

A faint, grayscale candlestick chart is visible in the background, showing price fluctuations over time.

CLIENT CATEGORISATION POLICY

VS 6.0 SEPTEMBER 2022

1. INTRODUCTION

TopFX LTD (hereinafter called the “Company”), is a Cyprus Investment Firm (“CIF”), incorporated in the Republic of Cyprus with registration number HE 274180, its headquarters are at 19 Stratigou Timagia, 3rd Floor, 3107 Limassol, Cyprus and is authorized and regulated by the Cyprus Securities and Exchange Commission (“CySEC”) under license number 138/11.

The Company is operating under the Investment Services and Activities and Regulated Markets Law of 2017 with number L.87(I)/2017 as it is amended from time to time (hereinafter the “Law”) which transposed the Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (the “Markets in Financial Instruments Directive (2014/65/EU”) as the same may be in force from time to time and modified or amended from time to time (hereinafter the “MiFID II”).

2. CLIENT CATEGORISATION

Subject to the provisions of the Law, which echoes the provisions of MiFID II, entities carrying on investment business are subject to specific regulatory requirements including, inter alia, obligation to protect investors. A fundamental part of this regulatory framework is the requirement to categorise clients.

The Company is required under MiFID II to categorise its clients as Retail Client, Professional Client or Eligible Counterparty so that when carrying out business with the client, the Company can provide the level of information, services and protection that is appropriate to and consistent with the client’s categorisation. This categorisation will apply to all of our MiFID II-related business with you unless we agree otherwise.

As part of the Company’s account opening procedure, the Company conducts an Appropriateness Test whereby the client is asked to answer a number of questions to enable the Company to assess the Client’s skills, investment and knowledge and experience.

The Company will automatically categorize all its clients as Retail Clients. The client may, however, request to be treated instead as a Professional Client provided the relevant criteria and procedure herein are fulfilled.

If the Company agrees to categorise a client as a Professional Client, then the client will automatically waive some of the protections that is afforded by the conduct of business rules to this type of client under the regulatory system.

The criteria that will allow us to treat a client as a Professional Client as well as the procedure are set out in this Client Categorisation Policy (the “Policy”). It is client’s responsibility to inform

the Company if we have not categorised him/her/it correctly and if any change occurs which could affect client's categorisation as a Retail Client. The Company reserves the right to review this Policy from time to time and may re-categorise any of its clients if necessary.

2.1. Retail Clients

Retail Client is a client who is not a Professional Client or an Eligible Counterparty.

Retail Client (Natural Persons and Legal Entities), will receive the greatest possible protection for investors. Retail clients are not considered to have relevant and/or sufficient knowledge and experience for investments and thus they enjoy a higher level of protection in relation to Professional Clients and Eligible Counterparties which consists mainly of more detailed information provided to the Company to Retail Clients.

2.2. Professional Clients

Professional Client is a client who possesses the experience, knowledge and expertise to make its own investment decisions and properly assess the risks that it incurs. There are two (2) categories of Professional Clients:

- i) "Per Se" Professional Clients and
- ii) "Elective" Professional Clients.

"Per se" Professional Clients are certain categories of clients who, based on the provisions of the MiFID II and the Law, are considered to be Professional Clients whereas, "Elective" Professional Clients are clients that can be treated as Professional Clients on request subject to the fulfillment of the relevant criteria and procedures provided in MiFID II and the Law.

2.2.1. Per se Professional Clients

The following should all be regarded as professionals in all investment services and activities and financial instruments subject to the provisions of the Law and MiFID II:

A) 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 non-Member State:

- Credit institutions
- Investment firms

- Other authorised or regulated financial institutions
 - Insurance companies
 - Collective investment schemes and management companies of such schemes
 - Pension funds and management companies of such funds
 - Commodity and commodity derivatives dealers
 - Locals enterprises
 - Other institutional investors
- B) Large undertakings meeting two of the following size requirements on a company basis:
- balance sheet total at least: EUR 20,000,000,
 - net turnover at least: EUR 40,000,000,
 - own funds at least: EUR 2,000,000.
- C) National and regional governments, public bodies that manage public debt, Central Banks, international and supranational institutions such as the World Bank, the International Monetary Fund (IMF), the European Central bank (ECB), the European Investment Bank (EIB) and other similar international organisations.
- D) Other institutional investors whose main activity is to invest in financial instruments, including entities dedicated to the securitization of assets or other financing transactions.

The entities mentioned above are considered to be professionals. They are however allowed to request non-professional treatment and the Company may agree to provide a higher level of protection. Where the client of the Company is an undertaking referred to above, the Company must inform the client prior to any provision of services that, on the basis of the information available to the Company, the client is deemed to be a professional client, and will be treated as such unless the Company and the client agree otherwise. The client may request a variation of the terms of the agreement in order to secure a higher degree of protection.

