

## Defense Clients Regulation of BPCE EQUIPMENT SOLUTIONS IBERIA E.F.C., S.A.U.

### 1. PURPOSE AND FUNCTIONS

The purpose of the Customer Ombudsman Service is to receive and process complaints and claims from customers or users of financial services in relation to specific transactions that affect them and their legally recognised interests and rights arising from contractual obligations, transparency and customer protection regulations or good financial practices and customs. The Customer Care Service is an autonomous and independent service from the other commercial or operational services, guaranteeing the autonomous taking of decisions and the rapid transmission of information from the corresponding departments or services, within the periods established by law, which shall not exceed two months from the presentation of the complaint or claim.

BPCE Equipment Solutions Iberia E.F.C., S.A.U. (hereinafter BPCE ES) shall attend, through the Customer Service Manager, to the requirements that the complaints service of the corresponding financial supervisor may make in the exercise of its functions.

Order ECO/734/2004, of 11th March 2004, on customer service departments and services and the customer defense of financial institutions, regulates the duties of credit institutions in relation to the organisation and operation of this Service.

Complaints shall be considered to be those submitted by customers or users of financial services who state, with the aim of obtaining the restitution of their interest or right, specific facts referring to actions or omissions by the entity complained of that are detrimental to their interests or rights and which derive from alleged breaches by the entity complained of, of the regulations on transparency and customer protection or of good financial practices and uses.

### 2. SERVICE ORGANIZATION

The head of the Customer Service Department shall be appointed by the General Manager of BPCE Equipment Solutions Iberia E.F.C., S.A.U., who shall be ratified by the Board of Directors of the same, for a minimum period of 2 years, which may be extended for an equal period of time in succession. The appointment of this manager shall be notified to the Market Conduct and Complaints Department of the Bank of Spain, as well as to the other supervisors, where applicable.

The person in charge of the Customer Service Department must be a person with commercial and professional integrity, and with adequate knowledge and experience to carry out his or her functions.

Persons who, due to their commercial or operational functions in the organization, could present conflicts of interest may not be appointed as head of the Service, thus guaranteeing the independence and autonomous decision-making in relation to the scope of their activity in this Service.

The person in charge of the Customer Service Department shall cease to hold office, in any case, if he/she incurs in the cause of incompatibility referred to in the preceding paragraphs and, in addition, in any of the following cases:

- a) By expiry of the term for which he/she was appointed.
- b) Due to supervening incapacity.

- c) Due to having been convicted by final judgement in criminal matters.
- d) By express resignation.
- e) By agreement or decision of the appointing body, based on manifestly negligent or improper performance of the duties and obligations of the post.

The Customer Care Service may request, during the course of the processing of the files, both from the complainant or the person making a complaint and from the different departments and services, any data, clarifications, reports or elements of proof they consider pertinent for adopting their decision.

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- a) On expiry of the term for which he/she was appointed.
- b) Due to supervening incapacity.
- c) For having been convicted by a final judgement in criminal matters.
- d) By express resignation.
- e) By agreement or decision of the appointing body, based on manifestly negligent or improper performance of the obligations and duties of the post.

The Customer Care Service may, in the course of processing the files, request from the complainant or the person making a complaint, as well as from the different departments and services, any data, clarifications, reports or evidence they consider relevant to their decision.

### **3. WHO CAN PRESENT A COMPLAINT OR A CLAIM**

Any individual or legal entity, national or foreign, client or user of services of BPCE Equipment Solutions Iberia, E.F.C., S.A.U., directly or through representation, in relation to the specific operations that affect them, may file a complaint or claim.

### **4. PRELIMINARY PROCEDURE**

Once the complaint or claim has been received by the institution, if it has not been resolved in favour of the customer or user of financial services, it will be sent to the Customer Service Department.

If there are rectifiable defects in the form of the complaint or claim (such as lack of accreditation of the identity of the claimant or the person making the complaint, or lack of clarity in the facts of the complaint or claim) as detailed in article 7, these may be rectified within a period of 10 calendar days.

The period for rectifying errors shall not be included in the calculation of the two-month period provided for in section 8.g) of this Regulation.

