



**中国工商银行** 华沙分行

Industrial and Commercial Bank of China (Europe) S.A.  
(Spółka Akcyjna) Oddział w Polsce

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Complaint Management Policy

and

Procedure

on the

Handling of Complaints

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## 1. Objectives

In compliance with applicable laws, regulations and circulars, ICBC Poland Branch (hereinafter each of them “the Branch”, “the Bank” or “ICBC”) have set out this complaint management policy and procedure (the “**Procedure**”) which is formalized in the present written document to ensure the fulfillment of the requirements for the handling of complaints, which is guided by the idea of objectivity and the search for a truthful and accurate reflection of facts.

The present Procedure formalizes the handling of complaints addressed to the Bank in order to:

- Allow the centralized assessment of complaints;
- Ensure a reasonable and prompt handling of complaints;
- Ensure an adequate reporting and escalation to the Authorized Management;
- Identify and mitigate (potential) conflicts of interest;
- Improve client satisfaction by finding, if possible, an extrajudicial and amicable settlement of a complaint or dispute respectively.

The correct and efficient handling of complaints is essential to prevent situations that could result in the development of judicial litigation, a financial loss, court hearings or cases and/or a damage to ICBC's reputation.

## 2. Regulatory Framework

- Directive (EU) 2014/65 OF 15 May 2014 on markets in financial instruments (MiFID II);
- Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing MiFID II;
- Directive (EU) 2015/2366 of 25 November 2015 on payments services in the internal market, as amended;

- Luxembourg act of 10 November 2009 on payment services as amended (PSD 2 law);
- Luxembourg law on the financial sector dated 5 April 1993, as amended;
- Grand-Ducal Regulation of 13 July 2007 relating to organizational requirements and rules of conduct in the financial sector;
- CSSF Regulation No 16-07 of 26 October 2016 relating to the out-of-court resolution of complaints (repealing CSSF Regulation 13-02 of 15 October 2013 relating to the out-of-court resolution of complaints);
- CSSF Circular 07/307 of 31 July 2007, as amended, on MiFID - conduct of business rules in the financial sector (being reviewed);
- CSSF Circular 17/671 on details concerning CSSF Regulation No 16-07 of 13 October 2017 relating to the out-of-court resolution of complaints (repealing CSSF Circular 14/589 of 27 June 2014 relating to the out-of-court resolution of complaints);
- CSSF Circular 23/843, by means of which CSSF integrates into its administrative practice the EBA guidelines on policies and controls for the effective management of money laundering and terrorist financing (ML/TF) risks when providing access to financial services (ref. EBA/GL/2023/04)” and which establish also a complaints mechanism, which “professionals” must put in place;
- Act of August 5, 2015 on examining of complaints by financial market entities and on Financial Ombudsman;
- Polish Financial Supervisory Authority resolution from 22 July, 2014 “Principles of corporate governance for supervised institutions”.

### 3. Definitions

For the purpose of this complaint handling procedure the following definitions apply:

**Authorized Management:** For the understanding of this Procedure, “Authorized Management” refers to the General Manager of the Branch and all Deputy General Managers collectively.

**Authorized Manager:** the term “Authorized Manager” refers to a single member of the Authorized Management.

**Authorized Manager for Complaint Handling:** For the understanding of this Procedure, “Authorized Manager for Complaint Handling” means the General Manager of the Branch.

**Client:** Any natural person or legal entity, professional or non-professional, currently or previously in a business relationship with the Bank, or any prospective client of the Bank.

**Complainant:** A Client or any other natural person or legal entity having addressed / filed a complaint to / with the Bank.

**Complaint:** Any complaint from a Complainant received by the Bank, independently of the means of communication used, to have the Bank recognize a right (*faire reconnaître un droit*) or to redress a harm (*redresser un préjudice*) (CSSF Regulation No 16-07). In this sense, a simple request for information or clarification cannot be considered as a Complaint (Circular CSSF 17/671). Consequently, for purposes of this Procedure, in order to be classified as a Complaint, a request to have the Bank recognize a right (*faire reconnaître un droit*) or to redress a harm (*redresser un préjudice*) must be accompanied by an explicit statement of dissatisfaction relating to the Bank’s services (in consideration of the Joint Committee Guidelines on complaints-handling for the securities and banking sectors (JC 2018 35), which have been formally endorsed by the CSSF in its circular 19/718). However, the term Complaint shall include situations, in which a (prospective) Client expresses towards the Bank that it feels that it has been treated unfairly, especially in view of the decision of the Bank to refuse or terminate a business relationship with a (prospective) Client.

**Control Functions:** For the understanding of this procedure the term “Control Functions” refers to the Risk Management Department and the Legal & Compliance Department.

**Complaint Handler:** For the understanding of this procedure “Complaint Handler” refers to the person who has been designated as such on a case-by-case basis in accordance with the provisions of clause 6.1 of this Procedure.

**CSSF:** The Commission de Surveillance du Secteur Financier.

**Documentation:** For the understanding of this procedure, “Documentation” has the meaning given to such term in clause 6.1 of this Procedure.

**Draft Response:** For the understanding of this procedure, “Draft Response” has the meaning given to such term in clause 6.1 of this Procedure.