It is the responsibility of the client, considered to be a professional client, to ask for a higher level of protection when it deems it is unable to properly assess or manage the risks involved.

This higher level of protection will be provided when a client who is considered to be a professional enters into a written agreement with Company to the effect that it shall not be treated as a professional for the purposes of the applicable conduct of business regime. Such agreement will specify whether this applies to one or more particular services or transactions, or to one or more types of product or transaction.

2.2.2. Elective Professional Clients

Clients other than those mentioned in above (i.e. Per se Professional Clients), including public sector bodies, local public authorities, municipalities and private individual investors, may also be allowed to waive some of the protections afforded by the conduct of business rules.

The Company is allowed to treat any of the above clients as Professionals provided the relevant criteria and procedure mentioned below are fulfilled. These clients should not, however, be presumed to possess market knowledge and experience comparable to that of the categories listed in the Per Se Professional Clients Section.

Any such waiver of the protection afforded by the standard conduct of business regime will be considered valid only if an adequate assessment of the expertise, experience and knowledge of the client, undertaken by the Company, gives reasonable assurance, in light of the nature of the transactions or services envisaged, that the client is capable of making his own investment decisions and understanding the risks involved.

The fitness test applied to managers and directors of entities licensed under European Directives in the financial field could be regarded as an example of the assessment of expertise and knowledge. In the case of small entities, the person subject to the above assessment should be the person authorised to carry out transactions on behalf of the entity.

In the course of the above assessment, as a minimum, two of the following criteria should be satisfied:

- 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,
- the size of the client's financial instrument portfolio, defined as including cash deposits and financial instruments exceeds EUR 500,000,
- 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.

2.3. Eligible counterparties

Eligible Counterparty is any of the following entities to which an investment firm provides the services of reception and transmission of orders on behalf of clients and/or execution of such orders and/or dealing on own account: Cyprus Investment Firm, other investment firms, credit institutions, insurance companies, UCITS and UCITS management companies, pension funds and their management companies, other financial institutions authorised by a Member State or regulated under the laws of Cyprus or under European Union law, national governments and their correspond offices, include public bodies that deal with public debt at national level, central banks and supranational organizations.

Moreover, those included in Articles 31(2)(b), (31)(3) and 31(4) of the Law.

Classification as an Eligible Counterparty under Section 2.3. above shall be without prejudice to the right of such entities to request, either on a general form or on a trade-by-trade basis, treatment as clients whose business with the CIF is subject to Articles 25, 26, 28 and 29 of the Law.

Furthermore, the Company recognises as Eligible Counterparties member state undertakings, other than those referred above meeting pre-determined proportionate requirements, including quantitative thresholds. In the event of a transaction where the prospective counterparty is located in another member state, the Company will defer to the status of the other undertaking as determined by the legislation of the said member state in which that undertaking is established.

The Company may also recognise as Eligible Counterparties undertakings which fall within a category of clients who are to be considered Professional Clients in accordance with the test for compliance with the relevant criteria and procedures mentioned before. In such cases, however, the undertaking concerned shall be recognised as an Eligible Counterparty only in respect of the services or transactions for which it could be treated as a professional client.

The Company recognises as eligible counterparties, third country entities which are equivalent to those categories of entities referred to in Section 3(ii).

The Company, when it enters into such transactions with eligible counterparties, will obtain the express confirmation from the prospective counterparty that it agrees to be treated as an Eligible Counterparty. This confirmation may be obtained either in the form of a general agreement or in respect of each individual transaction.

If an Eligible Counterparty requests treatment as a client whose business with the Company is subject to:

- Article 25: General Principles and information to Clients
- Article 26: Assessment of suitability and appropriateness and reporting to clients
- Article 28: Obligation to execute orders on terms most favourable to the Client
- Article 29(1): Client orders handling rules

of the Law, but does not expressly request treatment as a retail client, and the Company agrees to that request, the Company shall treat that Eligible Counterparty as a professional client. If that Eligible Counterparty expressly requests treatment as a retail client, the provisions in respect of requests of non-professional treatment shall apply.

It is the responsibility of the client, considered to be Eligible Counterparty, to ask for a higher level of protection when it deems it is unable to properly assess or manage the risks involved.

3. PROCEDURE FOR RECLASSIFICATION

The Retail Clients, choosing to be treated as professional Clients, may waive the benefit of the detailed rules of conduct only where the following procedure is followed:

- they must state in writing (see attached form in Annex A herein) to the Company that they wish to be treated as a Professional Client, either generally or in respect of a particular investment service or transaction, or type of transaction or product,
- the Company will give them a clear written warning of the protections and investor compensation rights they may lose,
- 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 is required to take all reasonable steps to ensure that the client requesting to be treated as a Professional Client meets the relevant requirements stated in Section 2.2.2. above.

