



## **RULES ON HANDLING CLIENT COMPLAINTS AND ENQUIRIES**



## General Provisions

Electronic money institution Nikulipe UAB (**hereinafter – the Company**) licensed and supervised by the Bank of Lithuania, always strives to respond and meet the needs of all its Clients and provide them with best quality services. Therefore, feedback from Clients is very important to us so that the Company can improve the quality and the services it provides.

The Company's Rules On Handling Client Complaints And Enquiries (**hereinafter - the Procedure**) establishes the requirements and responsibilities for the receipt and handling of Complaints and/or Enquiries from private and business Clients as well as the rules for the overall process of handling such Complaints and/or Enquiries. This Procedure and other information related to the Complaint and Enquiry management and handling processes are publicly available on the Company's website in Lithuanian and English languages.

If the Client considers that the Company has violated his/her/its rights and/or interests protected by law in relation to the provision of financial services, the Client shall at first contact the Company in writing and indicate his/her/its claims, the essence of the Complaint/dispute and the circumstances related to it.

A complaint may be submitted by any client of the Company (natural and/or legal person) who has a direct interest in the essence and/or circumstances related to the Complaint/dispute, such as:

- Current, former, or potential Client of the Company;
- A natural person who has the right to represent the Client of the Company and/or has the legal basis to file a Complaint on behalf of a legal entity.

## Legal basis

The procedure has been prepared in accordance with:

- Resolution of the Board of the Bank of Lithuania of 6 June, 2013 No. 03-105 "On Approval of the Rules for Handling Complaints Received by Financial Market Participants" with other amendments and supplements to this Resolution;
- Resolution of the Board of the Bank of Lithuania of 26 January, 2012 No. 03-23 on „The rules of the procedure for out-of-court settlement of disputes at the Bank of Lithuania between consumers and financial market participants“ with other amendments and supplements to this Resolution;
- Law on the Legal Protection of Personal Data of the Republic of Lithuania of 11 June, 1996 with other amendments and supplements to this Law and other related legal acts;
- Law on Payments of the Republic of Lithuania of 28 October, 1999 with other amendments and supplements to this Law;
- Law Amending the Law on Electronic Money and Electronic Money Institutions of the Republic of Lithuania of 17 April No. XI-1868, with other amendments and supplements to this Law;
- Other respective laws and regulations.



## Definitions

**Client** – natural or legal entity, to whom the Company is providing financial services. Where the Complaint is related to the Client representative and/or representation of the legal entity, the definition of Client includes the management bodies of the legal entity, other persons representing the legal entity, as well as authorized account users/signatories as/if defined in the agreement between the Company and the Client. The definition of Client also includes the persons described in the definition of Consumer unless there are cases when such definition of Consumer shall be used separately.

**Account** - an account opened within the Company in the name of the Client or his/her/its representative, which is used for provision of the Company's financial products and/or services.

**Complainant** - a natural and/or legal person who has submitted an official complaint regarding the services provided by the Company and/or contracts concluded with the Company, i.e., Client, potential Client or his/her/its representative.

**Complaint** - a written request from the Complainant to the Company stating that a person's rights and/or legitimate interests have been violated in relation to the financial services provided or contracts concluded with the Company as well as requesting to meet the respective claims of the Complainant.

**Complaints handling/management process** - respective actions undertaken by the Company's employees in terms of receipt, registering, investigating the Complaint, informing the Complainant, etc.

**Consumer** - a natural person who agrees with rules of the single payment initiation service provided by the Company for personal, family or household purposes; and / or a natural person whose rights and obligations vis-à-vis the Company are related to a financial services contract/agreement, even if a natural person is not a party to the financial services contract/agreement and if in case of such relations with the Company, this person does not pursue business or professional objectives. This definition does not include other natural persons representing a legal entity listed in the definition of the Client.

**Responsible employee** - an employee of the Company participating in the Complaint handling/management process and/or who is responsible for the receiving, investigation of the Complaint and submission of a response to the Client.

**Enquiry** - a general question and/or enquiry submitted to the Company for additional information, usually related to the products and/or services provided by the Company.

**Products and/or services** - products and/or services provided by the Company to the Clients within the scope of the Company's electronic money institution license. The scope of the products and/or services provided by the Company is defined in the license issued by the Bank of Lithuania held by the Company.



