



# Client Categorization Policy

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## 1. Introduction

Following the implementation of the Markets in Financial Instruments Directive 2014/65/EU ("MiFID II") and in accordance to the provisions of the Financial Services and Activities and Regulated Markets Law of 2017 (the "Law"), Conotoxia Ltd (the "Company") is required to categorize Clients as either (a) Retail; (b) Professional; or (c) Eligible Counterparties.

## 2. Categorization Criteria

The criteria entailed for categorizing Clients based on the relevant provisions of the Law are as follows:

**Retail Client:** is a Client who is neither Professional nor Eligible Counterparty.

**Professional Client:** is a client who possesses the experience, knowledge and expertise to make his own investment decisions and properly assess the risks that he incurs. Such Clients must fall under one of the following categories:

1. Entities which are required to be authorised or regulated to operate in the financial markets. The list below should be understood as including all authorised entities carrying out the characteristic activities of the entities mentioned: entities authorised by a member state under a European Community Directive, entities authorised or regulated by a member state without reference to such Directive, and entities authorised or regulated by a third country:
  - a. Credit institutions,
  - b. Investment Firms,
  - c. Other authorised or regulated financial institutions,
  - d. Insurance undertakings,
  - e. Collective investment schemes and management companies of such schemes,
  - f. Pension funds and management companies of such funds,
  - g. Commodity and commodity derivatives dealers,
  - h. Locals, and
  - i. Other institutional investors.
2. Large undertakings meeting two of the following size requirements, on a proportional basis:
  - a. Balance sheet total at least €20,000,000,
  - b. Net turnover at least €40,000,000, and
  - c. Own funds at least €2,000,000.
3. National and regional governments, including public bodies that manage public debt at national and regional level, central banks, international and supranational institutions such as the World Bank, the International Monetary Fund, the European Central Bank, the European Investment Bank and other similar international organizations.
4. Other institutional investors whose main activity is to invest in financial instruments, including entities dedicated to the securitization of assets or other financing transactions.

**Eligible Counterparties:** are any of the following entities to which a credit institution or an investment firm provides the services of reception and transmission of orders on behalf of clients and/or execution of orders and/or dealing on own account: CIFs, other IFs, credit institutions, insurance undertakings, UCITS and their management companies, pension funds and their management companies and other financial institutions authorised or regulated under European law or under the national law of a Member State, national governments and their corresponding offices, including public bodies that deal with public debt at national level, central banks and supranational organisations.

### 3. Client notification regarding the categorization

The Company is obliged to inform in durable medium all of its new and existing clients that it has proceeded with their categorization in accordance with the Law. The Categorization Letter provides the client with detailed information of the rights and obligations arising of their categorization and provides the client with an ability to request a different categorization.

### 4. Request for change of categorization

**Retail Clients** can request to be categorized and treated as Professional Clients, in which case they will be afforded a lower level of protection.

**Eligible Counterparties** can request to be categorized and treated as either Retail or Professional Clients, in which case they will be afforded a higher level of protection.

It is noted that the Company will assess specified quantitative and qualitative criteria in accordance with the provisions of the Law and the change of categorization will depend on its absolute discretion.

**Retail Experienced** - Clients residing in the territory of Poland may request to change their categorization from Retail Client to Retail Experienced Client. In order to do that client needs to request the change in writing by filling the form in the Client Profile and fulfill two conditions specified in point 5.2.

### 5. Procedure for change of categorization

5.1 Clients other than those mentioned in section 2(B) may request to be treated as Professionals provided that at least two of the following criteria are satisfied:

- a. the client has carried out transactions, in significant size, on the relevant market at an average frequency of 10 per quarter over the previous four quarters,
- b. the size of the client's financial instrument portfolio, defined as including cash deposits and financial instruments exceeds €500,000,

- c. the client works or has worked in the financial sector for at least one year in a professional position, which requires knowledge of the transactions or services envisaged.

The clients defined above may waive the benefit of the detailed rules of conduct only where the following procedure is followed:

- a. they must state in writing to the Company that they wish to be treated as professional clients, either generally or in respect of a particular investment service or transaction, or type of transaction or product,
- b. the Company must give them a clear written warning of the protections and investor compensation rights they may lose,
- c. they must state in writing, in a separate document from the contract, that they are aware of the consequences of losing such protections.

Before deciding to accept any request for waiver, the Company must take all reasonable steps to ensure that the client requesting to be treated as a professional client meets the relevant requirements stated above.

The clients must state in writing to the Company that they wish to be treated as Elective Professional Client- in order to do that the client is asked to submit the Elective Professional Client questionnaire and signed Elective Professional Client Notice Acknowledgement Form template send by Business Development department.

