

**BENCHMARK FINANCE  
COMPLAINT MANAGEMENT POLICY**

## **I. General information**

1. This BenchMark Finance Complaint Management Policy establishes rules for managing complaints and establishes effective and open procedures for the reasonable and timely consideration of complaints received from clients and potential clients of the investment firm. The submission of a complaint, its consideration, the measures taken and respond to the client shall be carried out in the manner provided in this policy.
2. A complaint may be submitted by any client or potential client of BenchMark Finance in connection with disputes arising out of the provision of investment and additional services within the meaning of the Markets in Financial Instruments Act
3. BenchMark Finance's Compliance Department shall review complaints in order to ensure that complaints are impartial and competent, as well as to avoid real and potential conflicts of interest.
4. When considering a complaint, BenchMark Finance keeps in touch with the client or potential client in clear, understandable language and responds to the complaint without undue delay.

## **II. Submitting a complaint. Content of the complaint**

5. Complaints shall be submitted in writing in one of the following ways:
  - 5.1. In an office of BenchMark Finance;
  - 5.2. By post, addressed to: 1407 Sofia, Bulgaria, 32 "Cherni Vrah" Blvd., entrance A;
  - 5.3. By email to: [compliance@benchmark.bg](mailto:compliance@benchmark.bg)
6. The complaint form, at the end of this document, could be used for submission of complaints. Complaints can be written in free form as well.
7. The complaint must contain:
  1. Applicant's name and client number;
  2. Correspondence address and/or email address;
  3. Applicant's phone number;
  4. How and where the applicant wishes to receive a response to his/her complaint, whether by email or hard copy;
  5. The nature and circumstances of which the applicant is dissatisfied.

## **III. Complaints procedure**

8. (amended January 29, 2021) Complaints submitted in BenchMark Finance's office are accepted by a front desk receptionist or an employee of the Trade and Customer Service

Department who is required to give the complaint an incoming number. Once the complaint is accepted, it is submitted to the Compliance Department for entry in the Complaints log.

9. (amended January 29, 2021) When submitting a complaint in BenchMark Finance's office, if the complainant wishes, he can have a conversation and discuss the problem with an employee of the investment intermediary. The head or an employee of the regulatory compliance department may also attend the meeting at his discretion and if necessary.

10. (amended January 29, 2021) When the complaint is submitted in writing on paper and received by BenchMark Finance by mail at the address: Sofia 1407, 32 Cherni Vrah Blvd., ent. A, it is entered in the register with incoming correspondence of BenchMark Finance with an incoming number from the date of receipt of the letter. After filing the complaint, the receptionist submits it to the regulatory compliance department for entry in the "Complaints" register and to take further action.

11. When the complaint is submitted by email, it should be sent to the address of the Compliance Department: [compliance@benchmark.bg](mailto:compliance@benchmark.bg).

12. (amended January 29, 2021) If the complainant has not addressed his letter explicitly to the email address of the Regulatory Compliance Department, but has sent it to the official address of BenchMark Finance or to the addresses of any of the employees or other departments of the investment intermediary, the respective employee received the complaint, forwards it to the email address of the Regulatory Compliance Department for entry in the "Complaints" register and to take further action.

#### **IV. Complaints registration procedure**

13. (amended January 29, 2021) The complaints shall be registered in the order of their entry in the Complaints register, which shall be kept according to a model approved by the Executive Director.

14. (amended January 29, 2021) If a complaint has already been communicated with the applicant, in which he continues to have repeated or new complaints, then the subsequent letters and correspondence are not recorded and considered as new complaints in the Complaints register, but because they are logical and procedural related to the original complaint they are recorded under the unique number as a follow-up communication.

15. (amended January 29, 2021) The Complaints register is kept by the Compliance Department both on paper and electronic. The new circumstances in the complaint register shall be entered so that the information contained in the previous entries is not affected, and the deletion of a recorded circumstance and correction of errors shall be made in a way that does not lead to the destruction or damage of the information. The correctness of the entries in the complaint log is checked by the head of Regulatory Compliance.

16. (amended January 29, 2021) In the Complaints register should be recorded:

1. The date of receipt and the unique complaint number at BenchMark Finance;
2. The unique number of the complainant (if he/she is a client of BenchMark Finance);
3. The corresponding number of stored primary documents in the BenchMark Finance

archive as well as other additional information;

4. Name and signature of the person who made the entry under points 1 to 3;
5. The date of consideration of the complaint by BenchMark Finance;
6. The measures which are taken in connection with the complaint;
7. The name of the person who has made the entry under points 5 and 6.

17. (amended January 29, 2021) Following the entry in the Complaints register, the relevant complaint is submitted to the head of Regulatory Compliance for follow-up.

## **V. Complaints procedure**

18. The head of the Compliance Department becomes aware of the complaint and then distributes it to an employee of the department and/or conducts the necessary investigations or checks in due time.

19. The head or officer of the Compliance Department conducts a thorough internal investigation of the facts and circumstances described in the complaint and BenchMark Finance's specific actions, with the aim of gathering and examining all relevant evidence and information regarding the complaint.