However, if clients have already been categorised 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 MiFID II and the Law.

The Company implements appropriate written internal policies and procedures to categorise clients. Professional Clients are responsible for keeping the Company informed about any change, which could affect their current categorisation. Should the Company become aware however that the client no longer fulfils the initial conditions, which made him eligible for a professional treatment, the Company will take appropriate action.

This higher level of protection will be provided when a client who is considered to be Eligible Counterparty enters into a written agreement with the Company to the effect that it shall not be treated as an Eligible Counterparty for the purposes of the applicable conduct of business regime. Such agreement will specify whether the Eligible Counterparty wish to be treated as a Professional or Retail Client, either generally or in respect of a particular investment service or transaction, or type of transaction or product.

4. REQUEST FOR DIFFERENT CLASSIFICATION

- a) The Retail Client has the right to request the different classification of Professional Client but he/she/it will be afforded a lower level of protection. The Company is not obliged to deal with him/her on this basis.

- b) The Professional Client has the right to request the different classification of Retail Client in order to obtain a higher level of protection. The Company is not obliged to deal with the Client in this basis.

Any Professional Client has the right to request to be reclassified as a Retail Client in order to obtain higher protection. It is the responsibility of the client, considered to be Professional Client, to ask for a higher level of protection when it deems it is unable to properly assess or manage the risks involved. This higher level of protection will be provided when a client who is considered to be a professional client enters into a written agreement with the Company to the effect that it shall not be treated as a Professional for the purposes of the applicable conduct of business regime. Such agreement will specify whether this applies to one or more particular services or transactions or to one or more types of products or transactions. It is the responsibility of the client who is classified as a Professional Client to ask for a higher level of protection. The Company proceeds in this action, in order to offer a uniform level of protection to all of its clients.

- c) The Eligible Counterparty has the right to request a different classification of either as a Professional Client or Retail Client in order to obtain a higher level of protection. The Company is not obliged to deal with the Client on this basis. It is the responsibility of the client who is classified as a Eligible Counterparty to ask for a higher level of protection. The Company proceeds in this action, in order to offer a uniform level of protection to all of its clients.

5. PROTECTION OF CLIENTS

Retail Clients / Professional Clients

Where the Company treats the client as a Retail Client, the client will be entitled to more protections under the Law than it would be entitled to as a Professional Client. In summary, the additional protections Retail Clients are entitled to comparing to Professional Clients are as follows (the list may not be exhaustive):

- a) A Retail Client will be given more information and disclosures with regard to the Company, its services and any investments, its costs, commissions, fees and charges and the safeguarding of client financial instruments and client funds Professional clients will be given fewer information disclosures with regard to the Company, its services, products and financial instruments such as CFDs, for example on costs, commission, fees and charges, information on overall risks associated with CFDs but essential elements will be provided. The Company should inform professional clients about all costs and charges as set out in the aforementioned regulations, when the services of

investment advice or portfolio management are provided or when, irrespective of the investment service provided, the financial instruments concerned embed a derivative.

- b) Under the Law, where the Company provides investment services other than investment advice (in the form of personal recommendations) or discretionary portfolio management, the Company shall ask a Retail Client to provide information regarding his knowledge and experience in the investment field relevant to the specific type of product or service offered or demanded so as to enable the Company to assess whether the investment service or product envisaged is appropriate for the client. In case the Company considers, on the basis of the information received, that the product or service is not appropriate to a Retail Client, it shall warn the client accordingly. Please note that the Company is not required to assess appropriateness in certain cases specified by law.

The Company shall be entitled to assume that a Professional Client has the necessary experience and knowledge in order to understand the risks involved in relation to those particular investment services or transactions/instruments, or types of transaction or product, for which the client is classified as a Professional Client. If we require to assess the suitability of a personal recommendation made to you in respect of providing the service of investment advice or entered into in the course of providing a portfolio management service, we can, we can assume that you have the necessary experience and knowledge to understand the risks involved, and can sometimes assume (unless you are a non-financial institution categorized as Professional Client, then an assessment of your ability to bear the financial risk will be undertaken) that you are able to financially to bear any risks consistent with your investment objectives.

- c) When executing orders, the Company must take all sufficient steps to achieve what is called “best execution” of the Retail Client’s orders that is to obtain the best possible result for its clients. Where the Company executes an order on behalf of a Retail Client, the best possible result shall be determined in terms of the total consideration, representing the price of the financial instrument and the costs related to execution, which shall include all expenses incurred by the client which are directly related to the execution of the order, including execution venue fees, clearing and settlement fees and any other fees paid to third parties involved in the execution of the order. The Company shall also send a notice to a Retail Client confirming execution of the order as soon as possible and no later than the first business day following receipt of the confirmation from the third party, as applicable,

For Professional Clients when providing with Best Execution we are not required to prioritize the overall costs of the transaction as being the most important factor in achieving Best Execution for you. Professional clients are also entitled to a confirmation

for the execution of their order however there is no specific timeframe involved as to when the Professional Client will receive this information. Nevertheless, this confirmation shall be provided promptly.