A complaint may be rejected only on the following reasons:

- (a) Omission of essential data that cannot be rectified.
- b) When it is intended to be processed as a claim or complaint, appeals or actions that fall within the competence of administrative, arbitration or judicial bodies or are pending resolution, as well

as in cases in which the claim or complaint has already been resolved by these same bodies or instances.

c) When the facts that are the object of the complaint are not specific or do not comply with the purposes contemplated in the first paragraph of section 1 of this Regulation.

d) When several complaints are made in relation to identical facts previously resolved.

(e) where the complaint is lodged after the time limit.

## **5. REASONS FOR A COMPLAINT OR CLAIM**

Clients or users of financial services may complain on grounds related to their legally recognised interests and rights.

## **6. DEADLINE FOR A COMPLAINT OR CLAIM**

The deadline for the submission of complaints or claims, from the date on which the customer or user of financial services became aware of the facts giving rise to the complaint or claim, shall be two years.

## **7. CONTENT OF THE COMPLAINT OR CLAIM**

The submission of complaints and claims may be made, in person or by proxy, on paper or by computer, electronic or telematic means, provided that these allow the documents to be read, printed and stored and comply with the requirements of Law 59/2003, of 19 December, on electronic signatures.

The following information will be included:

- a) Name, surname(s) and address of the interested party and, if applicable, of the person representing him/her, duly accredited; DNI number for natural persons and registration details for legal entities.
- b) Reason for the complaint or claim, with clear specification of the issues on which a ruling is requested.
- c) Office or offices, department or service where the facts that are the subject of the complaint or claim have occurred.
- d) That the complainant is not aware that the matter that is the subject of the complaint or claim is being substantiated through an administrative, arbitration or judicial procedure.
- e) Documentary evidence in his or her possession that supports his or her complaint or claim and justifies the ownership of the financial instruments that give rise to the complaint.
- f) Place, date and signature if the complaint is made on paper.

## 8. HOW TO PROCESS A CLAIM OR COMPLAINT

### 8.1 Claim at Customer Service

- a) Once the complaint or claim has been received by the institution, if it has not been resolved in favour of the customer or user of financial services by the department offering the service that is the subject of the complaint or claim, it shall be forwarded to the Customer Service Department or Service.
- b) If, for any of the reasons listed in article 4, the complaint or claim is deemed inadmissible for any of the aforementioned reasons, it shall be notified to the interested party by means of a reasoned decision, giving him/her a period of ten calendar days in which to present his/her allegations. When the interested party has replied and the grounds for inadmissibility are maintained, he/she shall be informed of the final decision adopted to file the complaint or claim.

After the proceedings had been closed for failure to complete the necessary documentation within the period granted, if the interested party were to provide it at a later date, a new file would be opened on the same facts, given that the closure of the proceedings does not imply the waiver of the right invoked but only of the action that was initiated at the time.

- a) The Customer Service Department will direct the complaint to the corresponding department or service, which, within 10 working days, will provide a written response to the complaint or claim and will make available to the Service all the documentation and information necessary or useful to substantiate the reason for rejecting the claim.
- b) bBased on the response to the complaint or claim provided by the corresponding department or service, the Customer Service Department shall take, with complete independence, the decision that it deems appropriate, either in favour of or against the claimant, and shall conclude the file by means of a reasoned resolution by the person in charge of the Customer Service Department. This decision shall contain clear conclusions on the request made in the complaint or claim, in accordance with the applicable rules on transparency and customer protection, as well as good financial practices and customs.
- c) The decision will be notified by the Customer Service Department to the interested parties within ten calendar days from the date of its issue, in writing and by the means that they have expressly designated and, in the absence of such indication, by the same means by which the complaint or claim was submitted, or by computer, electronic or telematic means, which allow the documents to be read, printed and stored.
- d) Interested parties may expressly withdraw their complaints and claims at any time. Withdrawal will result in the immediate termination of the procedure as far as the relationship with the interested party is concerned.