**KNF:** The Polish Financial Supervision Authority supervises compliance with the rules of banking services provided for in Polish law or in directly applicable European Union law applicable to the activities of this company on the territory of the Republic of Poland.

**Request:** For the understanding of this procedure, “Request” has the meaning given to such term in clause 9 of this Procedure.

**Relevant Department:** For the understanding of this procedure, “Relevant Department” has the meaning given to such term in clause 6.1 of this Procedure.

**Response:** For the understanding of this procedure, “Response” has the meaning given to such term in clause 6.1 of this Procedure.

#### **4. Limitation of the scope of this procedure**

The scope of this Procedure is limited to Complaints as defined in section 3 (Definitions) and which have been submitted to the Bank.

In case of a **verbal Complaint** (e.g. filed on the phone, in a meeting), the recipient shall immediately inform his superior, which is, as a matter of principle, the department head. The latter shall report the Complaint promptly to the head of the department, which is in charge of the Complainant. The department in charge shall request the Complainant to submit the Complaint in writing to the Bank (personally, by post, email or fax), (i) for evidential purposes and (ii) indicating that it is part of the admissibility conditions for the opening an out-of-court complaint resolution procedure with the CSSF, that a Complaint had been addressed in written form to the Authorized Manager for Complaint Handling of the Bank beforehand. In case Complainant refuses to submit the Complaint in writing, the department in charge shall prepare the

written protocol summarizing the content of the complaint and contact details of the Complainant (in form of Complaint Form as per Annex A). Such protocol shall be prepared on the date of verbal Complaint submission.

The provisions of this Procedure are not or may not be adequate or appropriate to deal with a law suit, a threat to initiate legal action or any action linked to a competent authority (in particular, but not limited to, to the KNF, CSSF, the CAA<sup>1</sup> for insurance agency business and the ACD<sup>2</sup> for tax matters). When an employee or manager of the Bank learns about such a situation not covered by this Procedure, an escalation to the Legal Department and Compliance Department must be performed by such employee or manager without delay.

## 5. Response Timeline

### 5.1. Information on the Complaint to the Legal and Compliance Department

An employee or Authorized Manager of the Bank having received or becoming aware of a Complaint has to inform without delay (which is, as a matter of principle, on the same business day) the Authorized Manager for Complaint Handling and the Legal and Compliance Department which will take the necessary actions pursuant to this policy with regard to the complaint handling process.

### 5.2. Reply to the Complainant

With regard to potential complaints on the termination of the business relation for ML (money laundering)/TF (terrorist financing) reasons, the “**no tipping off**” principle has to be strictly respected. It must **not** be disclosed to a (prospective) Client the fact, that information is being, will be or has been

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<sup>1</sup> *Commissariat aux Assurances* (i.e. the supervisory authority for insurance businesses in Luxembourg).

<sup>2</sup> *Administration des contributions directes du Grand-Duché de Luxembourg* (i.e. the competent tax authority in Luxembourg).

transmitted to the “financial intelligence unit” or that a money laundering or terrorist financing analysis is being or may be carried out.

**5.2.1. Reply to the Complainant’s written Complaint within ten (10) business days but not exceeding one month**

Without prejudice to section 5.2.2, each Complaint which has been submitted or confirmed in writing to/by the Bank (as specified under section 4) shall be handled within five (5) business days and a reply shall be given to the Complainant within a timeframe that shall not exceed ten (10) business days after receipt of the Complaint by the Bank. If a reply on the Complaint itself cannot be given within ten (10) business days, an interim reply – which includes at least the confirmation by the Bank of the receipt of the Complaint and the name and contact details of the Complaint Handler – will be provided within the same timeframe (maximum ten (10) business days) to the Complainant by the Complaint Handler under the supervision of the Legal and Compliance Department.

In any case, the reply to the Complaint must be provided without unnecessary delay and within a timeframe that shall not exceed 30 days from the date of receipt of the Complaint. Where an answer to the Complaint cannot be provided within this 30-day period, the Bank must inform the Complainant of the causes of the delay and indicate the date at which the examination of the Complaint is likely to be finished, which cannot exceed 60 days from the day of receipt of the Complaint by the Bank.

**5.2.2. Reply to the Complainant’s written Complaint within fifteen (15) business days but not exceeding thirty five (35) business days**

If the Complaint which has been submitted or confirmed in writing to the Bank (as specified under section 4) **arises about payment services as set out under Title III and IV of the PSD 2 law**, each Complaint



shall be handled within five (5) business days and a reply shall be given to the Complainant within a timeframe that shall not exceed fifteen (15) business days after receipt of the Complaint by the Bank.

In exceptional circumstances and for reasons beyond the control of the Bank, if a reply on the Complaint itself cannot be given within fifteen (15) business days, an interim reply which includes at least the confirmation by the Bank of the receipt of the Complaint, the name and contact details of the Complaint Handler, and the reasons for a delay in answering the Complaint – will be provided within the same timeframe (maximum fifteen (15) business days) to the Complainant by the Complaint Handler under the supervision of the Legal and Compliance Department. In any case, the reply to the Complaint must be provided without unnecessary delay and within a timeframe that shall not exceed thirty five (35) business days from the date of receipt of the Complaint and the date on which the response is sent to the Complainant.

