is responsible for coordinating the complaint handling process and monitoring the implementation of the necessary follow-up actions referred to in point V.1. and for preparing a summary for the Management Board referred to in point IV.8.
8. The Compliance and Internal Control Department informs on a semi-annual basis the Management Board of KDPW and, in accordance with the applicable regulations, the competent authorities supervising the regularity of the provision of a service about the complaints submitted and how they are reviewed.

#### **V. Rules for handling complaints**

1. The review of a complaint consists in determining the course of the event and verifying its description included in the complaint in terms of its compliance with the actual state of affairs, verifying the regularity of the performance of the Service to the Client or the regularity of the calculation of the Penalty charged to the Client, and responding to the request or the action expected from KDPW specified in the complaint; if it is determined that there were any irregularities in the performance of the Service or with respect to the calculation of the Penalty, it also consists in identifying the reasons for such irregularities and determining whether they were caused by KDPW or another entity. If the Client's complaint which is considered legitimate in whole or in part indicates the actions expected from KDPW whose implementation would lead to the rectification of the existing irregularities in the Service provided to the Client or irregularities with respect to the calculation of the Penalty, the review of the complaint should also include an assessment of the legitimacy of taking such actions or other proposed actions in this respect if it is justified in a given case to take them, subject to point 3 below.
2. The results of the findings referred to in point 1 and their conclusions are included in the response to the complaint.
3. The legitimacy of possible claims for compensation are not resolved in the course of complaint handling, unless the KDPW Management Board, acting in accordance with the procedure set out in point IV.3, decides otherwise.

## **VI. Complaint handling procedure**

1. A duly submitted complaint regarding non-performance or undue performance of a Service to a Client is reviewed and a response is drawn up within a period not exceeding 30 days from the date of its receipt. In the cases referred to in points III.5 and III.6, the time limit runs, respectively, from the date on which the Client submits, at the request of KDPW, the complaint in written or electronic form, on the required complaint form, the complaint signed in accordance with the Client's rules of representation, documents confirming the authorisation of the person or persons who signed the complaint to represent the Client, or written explanations necessary to review the complaint, whichever is the latest.
2. A complaint regarding a Penalty charged to a Client is processed in accordance with § 136d of the KDPW Rules, not later than 10 business days after its submission. This time limit may be extended if additional information is required by KDPW, however, no longer than until the 11<sup>th</sup> PBD following the end of the month in which KDPW calculated the Penalty in question.
3. The submission of a complaint does not suspend the performance of the Client's obligations towards KDPW, nor does it suspend KDPW's Services to the Client, unless the KDPW Management Board decides otherwise.
4. Where the review of a complaint requires the resolution of doubts regarding legal provisions or KDPW regulations pursuant to which the Service is provided or a Penalty is calculated, the Director of the relevant organisational unit requests an opinion from the Director of the Legal Department.
5. The response to a complaint should contain the factual and legal grounds, unless the complaint has been resolved in accordance with the Client's wishes, as well as information on the further course of action.
6. The response to a complaint is made in writing or electronically and forwarded to the Client at the Client's e-mail address or registered office/residence address.
7. A Client who has submitted a complaint regarding non-performance or undue performance of a Service to the Client may, within 14 days from the date of receipt of the response to the complaint, apply in writing to the KDPW Management Board for reconsideration of the matter.

The KDPW Management Board makes a final decision on reconsideration of the complaint no later than 30 days after KDPW receives the application in this matter. The decision of the Management Board is not subject to appeal.