## Submission of Complaints and Enquiries

In order for the Company to properly and efficiently manage the Complaints and Enquiries handling process, the Company defines and notes the following differences between official Complaints and general Enquiries:

- In case the Clients require general information and/or assistance regarding acquiring or other financial services, account opening, its management, any disruptions related to the services as well as execution of payments or other general issues, but these enquiries are not related to the quality of specific products and/or services provided by the Company and/or other violations of legitimate interests of the Clients, it is considered as an Enquiry. In the event of any of the abovementioned queries/issues, Clients should immediately contact the Company directly so that the Company could find appropriate solutions and to reduce the likelihood of such Enquiry becoming a formal Complaint. In case of any Enquiries, Clients should contact the Company via online form at <https://nikulipe.com/contact-us/>.
- In case the Client considers that the Company has violated his/her/its rights in terms of provision of financial services and/or legitimate interests protected by law and/or other requirements established by legal acts, as well as if the Company's actions have caused financial and/or other type of loss to the Client and/or if the Client would like to express dissatisfaction regarding the quality of services provided, the Client should contact the Company with a formal Complaint by submitting the filled in and signed Complaint's form online at <https://nikulipe.com/complaints/>.

In order for the Client's Complaint to be investigated and resolved, the following information must be indicated/provided by the Complainant in the Complaint's form when submitting the Complaint:

- name and surname / company name of the Client whose rights, interests and/or contractual arrangements have been violated (in case of representation - name and surname / company name of the representative, basis of representation);
- a power of attorney and/or another legally binding document must be added to Complaint if the Client is represented by a legal representative;
- contact details – address of a permanent residence and/or address of the actual place of business, other contact details (i.e., email address, telephone number, etc.);
- date and place of filing the Complaint;
- the reason/essence of the Complaint, i.e., what rights and interests of the Client and/or contractual agreements between the Client and the Company have been violated, the basis of such violation, if known, and the date of the violation;
- supporting documents (if any) related to the essence of the Complaint shall be provided. If the circumstances set out in the Complaint are related to a specific contract with the Company, the date and/or the number of the contract (if known to the Client) must be provided;
- claims of the Client requested to be met, desired outcome of how the Client expects the dispute to be resolved;
- signature.



Complaint to the Company must be provided in Lithuanian or English languages.

The Company has the right to refuse to investigate/handle the Complaint if the Complaint was not submitted in accordance with the procedure/process stated in the paragraphs above. The Company has the right not to investigate/handle anonymous, unsigned and illegible Complaints, as well as Complaints that do not provide the Company with sufficient identification information regarding Complainant and/or the essence / circumstances of the Complaint itself. The Company is also not obliged to investigate/handle Complaints related to the activities of the Company which are not regulated by special laws and are not supervised by the Bank of Lithuania or if the Company is not responsible for the provision of the activities specified in the Complaint. In such cases, the Company informs the Client in writing within 5 (five) business days regarding refusal to investigate/handle the submitted Complaint and, if possible, will indicate to the Complainant the financial market participant and/or the respective Competent authority responsible for handling such Complaints.

A Consumer who intends to use the out-of-court settlement procedure for disputes between Consumers and financial market participants at the Bank of Lithuania, prior to contacting the Bank of Lithuania, must contact and submit the Complaint to the Company in writing no later than within 3 (three) months from the day on which Consumer became aware or should have become aware of the violation of his/her/its rights or legal interests.

## Complaints handling process

Upon receipt of the Client's Complaint and registering it in the internal Complaint Registry in accordance with the internal procedure, the Company shall immediately but not later than within 5 (five) business days notify the Client in writing (and/or by other means) regarding receipt of Complaint and shall start investigation/handling the submitted Complaint.

Every Complaint shall always be handled in accordance with the principles of respect for human rights, justice, fairness, reasonableness, objectivity, impartiality and expediency, with full evaluation of the circumstances provided related to the Complaint. The responsible employee of the Company, who has sufficient skills, knowledge and experience to investigate/handle the Complaint, must ensure that the communication with the Complainant is held in a clear and comprehensible manner, that all documents and data relating to the Complaint are collected and evaluated and that all potential Conflicts of interest which may affect the Complaint handling process and its objectivity are avoided.

The Complaint will be investigated/handled and a written response will be provided to the Client as soon as possible, but not later than within 15 (fifteen) business days from the date of receipt of the Complaint, unless otherwise provided by law or other legal acts binding the Company.