Where an answer to the Complaint cannot be provided within this 15 business days period (calendar days), the Bank must inform the Complainant in written form or by means of other durable information medium and explain the following:

- reason for delay;
- indicates circumstances that must be determined in order to terminate examination of the case,
- specifies deadline when the examination of the complaint will be completed and the response will be sent.

The deadline shall not exceed 35 business days from the date of receipt of the Complaint and the date on which the response is sent to the Complainant.

If the deadlines for response specified above are not met, then the complaint of the Client is deemed to be accepted by the Bank accordingly to Client's request.

The answer referred to in point 5.2 and 5.3, may be provided by the Bank to the client by means of electronic mail only at the Client's request.

### **5.3. Obligation to keep the Complainant informed**

The Bank shall keep the Complainant informed about the handling of his Complaint by the Bank, without prejudice to any of the Bank's obligations as set out in sub-sections 5.2 and 5.3 of this Procedure.

## **6. Procedure**

All Complaints including those addressed to a specific department, center, manager or employee must be passed on to the Legal and Compliance Department without delay. An employee's or manager's failure to report any Complaint received may be considered as a violation of this Procedure and may be sanctioned accordingly. When processing a Complaint (see sub-section 6.1), the timelines set out in section 5 of this Procedure have to be adhered to at any time.

The Bank includes in the agreement concluded with the Client the following information concerning this complaint handling procedure:

- place and form of filing complaint,
- date of complaint examination,
- manner of informing about examined complaint.

In a case of the Client, who did not conclude any agreement with the Bank the above mentioned information shall be delivered within 7 days since the day, when the Client submitted claims against the Bank.

### **6.1. Processing a Complaint**

- i. The Complaint may be submitted in every unit of the Bank that renders services for the Clients.
- ii. The Complaint may be submitted to the Bank:

- in written form – personally in a unit of the Bank that renders services for the Client, or by postal delivery with the meaning of art. 3 point 21 of the law from the 23rd November 2012 – Postal law (Journal of Laws, item 1529),
  - orally – by means of phone or in person to the protocol, during the visit of the Client in the Bank,
  - in electronic form with the use of electronic communication means, provided such means were indicated for that purpose by the Bank.
- iii. The receiver of the Complaint, that is any employee (including any manager) of the Bank, completes the Complaint Form as per Annex A and transmits the Complaint to the Authorized Manager for Complaint Handling and the Legal and Compliance Department without any delay; in case of a verbal Complaint, the receiver shall complete the Complaint Form as per Annex A on the basis of the written confirmation by the Complainant resp. the Complaint version in written form, which shall be requested in accordance with section 4.
- iv. The Legal and Compliance Department identifies the relevant Client facing department or department in charge of the relationship with the Complainant which will be in charge of the handling of the Complaint (the “Relevant Department”) under the supervision of the Legal and Compliance Department; in parallel, the Head or, in his absence, the employee acting on behalf of the Head of Legal and Compliance Department designates a member of the Relevant Department as Complaint Handler. The Complaint Handler shall be the person in charge of the Complaint whose contact details have to be communicated to the Complainant (see sub-section 5.2. above).
- v. Legal and Compliance Department records the Complaint and each measure taken in respect of the handling of the Complaint in the Complaints database / register, which shall at least be secured and electronic; each record should include at least:
- first and last name or legal entity name of the Complainant,
  - the date of submitting the Complaint;
  - the subject of the Complaint.

Such register may be amended from time to time, and at any time, as the Legal and Compliance Department may think appropriate in order to best monitor the handling of the Complaints and to best fulfill the requirements on reporting of Complaints to Head Quarter.

- vi. The Legal and Compliance Department informs the Risk Management Department about the Complaint received.
- vii. The Relevant Department(s), which may include, depending on the Complaint, non-client facing departments, conduct(s) an immediate investigation led by the Complaint Handler to the extent not yet done in the context of the step under (i). The purpose of the investigation shall be to gather and investigate all relevant evidence and information on the Complaint. The results of the investigation shall be communicated to the Authorized Manager for Complaint Handling and the Legal and Compliance Department without delay, and are to be recorded by the Complaint Handler in the relevant section of the Complaint Form. The Complaint Form and related documentation and information (together the “**Documentation**”) is transferred by the Complaint Handler to the Legal and Compliance Department. The Legal and Compliance Department shall store the Documentation in the Bank’s secured network.
- viii. The Relevant Department prepares a response in written form, in plain language that is easy to understand, to the Complainant (the “**Draft Response**”) under the supervision of the Legal and Compliance Department. The response should include the following:
  - decision; factual and legal explanation, unless the Complaint was resolved according to Complainant’s will,
  - detailed information on Bank’s opinion, including indication of relevant extracts from the exemplary agreement or agreement,
  - name, surname and job title of person providing response,
  - indication of term in which the issue mentioned in the Complaint shall be resolved (not longer than 30 days from the Response).

