

COMPLAINTS MANAGEMENT POLICY

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1. General

- 1.1. Top Markets Solutions Ltd (“the Company”) operating under the trade name Earn maintains effective and transparent procedures for the reasonable and prompt handling of complaints received from clients and keeps a record of each complaint and the measures taken for its resolution.
- 1.2. The purpose of the Policy is to set the procedure to be followed and the appropriate action required to be taken by the Company in the case of reception of any Complaint by a client whether this client is a retail client, professional client, or eligible counterparty for the reasonable and prompt handling of complaints or grievances.
- 1.3. The Policy is defined and endorsed by the senior management and the Board of Directors of the Company, who will be responsible for its implementation and the monitoring of the Company’s compliance with it.
- 1.4. The Company publishes details of its complaints-handling process on the Company’s official website www.earn.eu
- 1.5. Complainants lodge complaints and receive responses free of charge.
- 1.6. The Policy does not apply to complaints or grievances that a client or potential client expresses by a method does not prescribe in the Policy.

2. Definition of a Dispute

A dispute is a disagreement between two or more parties and it can arise over different issues.

- 2.1. In cases where the Client believes that the Company’s actions or failures to act resulted in a violation of any provision of the Operative Agreement, the Client will communicate their concerns to the Company, and the Company will undertake to fairly assess such concerns and provide a substantiated response.

3. Definition of a Complainant and a Complaint

- 3.1. A Complainant is any person, natural or legal, who has agreed with and accepted all the Terms and Conditions of the Company which are included in the Client Agreement and, has opened a trading account with the Company and has submitted a Complaint.
- 3.2. A complaint is an expression of dissatisfaction or concern by the Client regarding the provision of investment and/or ancillary services provided by the Company, which has become a subject of the dispute between the Client and the Company, whereas the Client believes that the dispute initiated by him or her has not been resolved by the Company fairly.
- 3.3. A complaint should necessarily refer to specific circumstances and/or events that evidenced the Company’s presumed failure to deliver on its obligations as per the Operative Agreement or implied cite specific violations, breaches or failures of the Company to act according to the Operative Agreement that the Client thinks have taken place. A complaint should also include the course of remedial actions requested by the Client.

Before filing a complaint, clients are advised to try to solve any issues they may encounter when using the Company's services by first contacting the Company at support@earn.eu. If the issue is not solved by the Company to the client's satisfaction in a prompt manner, then the client may refer to the complaints handling procedure instead.

It is to be notified in writing by the client to the Company Back office/ Customer Support department by one of the following means of communication:

- a) Company website form
- b) E-mail address: complaints@earn.eu
- c) Fax + 357 22 31 53 25
- d) Send mail to the Company's registered address: 5 Esperidon, 4th floor, 2001, Nicosia, Cyprus.

Clients are hereby informed, and agree, that Complaints submitted using any other different means of communications may not be accepted and addressed by the Company within the terms and timeframes defined by the present policy, and will not be regarded as official and properly lodged complaints.

While filing a complaint, the following details must be included:

- a) The client's name and surname;
- b) The client's trading account number;
- c) The date and time that the issue arose;
- d) A detailed description of the issue;
- e) Suggested remedial actions to be taken by the Company;
- f) Other relevant information, such as, attachments supporting the issue

4. Lodging a Complaint

4.1. If a client has any objection concerning the provision of investment and ancillary services and/or the performance of investment activities, it is encouraged to submit a complaint at complaints@earn.eu with the subject of e-mail «Client complaint». A Complainant should use the Client complainant form of Annex A to the Policy.

4.2. The complaint will initially be received by Customer Support and will be registered in the internal register of the Company giving it a unique reference number as soon as possible. The unique reference number must have consisted of ten digits:

- the first two digits are "TE",
- the following four digits define the year, and
- the last four digits denote the number of each complaint serial number (e.g., for 2017 - TE20170001, TE20170002, for 2018 - TE20180001, TE20180002).

5. Investigation

- 5.1. The Company will acknowledge the receipt of all clients' complaints as soon as possible and at latest within 5 days of receiving the complaint and inform clients of their unique reference number, which should be used in all future communications with the Company, the CySEC and/or the Financial Ombudsman regarding the complaint.
- 5.2. The documentation or other material that may assist in the resolution of the Complaint should be requested from the Complainant or the relevant Company's department and added to the Complaint's file.
- 5.3. The Company is obliged to provide all its clients with an answer or resolution to any complaints/queries/ requests within two months, according to paragraph 13(9) of the Directive. However, clients may generally expect to receive an answer regarding the handling and investigation process of their complaint from the Company within two weeks from the time they sent their complaint.
- 5.4. If the Company is unable to provide the client with a final response within the above-mentioned time frame, the Company will inform the Client explaining the reason for the delay and advise the client when a final response shall be expected, at the very latest within three months.
- 5.5. If a client's complaint is not resolved to their satisfaction, the client may contact the Cyprus Securities and Exchange Commission, or have recourse to any other available means, such as, ADR or the competent Courts or the Financial Ombudsman at <http://www.financialombudsman.gov.cy>.

6. Reporting and Record Keeping

- 6.1. All decisions related to clients' complaints shall be communicated to clients. The complaints processing should be fully documented and added to each client file to which it relates. Records of all lodged and resolved complaints should be maintained for a minimum period of five (5) years. The Board of Directors of the Company shall be informed in regard to all important complaints received, as well as the measures taken for resolving them.
- 6.2. The following details must be documented and kept as records by the Back Office/ Customer Support Officer:
 - a) The Unique Reference Number of the Complaint which is allocated by the Company to it as soon as the complaint is received;
 - b) The ID details of the client who filed the complaint;
 - c) The service to which the complaint refers;
 - d) The details of the employee that undertook to provide the service to the client;
 - e) The department or organisational unit to which the employee related;
 - f) The date on which the complaint was received;
 - g) The content of the complaint in summary;

- h) The extent in financial terms of the potential loss that the client claims he or she has suffered or as it is derived from the content of the complaint;
- i) The date and in summary, the content of the reply that the Company gave to the said complaint.

7. Appeal

7.1. When providing a final decision that does not fully satisfy the Complainant's demands, the Company notifies in writing the Complainant using a thorough explanation of its position on the Complaint and set out the Complainant's option to maintain the Complaint e.g., through the Commission, the Financial Ombudsman, ADR Mechanism, or the relevant Courts.

7.2. A Complainant may use the following authorities to file an appeal against a final decision or in cases of a delay in a final decision:

i. The Commission:

Cyprus Securities and Exchange Commission

Office address: 27 Diagorou Str. CY-1097 Nicosia, Cyprus

Postal address: P.O BOX 24996,1306, Nicosia, Cyprus

Telephone: +357 22506600, Fax: +357 22506700

Website: www.cysec.gov.cy

ii. The Financial Ombudsman:

Postal address: 13 Lord Byron Avenue, 1096, Nicosia, Cyprus

Telephone: +357 22848900, Fax: +357 22660584, +357 22660118

Website: www.financialombudsman.gov.cy

E-Mail: complaints@financialombudsman.gov.cy

Financial Ombudsman: fin.ombudsman@financialombudsman.gov.cy

iii. The Alternative Dispute Resolution mechanism (if applicable)

iv. The relevant judicial authority (court)

8. Responsibility and Submission of information to CySEC

8.1. Every month, within five days after the reporting month, the Company provides to the Commission, in electronic form, information regarding the complaints it receives and how these are being handled in accordance with Circular C338., as amended.

8.2. Customer Support is responsible for completing information regarding the complaints to the Commission.