In the event of a breach by BPCE Equipment Solutions Iberia E.F.C., S.A.U., the entity will provide documentary evidence and notify the competent authority. In such cases, the claim will be dismissed without furth

- e) The file must be finalized within a maximum period of two months, starting from the date on which the complaint or claim was submitted to any entity's authority, whether in its offices, to the entity's Customer Service Department or through the email address provided for this purpose. (Read Annex I. "Customer Service Contact of BPCE Equipment

Solutions Iberia E.F.C., S.A.U.”).

## **8.2 Complaints to the Financial Supervisors' Complaints Services**

The decisions finalising the procedures for processing complaints and claims shall expressly mention the claimant's right, in the event of disagreement with the outcome of the decision, to go to the Complaints Services of the corresponding financial supervisors (Bank of Spain), to which the claimant shall also have the right once a period of two months has elapsed without having received a reply to what was raised with the Customer Care Service.

In order to claims or complaints to be admitted and processed before the Complaints Services of the financial supervisors, it is essential to prove that they have been previously submitted to the Customer Care Service.

## **8.3 Relationship with the Financial Supervisors' Complaints Services**

The Customer Care Service must respond to the requests that the Complaints Services of the financial supervisors (Bank of Spain) may make to them in the exercise of their functions within the deadlines determined by them, in accordance with the provisions of the law.

## **9. WHERE TO CLAIM**

The Customer Service Department shall maintain a postal address and an e-mail address, which shall be published on the website of BPCE Equipment Solutions Iberia E.F.C, S.A.U., so that customers or users of financial services may submit complaints (See Annex I. 'BPCE Equipment Solutions Iberia E.F.C, S.A.U. Customer Service Contact Details").

The complaint or claim may also be submitted at any office of BPCE ES, open to the public.

In any case, the Customer Service will acknowledge in writing the receipt of the complaint or claim, for the purpose of calculating the time limit for its processing and conclusion.

## **10. CONTENT AND PRESENTATION OF ANNUAL REPORT**

Within the first quarter of each year, Customer Services shall submit to the General Manager or Managing Director, as the case may be, of BPCE Equipment Solutions Iberia E.F.C., S.A.U., which shall be ratified by the Board of Directors of the same, a report explaining the performance of its function during the preceding year, with the minimum content detailed below:

- a) statistical summary of the complaints and claims dealt with, with information on their number, admission for processing and reasons for rejection, reasons and issues raised in the complaints and claims and amounts and sums involved.
- b) summary of the decisions issued, indicating whether they are favourable or unfavourable to the complainant.
- c) general criteria contained in the decisions.

- d) recommendations or suggestions derived from its experience, with a view to better achieving the aims that inform its actions.
- e) a summary of the report shall be included in the annual report of the entities.

## **11. VERIFICATION OF THE REGULATION BY BANCO DE ESPAÑA**

As required by article 8.4 of Order ECO/734/2004, of 11 March, on customer service departments and services and the customer ombudsman of financial institutions, these Regulations, as well as any future amendments thereto, shall be subject to verification by the Bank of Spain as its supervisor.

All new Regulations, as well as any future amendments thereto, must be approved by the General Management of BPCE Equipment Solutions Iberia E.F.C., S.A.U., and ratified by the Board of Directors of BPCE Equipment Solutions Iberia E.F.C., S.A.U., before being submitted for verification by the Bank of Spain.

## **12. REGULATORY FRAMEWORK**

In matters not expressly provided for in these Customer Service Regulations, Order ECO/734/2004, of 11 March 2004, on customer care departments and services and the customer ombudsman of financial institutions, shall be applied in a subsidiary manner.

## ANNEX I

### CONTACT OF CUSTOMER SERVICE AT BPCE EQUIPMENT SOLUTIONS IBERIA E.F.C., S.A.U.

**1. Dirección del Servicio de Atención al Cliente:**

BPCE Equipment Solutions

C/ Serrano Galvache 56, Edificio Abedul, 3ª Planta, 28033 Madrid.

**2. Buzón de correo electrónico:**

[atencionalcliente-sp-es@groupebpce.com](mailto:atencionalcliente-sp-es@groupebpce.com)