- d) The Company must inform retail clients of material difficulties relevant to the proper carrying out of their order(s) promptly upon becoming aware of the difficulty.

As a Company for Professional clients, we do not need to inform you of material difficulties relevant to the proper carrying out of your order(s) promptly.

- e) Should we provide you with periodic statements, we are not required to provide them as frequently or as detailed as for Retail Clients.
- f) The Company is required to provide to Retail and Professional Clients a written agreement basic agreement setting out the essential rights and obligation of both parties.
- g) Where we are holding client money, we are not required to notify Professional Clients of whether interest is payable on it, whereas the Company shall notify Retail Clients if such a case exists.
- h) Retail clients may be entitled to compensation under the Investor Compensation Fund for Clients of Investment Firms, whereas Professional Clients will not be entitled for such compensation.

Eligible Counterparties

Where the Company treats the client as an Eligible Counterparty, the client will be entitled to fewer protections under the law than it would be entitled to as a Retail or a Professional client. In particular, and in addition to the above:

- a) The Company is not required to provide the client with best execution in executing client's orders;
- b) The Company is not required to implement procedures and arrangements which provide for the prompt, fair and expeditious execution of its Clients orders, relative to other Client orders or its trading interests,
- c) The Company is not required to assess the appropriateness of a product or service that the Company provide to the client;
- d) The Company is not required to provide the client with information about the Company, its services, execution venues and the arrangements through which the Company will be remunerated;

- e) The Company is not required to provide reports to the client on the execution of his/her/it orders.
- f) The Eligible Counterparties are not entitled compensation under the Investor Compensation Fund.

6. GENERAL INFORMATION

The above information is based on the Markets in Financial Instruments Directive (MiFID II) 2014/65/EU as well as the Law. For more detail information you can visit the Cyprus Securities and Exchange Commission website at <http://www.cysec.gov.cy>

Further information on Company's Client Categorisation Policy is available upon request via e-mail at support@topfx.com.

ANNEX A

REQUEST FOR RE-CATEGORISATION FROM RETAIL TO PROFESSIONAL CLIENT

Warning: The “Client Categorisation” document should be read before completing this form.

Procedure for re-categorisation: Please refer to “Procedure” (Section 3) of the “Client Categorisation” Policy.

Loss of protection of being categorised as professional: Please refer to “Protection of clients” at Section 5 of the “Client Categorisation” document.

Required criteria for re-categorisation: Please refer to “Identification criteria” (Section 2) of the “Client Categorisation” Policy. Please answer [(YES), X = NO] the following questions and provide all supporting documents.

Criterion 1

Do you currently work or you have worked in the financial sector for at least one year in a professional position, which requires knowledge of the transactions or services envisaged? (In case the client is a legal entity this question refers to the person(s) authorised to carry out transactions on behalf of the legal entity.

Supporting documents

<input type="checkbox"/>	<p>Letter for current or past employer(s) stating:</p> <ul style="list-style-type: none"> • Position(s) held • Duties and responsibilities of above position(s) • Period of term in above position(s)
<input type="checkbox"/>	Copy of professional certificate for the provision of Investment services
<input type="checkbox"/>	OTHER (please provide brief description and attached relevant documents)

Criterion 2

- Have you carry out transactions, in significant size, on the relevant market at an average frequency of 10 per quarter over the previous four quarters?

Supporting documents

<input type="checkbox"/>	Account(s) with TOPFX LTD (existing clients)
<input type="checkbox"/>	Statement of account(s) with other Investment Firm(s) for the previous four quarters
<input type="checkbox"/>	OTHER (please provide brief description and attached relevant documents)

Criterion 3

- Does the size of your financial instrument portfolio, defined as including cash deposits and financial instruments exceed EUR 500,000?

Supporting documents

<input type="checkbox"/>	Account(s) with TOPFX LTD (existing clients)
<input type="checkbox"/>	Recent statement of account(s) with other Investment Firm(s)
<input type="checkbox"/>	Recent statement of account(s) with Credit Institution(s)
<input type="checkbox"/>	OTHER (please provide brief description and attached relevant documents)

Do you wish to be treated as a professional client:

<input type="checkbox"/>	Generally
<input type="checkbox"/>	In respect of a particular investment service or transaction, or type of transaction or product? (please state for which investment service or transaction, or type of transaction or product)

I hereby confirm that to the best of my knowledge the above information is complete, true and accurate.

Name:

Position: Company name (if applicable):

.....

Signature

Date: / /