20. The head or an employee of the Compliance Department can request data, documents and explanations from BenchMark Finance staff about specific situations. BenchMark Finance employees are required to fully assist the Compliance Department in connection with internal investigations. If it is necessary, the matter may be referred to the Board of Directors at each stage of the examination of the complaint.

21. BenchMark Finance may require the applicant to provide additional information and/or documents in connection with the complaint, setting a time limit for that.

22. The Head of Compliance Department may at his/her discretion, hold a meeting or telephone conversation with the applicant to clarify the case. In his/her discretion, other mediator staff should be present at the meeting.

23. In dealing with a complaint and conducting an internal investigation, the Head or employees of the Compliance Department take into account and seek to avoid real and potential conflicts of interest, and if such conflicts are identified they should be reduced.

24. In handling the complaint and preparing its response, the head or employees of the Compliance Department are guided by the regulations, the existing contracts between the parties and the adopted and effective internal acts of BenchMark Finance.

25. When the complaint is wholly or partly justified, the Head of the Compliance Department shall make every effort to satisfy the complainant's claims and to prevent potential litigation or arbitration.

26. Within 10 (ten) working days from the date of receipt of the complaint, and when it is considered at a meeting of the Board of Directors - within 3 days from the meeting of the

Board of Directors, the Compliance Department prepares a written reply to the applicant. The answer should be in a clear and understandable language.

27. If a lengthy internal investigation is required or additional information and/or documents should be provided by the applicant, and/or if the complexity of the factual situation requires, the reply period may be extended to 1 (one) month from the date of receipt of the complaint.

28. BenchMark Finance may extend the response period more than once, but the maximum period from the receipt of the complaint to the submission of the reply may not exceed the time limit referred to in the previous point.

29. If an extension of time is required, BenchMark Finance shall notify the applicant about the reason for the delay and the period during which the reply may be expected. If the period is extended more than once, a separate notification to the applicant shall be made for each individual extension.

30. If the applicant has received a response to the complaint but then has submitted a follow-up complaint or comment regarding the reply and the communication continued in this cycle one or more times, BenchMark Finance shall consider and respond to the subsequent complaints in the order in which it considers and responds of the complaint itself, with the time limits for responding to the subsequent complaints starting to run from the date of receipt of the respective complaint. The general reply deadline is set on a complaint on a complaint basis, with no time limits accumulated.

31. The reply to the complaint shall be sent in the manner desired by the applicant, either by post or email. If the applicant has not explicitly indicated a response, BenchMark Finance sends the reply at its discretion or to the correspondence address or email that the complainant has indicated when entering into a contract with the investment firm, and if the complainant is not a client, BenchMark Finance sends it to the postal address or email address from which the complaint was received.

32. If the applicant is not satisfied with the response of the complaint, he/she has the right to continue the protection of his/her interests through the competent authorities - the Financial Supervision Commission of the Republic of Bulgaria and the competent court in the Republic of Bulgaria.

## **VI. Subsequent actions**

33. BenchMark Finance's Compliance Department analyzes the complaint data and examines it to ensure that any risks or problems are identified and eliminated. Through the analysis are identified recurring or systemic problems, as well as potential legal and operational risks. The analysis covers:

1. Analysis of the causes of individual complaints so as to be identified the root causes common to different types of complaints;
2. Assess whether these root causes may affect other processes or products, including those for which no direct complaints have been received
3. Correction of these root causes where appropriate.

34. (amended January 29, 2021) The Head of the Compliance Department has the right to make proposals to the senior management and/or the Board of Directors of BenchMark Finance if, as a result of the analysis, it is necessary to be changed the internal acts of the investment intermediary or the existing documents regulating the relations with customers, and other actions to be taken that are compatible with and/or derived from internal control functions.

35. BenchMark Finance stores electronically and/or on paper all documentation and information regarding customer complaints and internal checks

## **VII. Provision of information**

36. By the 15th (fifteenth) day of the month from which the new quarter begins, BenchMark Finance shall notify the Financial Supervision Commission of the Republic of Bulgaria about the number of written complaints received during the previous quarter and their summary as well as of the results.

37. With the current Complaint Management Policy BenchMark Finance provides publicly clear, accurate and up-to-date information on the complaint process, which includes details on how the complaints should be filed and the process that will be followed in dealing with complaints. The information is provided to clients and potential clients and this policy is published on the BenchMark Finance website.

## **VIII. Final provisions**

39. (amended January 29, 2021) This Complaints Management Policy is a stand-alone document which is adopted by the BenchMark Finance Board of Directors pursuant to Art. 26 of Delegated Regulation (EU) 2017/565, but is also part of the rules for the internal organization of the investment intermediary under Art. 65 of Markets in Financial Instruments Act and Art. 40, para. 1, item 11 of Regulation № 38 on the requirements to the activity of investment intermediaries.

40. The complaint management policy was adopted by the Board of Directors of BenchMark Finance on 16 May 2018 and is effective from the same date, amended by a decision of the Board of Directors of BenchMark of January 29, 2021.

**COMPLAINT FORM**

Clients' names: \_\_\_\_\_

Client number: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

I would like to receive a response to my complaint by:

- email
- post

The nature of the complaint (please describe your complaint in as much detail as possible):

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Date:

Signature: