

Dispute resolution and consideration of User applications

1. General requirements.

1.1. All document circulation related to pre-trial settlement of disputes in the manner prescribed by these Rules, carried out between Users and Participants of the IPS with the participation of the Payment Organization, other structural elements of the IPS between them with the participation of the Payment Organization, between the Payment Organization and Participants of the IPS shall be carried out in paper or in electronic form.

The circulation of documents related to the settlement of disputes / consideration of applications, one of the parties to which is a non-resident, shall be carried out at its request in English. The circulation of documents related to the settlement of disputes / consideration of applications, the parties to which are exclusively residents of Ukraine, shall be carried out in the state language of Ukraine.

1.2. If the subjects of the IPS - legal entities have agreed to consider the dispute with the participation of the Payment Organization in the manner prescribed by these Rules, the pre-trial procedure for dispute resolution set out in the Rules is binding on the parties. If in resolving the dispute the parties have not reached an agreement on its settlement in the manner prescribed by these Rules and / or the dispute considered in accordance with the Rules has not been resolved and / or the decision of the Conciliation Commission has not been carried out voluntarily within the timeframe specified in the Rules, the parties may apply to the competent court for further resolution of the dispute. In this case, in the case of transaction with the Participant / Agent and / or Non-resident User, during the court proceedings the rules of conflict of laws and other provisions of the conflict of laws provided by the current legislation of Ukraine and international treaties of Ukraine shall be applied.

1.3. Participants / Agents of the IPS and the Payment Organization of the IPS are obliged, at the request of Users, other entities of the IPS and national courts, when resolving disputes / considering applications arising from the provision / receipt of services in the IPS, to provide, at their request, within the period specified in the request, the relevant documents and information created during the transfer with the participation of the User and / or the Participant / Agent of the IPS, who are participants in the transfer.

1.4. The Participants of the IPS are obliged to place on their websites on the Internet the Procedure for consideration of Users' applications regarding the services provided by the Participant. When providing services, the Participants of the IPS are obliged to inform the Users of the e-mail address of their official website and the telephone numbers of their call center..

1.5. The Participants of the IPS are obliged to consider the applications of Users on issues arising during the receipt of transfer services, and provide answers within a reasonable time, but in any case no later than one month from the date of receipt of the User's application.

2. Procedure for consideration of Users' applications by the Participants of the IPS and the Payment Organization

2.1. If the User's application to the Participant on issues that arose during the User's receipt of services through the IPS contains enough information for its consideration by the Participant, the latter shall search for the transfer in its HSC by the details provided by the User.

2.2. If the specified transfer is found in the Participant's HSC, but the information about this transfer was not sent by the Direct Participant to the MPC in the order determined by procedural documents of the IPS, the Direct Participant must send to the MPC an electronic message about the transfer. The Sending Participant undertakes to settle independently and at its own expense with the Paying User all disputes related to the untimely transfer.

2.3. If the transfer is found and, according to the Sending Participant, the information about this transfer was sent to the MPC in the manner prescribed by the procedural documents of the International Payment System, but according to the User the transfer was not performed properly, the Sending Participant sends materials on the consideration of the Paying User's application through the relevant communication channel to the Payment Organization.

2.4. The relevant department of the Payment Organization of the IPS for Support of Participants and Users of the IPS, having received information about the transfer from the Sending Participant, establishes the presence of this transfer by its ID in the IPS and its status (payable / canceled / credited / issued), as well as the presence and status of this transfer in the settlement files of the respective Participants for the respective settlement period. If the transfer is marked with the status «payable» or «canceled», the information is returned to the Sending Participant, and if it is marked with «credited / issued» the application concerning this transfer is sent to the relevant Receiving Participant.



2.5. The Receiving Participant first checks in its HSC how this transfer was completed and:

- If the transfer was completed in PPFS of this Receiving Participant or the Indirect Participant involved by it and in case of crediting / issuing the transfer to an improper Receiving User or failure to issue / credit the transfer for technical or other reasons, the Receiving Participant undertakes to settle independently and at its own expense with the relevant Receiving User all disputes related to delayed transfer within one month from the date of the User's request and notify the Payment Organization of the IPS about such settlement through the official communication channel.

- If the transfer was completed by the Receiving Participant using Payment Gateways of card payment systems, the Receiving Participant shall clarify it according to the procedures established in the Rules of these systems and in agreements with relevant entities of these card payment systems whose infrastructure was involved in the transfer. In any case, the Receiving Participant undertakes to settle independently and at its own expense all disputes related to delayed / improperly / erroneously completed transfer within one month from the date of the Paying User's application and notify the Payment Organization of the IPS about such settlement through the official communication channel.

- If the transfer was completed by the Receiving Participant using Payment Gateways of other payment systems (EPS of the NBU), the Receiving Participant shall clarify it according to the procedures established in the EPS of the NBU. In any case, the Receiving Participant undertakes to settle independently and at its own expense all disputes related to delayed / improperly / erroneously completed transfer within one month from the date of the Paying User's application and notify the Payment Organization of the IPS about such settlement through the official communication channel.

3. Procedure for resolving disputes between Users and Participants of the IPS with the participation of the Payment Organization.

3.1. If the User's application was not considered by the Participant within one month and no response was provided to the User, or the Participant considers that the User's rights was not violated during the transfer and the User does not agree, he/she has the right to apply to the Payment Organization.

3.2. Participants during the provision of services to Users are obliged to inform them about the web address of the site of the Payment Organization, which contains the Procedure for circulation of documents, which is used in resolving dispute in the cases specified in paragraph 11.3.1.

3.3. If during the consideration of a dispute between a User and a Participant with the participation of the Payment Organization it is established that the transfer was not completed due to the fault of a Sending Participant / Receiving Participant and / or other entities of the IPS, the latter must settle the dispute with the User and complete the transfer at its own expense. Otherwise, the Payment Organization of the IPS shall complete the transfer at the expense of the entities of the IPS due to which the transfer was not completed.

3.4. In case of detection of discrepancies in the data of the Participant and the MPC/ SB regarding the availability / status of the transfer, the preference is given to the data contained in the HSC of the MPC and / or in the Settlement Bank.

4. Procedure for pre-trial settlement of disputes between entities of the IPS (except for disputes involving Users).

4.1. Disputes between entities of the IPS, with the exception of disputes involving Users (hereinafter - disputes between the entities of the IPS), related to the operation of the IPS, including those related to settlements between the entities of the IPS, shall be preliminarily settled according to the claim procedure provided by these Rules.

4.2. Disputes between the Participants and the Indirect Participants and Agents involved by them shall not be considered in accordance with the procedure provided for in this section of the Rules.

4.3. In case of disagreements between the entities of the IPS, which were not settled in the manner prescribed by the technical regulations of the structural elements of the IPS, the entity of the IPS, which believes that its rights were violated (only in this section of the Rules - the Applicant) shall send a claim to the other participant in a dispute (only in this section of the Rules - the Defendant).

The claim must be signed by the head (his deputy) of the Applicant or a person authorized by the head, affixed with the seal (if any) and contain the following information:

- full name of the Applicant in accordance with its statutory documents;
- actual address of its permanent competent executive body;



- description of the circumstances on which the claim is based, with reference to these Rules, the terms of the agreements and the requirements of the law applicable to the disputed legal relationship in accordance with the agreement on participation of the Applicant in the IPS;

The claim shall be accompanied by the documents containing information confirming the circumstances on which the claim is based.

The Claim shall be sent by the Applicant to the Defendant (Defendants) in the number of copies according to the number of Defendants, who, no later than the day following the day of receipt of the claim, shall affix a stamp with the signature of the person of the Office of the Defendant indicating the date of receipt of the claim and return the claim to the Applicant as confirmation of receipt of the claim.

The claim must be filed within three months from the date of occurrence of the grounds for the claim and contain references to the circumstances that serve as the basis for its submission, as well as the date of occurrence of these circumstances. The defendant, who received the claim after the expiration of the specified period, has the right not to consider it. In this case, the Applicant may submit an application for consideration of the dispute to the competent court.

The Defendant must notify the Applicant in writing of the results of consideration of the claim within one month after its receipt.

The response to the claim must contain:

- a) full name and postal details of the Defendant and the Applicant, date and number of the response; the date and number of the claim to which the response is given;
- b) if the claim is recognized in full or in part, - the amount, name, number and date of the settlement document for the transfer of this amount to the Applicant or the term and means of satisfaction of the claim, if it is not subject to monetary valuation;
- c) if the claim is rejected in whole or in part - the reasons for rejection with reference to the relevant regulations and documents justifying the rejection of the claim;
- d) list of documents and other evidence attached to the response.

4.4. If the claim has been rejected in whole or in part by the Defendant, the originals of the documents received with the claim must be returned to the Applicant, as well as the documents substantiating the rejection of the claim, if the Applicant does not have them.

The response to the claim shall be signed by the authorized person of the Defendant.

The applicant, whose claim is rejected by the Defendant, has the right to apply to the Payment Organization for consideration of the dispute with its participation. To consider this dispute, the Payment Organization shall create a Conciliation Commission, which shall act in accordance with these Rules and shall not be an arbitral tribunal by its status. The task of the Conciliation Commission is to restore the violated right of the party to the dispute by voluntary decision of the other party (infringer) by a comprehensive, complete and objective consideration of the circumstances of the dispute.

The creation of the Conciliation Commission with the participation of the Payment Organization shall be formalized by an agreement signed by the authorized representatives of the Payment Organization and the parties between whom the dispute arose, the essential conditions of which are information about the parties' representatives in the Conciliation Commission (name and means of communication), date, time of the meeting of the Conciliation Commission, or, at the choice of the parties, another procedure of work of the Conciliation Commission, as well as (if necessary) the agreement of the parties on the composition of independent experts agreed by the parties and terms of payment of results of examination.

The meeting of the Conciliation Commission may be held by videoconference or by absentee voting by e-mail or other means of communication. The specific method of work and decision-making of the Conciliation Commission shall be specified in the agreement on its creation.

The Conciliation Commission should include representatives of all parties to the dispute (not more than three persons from one party). If necessary, with the consent of the parties, independent experts with an advisory vote who do not represent the interests of any of the parties to the dispute may be invited to participate in the meetings of the Conciliation Commission.

The parties to the dispute have the right to get acquainted in advance with the documents on the basis of which the dispute is considered, if these documents were not considered by the parties in resolving the dispute, provide





additional evidence, petitions, written and oral explanations, participate in the examination of evidence, reasonably object to the petitions and arguments of other parties, demand through the Payment Organization documents and information from other entities of the IPS required for the objective consideration of the dispute.

The consideration of the dispute includes examination of the circumstances that allow to establish the performance (non-performance) by the parties of their functions and obligations arising from these Rules. If during the meeting of the Conciliation Commission an unanimous resolution of the dispute is not reached, including due to lack of documents / information to be obtained from other entities of the IPS, the Conciliation Commission may decide to hold an additional meeting no later than twenty calendar days after the first meeting.

The function of the Payment Organization's representative in the Conciliation Commission in considering a specific dispute in relations with the parties to the dispute or other entities of the IPS shall be performed by the authorized representative of the Payment Organization appointed by it to participate in considering a specific dispute between the Participants. The said representative is the Chairman of the Conciliation Commission, is not a representative of the parties, conducts meetings of the Conciliation Commission and office work of the Conciliation Commission, negotiations between the parties to the dispute on concluding an agreement on the creation of the Conciliation Commission. The signature of the Chairman of the Conciliation Commission after its creation by agreement of the parties to the dispute shall be certified by the seal of the Payment Organization.

Meetings of the Conciliation Commission shall be held at the place of state registration of the Payment Organization or by agreement of the parties to the dispute, in the manner prescribed by the agreement of the parties.

The Chairman of the Conciliation Commission shall send to the parties to the dispute by e-mail a notice of the day, time and place of the meeting in praesentia of the Conciliation Commission not later than 7 calendar days before such meeting. If the agreement of the parties provides for another procedure for holding meetings or work of the Conciliation Commission, the Chairman of the Conciliation Commission shall inform the parties about the agreed procedure for holding a meeting or work of the Conciliation Commission.

The entities of the IPS, which received a request from the Chairman of the Conciliation Commission to provide documents (information) required for an objective consideration of a particular dispute, are obliged to provide the Conciliation Commission with certified copies of the documents within 5 (five) working days from receipt of the request. The documents (information) not provided by the entity of the IPS to which the request for their provision was sent, within the specified 5-day period shall be considered not submitted and subsequently not accepted for consideration, and the dispute is considered by the Conciliation Commission on the basis of available documents).

When considering the dispute by the Conciliation Commission, the records of the databases of the HSC of the MPC have priority over the records of the databases of the Participants when considering the evidence of the validity of the relevant documents for transfer and notifications.

If in the course of the work of the Conciliation Commission a unanimous decision of all its members is made, the Chairman of the Conciliation Commission shall formalize this decision in the form of a conclusion (hereinafter referred to as the «Conclusion»). The Conclusion shall specify the time for execution of the decision by the parties, the distribution of responsibilities (if necessary - the order of distribution between the parties of financial costs) related to the execution of the decision of the Conciliation Commission. The Conclusion shall be signed by all members of the Conciliation Commission. The conclusion of the Conciliation Commission on the disputed issue shall be executed by the obligated party voluntarily, in the manner and within the terms established therein.

The decision on the dispute in the form of the Conclusion shall be made within 30 calendar days after the Conciliation Commission receives the applications of the parties to the dispute and its documents required for consideration, and communicated to the parties in writing unless the Conciliation Commission decides to hold an additional meeting.

If it is impossible to resolve the differences by the Conciliation Commission or if a party to the dispute refuses to voluntarily comply with the provisions of the Conciliation Commission's conclusion, the dispute between its parties shall be resolved in accordance with the law applicable in the agreements on participation in the IPS.

The parties to the dispute shall, without prejudice to their other obligations under these Rules, cooperate with the Chairman of the Conciliation Commission, including provision of any information relating to activities in the International Payment System, ensuring access to all relevant materials of the Participant during the pre-trial consideration of the dispute by the Conciliation Commission.

4.5. In case of a dispute / disagreement between the Payment Organization and non-resident Participants, which will not be resolved according to the above-mentioned claim procedure, as well as a dispute / disagreement between non-resident Participants and resident Participants with the participation of the Payment Organization, which will not be resolved by the Conciliation Commission, the dispute between them shall be resolved in the Commercial Court of Dnipropetrovsk region, Dnipro, Ukraine, according to the procedural legislation of Ukraine in accordance with these Rules and substantive and procedural law of Ukraine unless otherwise provided in the agreements of the Participant with the Payment Organization.