The client must provide the proof of the activities listed above (e.g. trading statements, certificate of professional qualifications, employment contract). In order to fully assess client trading history client is requested to provide the confirmation proving the opening of his trading account with his broker (e.g. confirmation email, screenshot from his platform showing his name and a number of a trading account). AMLCO and Brokerage department upon receiving all the statements is responsible for verifying the documents and accordingly assign the client to the relevant group.

However, if clients have already been categorized as professionals under parameters and procedures similar to those above, it is not intended that their relationships with the Company should be affected by any new rules adopted pursuant to the Law.

Professional clients are solely responsible for informing the Company about any change which could affect their categorization.

5.2 Retail clients who reside permanently in the territory of Poland in order to be classified as Retail Experienced need to jointly fulfil the following two conditions:

1) Retail Client concluded in the last 24 months:

a) CFD opening transactions with a nominal value of equivalent of at least EUR 50,000 \* in PLN each, with a frequency of at least 10 opening transactions per quarter over four quarters;

or

b) CFD opening transactions with a nominal value of equivalent of at least EUR 10,000 \* in PLN each, with a frequency of at least 50 opening transactions per quarter over four quarters;

or

c) CFD opening transactions with a total nominal value of at least EUR 2.000.000 \* in PLN, with at least 40 opening transactions per quarter in four quarters;

2) Retail Client has adequate knowledge of derivatives, including CFDs, supported by:

a) obtaining appropriate professional certificates, in particular: Investment Advisor, Securities Broker, Chartered Financial Analyst, Financial Risk Manager, Professional Risk Manager, ACI Dealing Certificate, ACI Diploma, or relevant field education;

or

b) completion of a minimum of 50 hours of training in derivatives, including CFDs, confirmed by obtaining relevant certificates or confirmations issued on the basis of knowledge verification by relevant training providers, within the last 12 months;

or

c) confirmation that you perform or performed activities or work or worked on the basis of an employment contract or other contractual relationship that is the basis for performing the function, for at least a year in a position that requires professional knowledge regarding transactions in CFDs or other derivatives.

\* Equivalent amounts expressed in euros referred to in item 1 shall be determined using the average euro exchange rate announced by the National Bank of Poland on the day preceding the date of submission of the application by the retail customer in which the exchange rate was announced;

The client must state in writing to the Company that they wish to be treated as retail experience clients- in order to do that the client is asked to submit via website the retail experience application form. In addition to that the client must fill and sign the retail experience questionnaire template send by Business Development department. The client must provide the proof of the activities listed above (e.g. trading statements, certificate of completing 50 hours of forex training/course). In order to fully assess client trading history client is requested to provide the confirmation proving the opening of his trading account with his broker (e.g. confirmation email). AMLCO and Brokerage department upon receiving all the statements is responsible for verifying the authenticity and accordingly assign the client to the relevant group.

The client has the possibility to complete the required 50 hours of training with Conotoxia Ltd.

After the completion of the 50 hours seminar the client has the opportunity to finalize the test which contain 25 question. The pass rate is 70% which is 18 points. AML Compliance is evaluating the test score and upload the results into client profile in CRM system.

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It must be noted that at least once a year the Company verifies that the retail client who has been granted the status of experienced client meets the conditions referred to in point 5.2 and properly documents the verification carried out.

In the event of becoming aware that an experienced client has ceased to meet the conditions, the Company shall take steps to change the status of the client for the purposes of providing brokerage services for him in the field of CFDs.

## 6. Information on the level of protection

The additional protection afforded to a Retail Client compared to a Professional Client or an Eligible Counterparty includes without limitation the following:

- a. Retail Clients are provided with more information regarding the Company's fees, charges, and expenses,
- b. Retail Clients provide more information regarding their knowledge and experience in the Investment field so as to enable the Company to assess whether the investment service or product envisaged is appropriate for the Client,
- c. The Company must take all reasonable steps to ensure that a Retail Client's order is executed as such in order to obtain best possible results,
- d. A Retail Client will receive information regarding his executed order timely and with more detail as to the content,
- e. A Retail Client who is provided the service of Portfolio Management will receive more detailed and frequent information,
- f. A Retail Client will be informed of the Company's liability in relation to possible solvency of the custodian where Clients' financial instruments are held,
- g. A Retail Client will be informed of the Company's Conflict of Interest Policy,
- h. A Retail Client will be informed of the Company's complaint handling procedures, and
- i. A Retail Client is eligible for possible coverage from the Investor's Compensation Fund.