If (i) the **issue** will be **resolved before** the Complaint has been passed on to the Authorized Manager for Complaint Handling and the Legal and Compliance Department as required by section 6 and sub-section 6.1 (e.g. the Complaint has become obsolete, the Complainant has withdrawn

the Complaint, the Complainant has been satisfied) or before the Response has been sent out and (ii) the Relevant Department has confirmed with the Complainant in writing, that the Complaint is closed, the Authorized Manager for Complaint Handling, the Legal and Compliance Department and the head of the Relevant Department will take a case-by-case decision, whether or not an additional written response should be sent to the Complainant in accordance with this sub-section, ix. – xii.

If the Complaint was not resolved according to Complainant's will, the response should indicate channels or appeal procedure, information on possibility of filing complaints to other external bodies, information of possibility of taking legal actions in courts.

- ix. The Legal and Compliance Department communicates the Draft Response after its review to the Authorized Management.
- x. The Authorized Management approves the Draft Response before being dispatched. Upon the Authorized Management's approval the Draft Response becomes the "Response". The Response is signed by (i) the Head of the relevant department or the Head of Legal and Compliance Department and (ii) the member of the Authorized Management responsible for Complaint handling. The Response shall be formulated in a plain and easily comprehensible language; where the decision of the Bank to refuse or terminate a business relationship with a (prospective) Client will be maintained, the Response shall in any case inform the Complainant about the possibility to launch an out-of-court complaint resolution procedure in front of the CSSF in accordance with the requirements set out on CSSF's website: <https://www.cssf.lu/en/customer-complaints/>;
- xi. The Legal and Compliance Department sends the Response to the attention of the Complainant and stores a scanned copy of the Response (which is part of the Documentation) in the relevant sub-folder as indicated in paragraph (viii) above.
- xii. The original Complaint and a copy of the response are filed in the Client's file maintained with the KYC team within the Legal and Compliance Department.
- xiii. If applicable, the Legal and Compliance Department provides to Headquarters or KNF request an as comprehensive as possible answer to each question asked by the Headquarters or KNF.

## 6.2. Remarks

- Each Complaint and the (potential) consequences will be analyzed in order to permit the identification of corrective measures needed to prevent similar issues and Complaints in the future (see sub-sections 8.1 and 8.2 below under this Procedure).

## 6.3. Escalation

- The Legal and Compliance Department is responsible for the internal escalation (see section 7) of any Complaints about which it has been informed.
- The Authorized Management is responsible for escalating without delay any Complaint to the Head Quarter in the following cases:
  - A lawsuit to be filed or is likely to be filed or the strong likelihood for the Bank to be sanctioned or fined by a competent authority as evaluated by the Legal and Compliance Department.
  - Complaints with a dispute value of more than EUR 10.000 estimated;
  - Out-of-the-ordinary Complaints (e.g., Complaints involving a major reputational risk, series of Complaints);
  - Complaints involving external legal advisors;
  - Complaints from authorities; and/or
  - Complaints involving several ICBC group entities;

## 7. Responsibilities

## **7.1. Responsibility of the Authorized Management and the Authorized Manager for Complaint**

### **Handling:**

#### **7.1.1 Responsibility of the Authorized Management**

- Approve the internal procedure for the complaint handling process;

#### **7.1.2 Responsibility of the Authorized Manager for Complaint Handling**

- The Authorized Manager for Complaint Handling is in charge of the implementation and the efficient operation of a structure as well as the internal procedure for the complaint handling process;
- The Authorized Manager for Complaint Handling shall inform the relevant staff of the Bank of the policies and procedures required by CSSF Regulation N°16-07 and any change thereto and as further set out in this policy;
- The Authorized Manager for Complaint Handling shall determine the human and technical means required to properly implement the policies and the procedures required by CSSF Regulation N°16-07 and as further set out herein and shall ensure that these policies and relevant procedures are checked by the relevant Control Functions on a regular basis;
- The Authorized Manager for Complaint Handling shall approve the annual reporting on the complaint handling prepared by the Legal and Compliance Department as per the annual reporting template prepared by Head Quarters.

#### **7.2 Responsibility of each employee receiving a Complaint:**

- Report without any delay to the Authorized Manager for Complaint Handling and the Legal and Compliance Department any written or verbal Complaint received by using the appropriate form (Annex A). In case of doubt, whether or not a Client request is a Complaint within the meaning of

the definition under section 3, the employee shall report to the head of the department, which has received the request. If necessary, the Legal and Compliance Department shall be involved for a final clarification.

### **7.3 Responsibility of the Legal and Compliance Department:**

- Acknowledge the receipt of the Complaint on the appropriate form (Annex A);
- Determine the Relevant Department and Complaint Handler ;
- Transmit the Complaint to the Relevant Department and Complaint Handler;
- Inform the Control Functions and involve them, in each case if and when appropriate (e.g., a Complaint where Compliance advice should be given), the RMD to be informed at least on a quarterly basis;
- Ensure proper communication with the relevant parties (e.g., Complainant, KNF, if applicable);
- Report to the Authorized Management on the follow-up of the handling of the Complaint;
- Coordinate the necessary measures to be taken and duly formalized in order to avoid future occurrence of the same issue, if applicable;
- Escalate the Complaint to the Authorized Management in following cases:
  - A Complaint has not been handled within the timelines set out in section 5 above or if the settlement of the Complaint proposed by the Complaint Handler to the Complainant does not result in a satisfactory answer for the latter
  - In case the Complaint will or may have a major financial impact on the Bank the Authorized Management shall be informed without delay;
  - The Complainant does not agree with the proposed solution;
  - A lawsuit is to be filed or likely to be filed;
  - Complaints with a dispute value of more than EUR 10.000 estimated;
  - Out-of-the-ordinary Complaints (e.g., Complaints involving major reputational risk, series of Complaints);