In exceptional cases when, due to reasons beyond the Company's control, the Complaint cannot be investigated, resolved and a response cannot be provided within 15 (fifteen) business days to the Client, the Company's responsible employee shall provide a non-final response, clearly stating the reasons, circumstances of such delay and provide the deadline to the Complainant when the final response will be



provided. In any case, the deadline for submitting a final response will not exceed 35 (thirty-five) business days from the date of receipt of the Complaint.

The employees of the Company responsible for the complaint handling process has the right to request the Applicant to provide additional documents and/or information necessary for the examination of the submitted Complaints.

Where the Company does not meet or only partially meets the Complainant's requirements set out in the Complaint, the Company shall provide a complete, clear and reasoned response with respective documents supporting such response.

Responses to the Complaints are prepared in Lithuanian or English, based on the language in which the Complaint was received. The response shall be provided to the Client via the same channel which was used to submit the Complaint, unless otherwise requested/specified by the Client.

The Complainant has the right to withdraw the submitted Complaint. If the Complainant decides to withdraw the Complaint, the Company shall, to the extent permitted by the relevant legislation, terminate the Complaint investigation/handling process and consider that the Complaint has been resolved.

## Client and Consumer rights

In case the Company's response does not satisfy the Consumer or if the Consumer does not receive the response from the Company within the set deadline due to the Company's fault, the Consumer has the right to approach the Bank of Lithuania with a formal Complaint within 1 (one) year from the date of submission of Complaint to the Company via the following means:

- Via the electronic dispute settlement facility „E-Government Gateway“;
- By completing a Consumer Application Form of the Bank of Lithuania and sending it to the Legal and Licensing Department of the Bank of Lithuania, Totorių st. 4, 01121 Vilnius, email: [prieziura@lb.lt](mailto:prieziura@lb.lt);
- By submitting a free-form application and sending it to the Legal and Licensing Department of the Bank of Lithuania, Totorių st. 4, 01121 Vilnius, email: [prieziura@lb.lt](mailto:prieziura@lb.lt).

More information on the submission of the Complaints and/or dispute resolution process can be found on the website of the Bank of Lithuania (Lithuanian: <https://www.lb.lt/lt/vartotoju-ir-finansu-rinkos-dalyviu-gincai>; English: <https://www.lb.lt/en/dbc-settle-a-dispute-with-a-financial-service-provider>).

In case the Consumer misses the abovementioned deadline for approaching the Bank of Lithuania with a formal Complaint, he/she loses the right to the same dispute, i.e. to apply to the Bank of Lithuania regarding the same matter (claim to the Company) and on the same basis (circumstances on which the Consumer bases the claim). The fact that the Consumer has repeatedly performed the actions specified in this Procedure, in such cases does not mitigate the circumstances and does not grant the right to approach the Bank of Lithuania.



The Consumer also has the right to approach the State Consumer Rights Protection Authority with a formal Complaint regarding disputes arising outside the competence of the Bank of Lithuania (address Vilniaus st. 25, LT-01402, Vilnius, website address [www.vvtat.lt/en](http://www.vvtat.lt/en)).

When a Consumer is a citizen and/or resident of another member state of the European Union, he/she also has the right to file a Complaint via the European Commission's FIN-NET network (for more information, please refer to [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/consumer-finance-and-payments/retail-financial-services/financial-dispute-resolution-network-fin-net/make-complaint-about-financial-service-provider-another-eea-country\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/consumer-finance-and-payments/retail-financial-services/financial-dispute-resolution-network-fin-net/make-complaint-about-financial-service-provider-another-eea-country_en)).

Clients also have the right to approach:

- The State Data Protection Inspectorate with a formal Complaint regarding disputes arising from the protection of personal data and / or privacy issues (address L. Sapiegos str. 17, 10312 Vilnius, website address [www.ada.lt](http://www.ada.lt)).
- Apply to the court for violating your rights and defend your rights in accordance with the law.

## Final Provisions

The Company handles/investigates and resolves the Complaints free of charge.

The Company shall keep the Complaints, the material related to their handling/investigation, the documents indicating the specific results of the investigation as well as the responses provided to the Complainants for at least 3 (three) years from the date of submission of the final response to the Complainants.

These rules are published online and publicly available on the Company's website.