- Complaints involving external legal advisors;
- Complaints from authorities; and/or
- Complaints involving several ICBC group entities;
- Keep record of all Complaints in the Complaints database / register;
- Analyze all Complaints and Complaints handling data on a permanent basis in order to identify and address any risks or issues;
- Conduct the annual assessment on the Complaints received, main issues, measures taken by the Bank and the follow-up made and coordinate with the Control Functions, if required;
- Assist the Authorized Manager to monitor and regularly control the implementation and adherence to such procedure by the employees concerned;

#### **7.4. Responsibility of the Relevant Department**

- Liaise with the Complainant who filed the Complaint, unless otherwise decided;
- Inform the Complainant of the name and contact details of Complaint Handler;
- Prepare an interim reply (and send it to the Legal and Compliance Department for review) if a definitive response cannot be given within ten (10) business days for general Complaint (section 5.2.1) and fifteen (15) business days for payment services Complaint (5.2.2);
- Analyze the case and prepare a documented response (the Legal and Compliance Department for review);
- Include a copy of the Complaint Form and of the response on the Complaint to the Complainant in the Client file (if the Complainant is a Client or prospective client).

## **8. Reporting requirements**

Regardless of the information to be reported by means of the quarterly Legal Risk Management Report, the Head of Legal and Compliance shall report all Complaints received in a month in the following month at the latest to the Legal Department of the Headquarters. The report shall be provided to Headquarters in the form of the Complaints register (Excel sheet) made available to the branches as well as in form of a summary of the complaints and of the measures taken to handle them in Word format. If the Legal and Compliance Department had not received any Complaint during a quarter, an explicit confirmation shall be made in section "*XIII. Other issues to be reported*" of the quarterly or annual Legal Risk Management Report (instead of the aforementioned monthly reporting).

With regard to the Complaints which may have a material impact on the Bank and in situations which require an escalation to the Authorized Management pursuant to subsection 7.3 above, the Legal and Compliance Department shall report immediately to the Legal Department of the headquarters of ICBC (Europe) S.A. on a case by case basis in the form as set out above.

The Legal and Compliance Department shall, on a permanent basis, analyze the Complaints received and assess, on an annual basis, the appropriateness of the Complaint handling process. The assessment targets at the identification and possible treatment of any recurring or systemic problem, as well as any potential legal and operational risk. Serious issues detected shall be reported to the Legal Department of headquarters in section "*XIII. Other issues to be reported*" of the quarterly or annual Legal Risk Management Report.

## **9. Communication with the KNF**

The Bank engages to provide the KNF with an as comprehensive as possible answer and co-operation within the context of the out-of-court Complaints resolution process and the related requests within the time period indicated by the KNF or, if no such time period is indicated, with an appropriate time period.

In particular, as soon as Legal and Compliance Department has been informed about a request sent by the KNF to the Bank demanding the Bank to provide its view on an application made by a Complainant to open an out-of-court complaint resolution procedure with the KNF, the Legal and Compliance Department prepares a reply to such request and after obtaining Authorized Management approval, sends it to Legal Department of Headquarters.

In any cases related to the communication with the KNF in the area of complaints handling, the Legal and Compliance Departments follows the guidance from Legal Department of Headquarters.

## **10. Non-compliance with the Complaint handling procedure**

Any non-compliance with this complaint handling procedure will be reported to the Authorized Management by the Legal and Compliance Department upon the latter becoming aware of such non-compliance.

## **11. Procedure regular review**

Depending on the number and complexity of the Complaints received, this complaint handling procedure and the appending Complaint Form (Annex A) are subject to a regular review process coordinated by the Legal and Compliance Department of the Bank with the support of the relevant departments. The procedure will also be reviewed in case a material change occurs triggered by the following events (list not exhaustive):

- Changes to the applicable legal and regulatory frameworks in relation to complaint management;
- Significant organizational changes to the departments and functions involved in the complaint handling process;

- Complaints are systematically not handled in time;
- The delegation competences set out within this Procedure regarding the handling of Complaints are not being respected.

The objective of the review is to ensure both the compliance of this procedure with any potential evolution of the regulatory framework and the fulfillment of all operational needs of the Bank in relation to the handling of Complaints.

The results of the review process will be documented and sent to the Authorized Management for approval. Furthermore, any changes to this procedure must be approved by the Authorized Management of the Bank.

A summary version (Annex B) of this complaint handling procedure may be provided to the Complainant, which is equally in the scope of the review process. Annex B may be amended from time to time, and at any time, by the Legal and Compliance Department if required due to changes in the legal or regulatory framework or in the factual situation related to such topic (for example, change of the Authorized Manager for Complaint Handling). The amended version of the Annex B will be notified by the Legal and Compliance Department, after approval by the General Manager and Authorized Manager for Complaint Handling, to all department and centers, if applicable, of the Bank through email communication.

## Annex A: Complaint Form



**Complaint Form** (to be sent to the Legal and Compliance Department)

Date of receipt of the Complaint: \_\_\_\_\_ Officer receiving the complaint: \_\_\_\_\_

Complainant name: \_\_\_\_\_ Client reference: \_\_\_\_\_

Account Officer / Relationship Manager (if relevant): \_\_\_\_\_

ICBC entity receiving the complaint: \_\_\_\_\_

Complaint description:

Investigation on the complaint:

Proposed solution:

Description of appendixes:

Timeline:

*Receiver:*

*(date and signature)*

*Legal and Compliance Department:*

*(date and signature)*

*Designated Complaint Handler:*

*(date and signature)*

## **Annex B: Wyciąg z procedury rozpatrywania reklamacji/skarg przez Bank / Summary of the Complaint Handling Procedure**

### **Wyciąg z procedury rozpatrywania reklamacji/skarg przez Bank**

Niniejszy dokument jest wyciągiem z procedury rozpatrywania reklamacji przez Industrial and Commercial Bank of China (Europe) S.A. Oddział w Polsce („Bank”).

Zapewnienie Państwu najwyższej jakości usług jest naszym priorytetem. Budowanie trwałych relacji z naszymi klientami i partnerami biznesowymi jest istotną częścią naszej działalności.

Gdyby nie byli Państwo w pełni usatysfakcjonowani usługą lub napotkali problem, prosimy o kontakt ze wskazanymi poniżej podmiotami.

Reklamacja może zostać złożona:

- osobiście w siedzibie Banku na piśmie lub ustnie do protokołu;
- na piśmie drogą pocztową, z wykorzystaniem środków komunikacji elektronicznej (e-mail) lub faksem;
- telefonicznie w formie ustnej.

Państwa dane osobowe będą przechowywane i przetwarzane zgodnie z mającymi zastosowanie przepisami o ochronie danych osobowych.

#### **1. Kontakt z Działem Prawnym i Compliance i/lub Państwa osobą kontaktową z Banku:**

ICBC (Europe) S.A. Oddział w Polsce

Dział Prawny i Compliance

Plac Trzech Krzyży 18

00-499 Warszawa

Tel: (+48) 22 278 8010

Fax : (+48) 22 278 8094 (do wiadomości: Dział Prawny i Compliance)

E-mail: [complaints@pl.icbc.com.cn](mailto:complaints@pl.icbc.com.cn); [reklamacje@pl.icbc.com.cn](mailto:reklamacje@pl.icbc.com.cn)

W treści reklamacji Klient powinien zawrzeć swoje dane kontaktowe – imię i nazwisko i adres pocztowy, na który Bank ma dostarczyć odpowiedź oraz wskazać istotę reklamacji wraz z dokumentami związanymi z reklamacją (wyciągi bankowe, szczegóły transakcji itp.) – jeżeli Klient posiada takie dokumenty. Klient może również wskazać swój adres e-mail, na który Bank ma dostarczyć odpowiedź na reklamację w formie elektronicznej.

Bank dołoży wszelkich starań w celu rozpatrzenia reklamacji Klienta. Odpowiedź na reklamację obejmuje wszystkie kwestie poruszone przez Klienta. Odpowiedź zostaje udzielona w odpowiednim terminie, zgodnie z poniższymi zasadami:

- 1) W przypadku reklamacji powstałej z przyczyn innych, niż wskazane w punkcie 2) poniżej:
  - w terminie nie dłuższym niż dziesięć (10) dni roboczych od dnia otrzymania Reklamacji przez Bank. W przypadku braku możliwości udzielenia odpowiedzi na Reklamację w terminie dziesięciu (10) dni roboczych, udzielona zostanie odpowiedź tymczasowa – obejmująca co najmniej potwierdzenie przez Bank otrzymania Reklamacji oraz imię i nazwisko oraz dane kontaktowe Osoby Rozpatrującej Reklamację - w tym samym terminie (maksymalnie dziesięć (10) dni roboczych).  
W każdym przypadku odpowiedź na Reklamację zostanie udzielona bez zbędnej zwłoki i w terminie nie dłuższym niż 30 dni od dnia otrzymania reklamacji. Jeżeli odpowiedź na reklamację nie może zostać udzielona w tym 30-dniowym terminie, Bank ma obowiązek poinformować reklamującego o przyczynach opóźnienia i wskazać przewidywany termin zakończenia rozpatrywania reklamacji, który nie może przekroczyć 60 dni od dnia otrzymania reklamacji.
- 2) W przypadku reklamacji powstałej w związku z usługami płatniczymi określonymi w Tytule III i IV dyrektywy PSD2:
  - najpóźniej w ciągu piętnastu (15) dni roboczych od otrzymania reklamacji. W wyjątkowych sytuacjach, jeżeli odpowiedzi nie można udzielić w ciągu piętnastu (15) dni roboczych z przyczyn niezależnych od Banku, Bank przesyła odpowiedź tymczasową, wyraźnie wskazującą przyczyny opóźnienia udzielenia odpowiedzi na reklamację i określającą termin, w którym użytkownik usług płatniczych otrzyma ostateczną odpowiedź. W każdym przypadku termin otrzymania ostatecznej odpowiedzi nie przekracza 35 dni roboczych.



Jeżeli powyższe terminy nie zostaną dotrzymane, reklamacja Klienta jest uważana za rozpatrzoną przez Bank zgodnie z żądaniem Klienta.

Odpowiedź powinna być wysłana do Klienta formie papierowej (pisemnej) na adres pocztowy wskazany przez Klienta i w formie elektronicznej na adres e-mail, jeżeli Klient tak wskazał.

## **2. Kontakt z dyrektorem nadzorującym rozpatrywanie reklamacji**

Jeżeli będą Państwo nieusatysfakcjonowani sposobem rozpatrywania reklamacji, mogą Państwo skontaktować się z dyrektorem nadzorującym rozpatrywanie reklamacji w ICBC (Europe) S.A. Oddział w Polsce. Funkcję tę sprawuje Dyrektor Generalny Banku. W takim przypadku prosimy o umieszczenie w reklamacji adnotacji: „do wiadomości dyrektora nadzorującego rozpatrywanie reklamacji w ICBC (Europe) S.A. Oddział w Polsce”.

W celu zapewnienia najskuteczniejszej następczej kontroli reklamacji prosimy o prawidłowe zaadresowanie reklamacji oraz o wskazanie w liście odpowiedzi, przekazanym przez nas, informacji, które mogą dla nas stanowić odniesienie w procesie kontroli.

## **3. Kontakt z Industrial and Commercial Bank of China (Europe) S.A. Siedzibą Główną**

Klient może również zwrócić się bezpośrednio do Industrial and Commercial Bank of China (Europe) S.A. z siedzibą w Luksemburgu, 32 Boulevard Royal, L- 2449 Luksemburg.

Reklamacja może być także złożona w którymkolwiek Oddziale ICBC (Europe) S.A.

## **4. Kontakt z Komisją Nadzoru Sektora Finansowego w Luksemburgu (*Commission de Surveillance du Secteur Financier; CSSF*) lub Komisją Nadzoru Finansowego**

Reklamacje do CSSF w Luksemburgu mogą być składane na adres: Commission de Surveillance du Secteur Financier, Departement Juridique CC, 283 route d'Arlon, L-2991 Luxembourg lub na adres e-mail: [reclamation@cssf.lu](mailto:reclamation@cssf.lu). Korespondencja z CSSF powinna odbywać się w języku francuskim,

niemieckim, luksemburskim albo angielskim. Termin na wniesienie skargi do CSSF wynosi jeden rok od wniesienia skargi do banku. Szczegółowe informacje dotyczące składania reklamacji i ich rozpatrywania przez CSSF są dostępne na stronie internetowej: <https://www.cssf.lu/en/customer-complaints/>.

Reklamacje do KNF w Warszawie mogą być składane pocztą na adres: Komisja Nadzoru Finansowego, ul. Piękna 20, 00-549 Warsaw.

## **5. Alternatywne sposoby rozstrzygnięcia sporów**

Klienci mogą również składać wnioski o wszczęcie postępowania przez Sąd Polubowny przy Komisji Nadzoru Finansowego, jeżeli procedura reklamacyjna w Banku została wyczerpana. Dane kontaktowe Sądu Polubownego: Sąd Polubowny przy Komisji Nadzoru Finansowego, ul. Piękna 20, 00-549 Warszawa.

Klienci mają również prawo do wystąpienia z powództwem przeciwko Bankowi do sądu powszechnego właściwości ogólnej.

Procedura reklamacyjna w Banku jest bezpłatna.

Reklamacja może zostać złożona w dowolnej formie. Sugerowana forma reklamacji znajduje się poniżej.



**Formularz reklamacji** :

**Imię i nazwisko Reklamującego:**

**Adres:**

**E-mail:** (proszę wskazać, jeżeli odpowiedź ma być przesłana pocztą elektroniczną)

**Numer telefonu:**

**Podmiot z grupy ICBC, w którym składana jest reklamacja:**

Industrial and Commercial Bank of China (Europe) S.A. (Spółka Akcyjna) Oddział w Polsce, 00-499

Warszawa, Plac Trzech Krzyży 18

Opis Reklamacji:

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## Summary of the Complaint Handling Procedure

We have made it a priority to provide you with the highest possible quality of service. We are dedicated to building long and outstanding relationships with our customers and business partners. If, however, you are not satisfied or should you encounter a problem, there are several contacts that you can reach out to for help.

You can address a complaint

- in person at the Bank's premises in writing or verbally for the record;
- in writing by post, using electronic means of communication (e-mail) or by fax;
- verbally by telephone.

Your personal data will be kept and processed in accordance with applicable data protection laws.

### **1. Contact the Legal and Compliance Department and/or your contact person in the Bank.**

ICBC (Europe) S.A. Poland Branch

Legal and Compliance Department

Plac Trzech Krzyży 18

00-499 Warszawa

Tel: (+48) 22 278 8010

Fax : (+48) 22 278 8094 (attn. Legal and Compliance Department)

E-mail: [Complaints@pl.icbc.com.cn](mailto:Complaints@pl.icbc.com.cn); [reklamacje@pl.icbc.com.cn](mailto:reklamacje@pl.icbc.com.cn)

In his/her complaint the Client should provide the Bank with his/her contact details - full name and postal address, to which the response to the complaint shall be delivered by the Bank and point out the merits of the complaint, along with documents related to the complaint (bank statements, transaction details, etc. ) - if Client is in possession of such documents. The Client may also indicate his/her e-mail address to which the response to the complaint shall be delivered by the Bank in electronic form.

Upon receipt of the Client's complaint, the Bank will make every possible effort to reply to the Client's complaints. Such a reply shall address all points raised, within an adequate timeframe, in accordance with below rules:

- 1) In the event of a complaint arising from reasons other than those indicated in point 2. below:
  - shall not exceed ten (10) business days after receipt of the Complaint by the Bank. If a reply on the Complaint itself cannot be given within ten (10) business days, an interim reply – which includes at least the confirmation by the Bank of the receipt of the Complaint and the name and contact details of the Complaint Handler – will be provided within the same timeframe (maximum ten (10) business days).  
In any case, the reply to the Complaint must be provided without unnecessary delay and within a timeframe that shall not exceed one month from the date of receipt of the Complaint. Where an answer to the Complaint cannot be provided within this one-month period, the Bank must inform the Complainant of the causes of the delay and indicate the date at which the examination of the Complaint is likely to be finished, which cannot exceed 60 days from the day of receipt of the Complaint by the Bank.
- 2) If complaint arises about payment services as set out under Title III and IV of the PSD 2 Directive:
  - at the latest within fifteen (15) business days of receipt of the complaint. In exceptional situations, if the answer cannot be given within fifteen (15) business days for reasons beyond the control of the Bank, it shall be required to send a holding reply, clearly indicating the reasons for a delay in answering to the complaint and specifying the deadline by which the payment service user will receive the final reply. In any event, the deadline for receiving the final reply shall not exceed 35 business days.

If the deadlines for response specified above are not met, then the complaint of the Client is deemed to be accepted by the Bank accordingly to Client's request.

The response to the Client shall be in paper (written) form sent to the postal address indicated by the Client and, if so requested by the Client, in electronic form sent to the e-mail address indicated by the Client.

## **2. Contact the Authorized Manager in charge of complaint handling.**

If you are still not satisfied with the handling of your complaint, you can contact the Authorized Manager in charge of the handling of complaints of ICBC Poland Branch. This function is performed by the General Manager of the Bank. In such case, please make the following annotation in the contents of the complaint: "to the attention of the Authorized Manager for Complaints Handling".

To help us to ensure the best possible follow-up, please indicate the reference information in the letter of response that you received from us.

### **3. Contact the Industrial and Commercial Bank of China (Europe) S.A. (Head Quarter)**

The Client can also turn directly to Industrial and Commercial Bank of China (Europe) S.A. with the registered office in Luxembourg, 32 Boulevard Royal, L- 2449 Luxembourg.

The complaint can also be filled in any other Branch of ICBC (Europe) S.A.

### **4. Contact the Commission de Surveillance du Secteur Financier (CSSF) or Polish Financial Supervisory Authority (KNF)**

Complaints to CSSF in Luxembourg can be filed by letter to the following address: Commission de Surveillance du Secteur Financier, Departement Juridique CC, 283 route d'Arlon, L-2991 Luxembourg or with the electronic mail to the address: [reclamation@cssf.lu](mailto:reclamation@cssf.lu). Clients can direct the correspondence at CSSF in French, German, Luxembourgish or English. The demand for opening of an out-of-court complaint resolution procedure with the CSSF can only be filed within one year from the date at which the complaint was filed with the Bank.

Information about principles of filing to, and considering the complaints by CSSF is accessible on the website <https://www.cssf.lu/en/customer-complaints/>.

Complaints to the Polish Financial Supervision Authority (KNF) in Warsaw can be filed by letter to the following address: Komisja Nadzoru Finansowego, ul. Piękna 20, 00-549 Warsaw.

## **5. Alternative Dispute Resolution**

Parties can also file application to initiate proceedings by the Arbitration Court of the KNF if complaints procedure was exhausted at the Bank. The Arbitration Court can be contacted at the address of KNF: Sąd Polubowny przy Komisji Nadzoru Finansowego, ul. Piękna 20, 00-549 Warsaw.

Clients may also bring an action against the Bank in a common court of general jurisdiction.

The complaints proceedings at the Bank are free of charge.

The Complaint can be filled in any form. Below please find a proposed form of Complaint.



**Complaint form** :

**Complainant Name:**

**Address:**

**E-mail address:** (please provide if you request that the reply be made in electronic form)

**Telephone number:**

**ICBC entity receiving the complaint:**

Industrial and Commercial Bank of China (Europe) S.A. (Spółka Akcyjna) Oddział w Polsce, 00-499  
Warszawa, Plac Trzech Krzyży 18

Complaint description:

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