



**INVESTOR COMPENSATION
FUND PROTECTION SCHEME**

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1. Introduction

1.1. XM is a registered trademark of Trading Point of Financial Instruments Ltd, a Cypriot Investment Firm (CIF) registered with the Registrar of Companies in Nicosia under the Number HE 251334 and regulated by the Cyprus Securities and Exchange Commission (the "CySEC") under the License Number 120/10 (hereinafter the "Company" or "XM").

1.2. The Company is operating under Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC, as the same may be in force, modified or amended from time to time (the 'Markets in Financial Instruments Directive (2004/39/EC)' or 'MiFID').

2. Purpose

2.1. The Company is a member of the Investor Compensation Fund ('Fund'), in accordance to section 17 of the Investment Services and Activities and Regulated Markets Law of 2007 which states that a Cypriot Investment Firm ('CIF') must be a member of the Fund and in accordance to section 58 of the Law which states that a CIF must participate in the Fund in order to be allowed to provide investment services.

2.2. The main objective of the Fund is to secure the claims of covered clients of regulated CIFs that are members of the Fund ('Fund Members') against Fund Members, in situations where the CIF is unable to fulfil its obligations.

2.3. The Fund compensates covered clients arising from the services provided by the Fund Member, so long as failure by the CIF to fulfil its obligations has been ascertained. Failure by a Fund Member to fulfil its obligations consists of its failure:

2.3.1. To return to its covered clients funds owed to them or funds which belong to them but are held by a Fund Member, directly or indirectly, in the framework of the provision by the said Fund Member to the said clients of covered services and which the latter requested the Fund Member to return, in exercise of their relevant right.

2.3.2. To hand over to the covered clients financial instruments which belong to them and which the Fund Member holds, manages or keeps on their account, including the instances where the Fund Member is responsible for the administrative management of the said financial instruments.

The Company's clients bear the risk of losing their assets, which are held by Third Parties, especially in case of their insolvency and in case the Third Parties are not covered by any investor compensation system and/or have no other insurance cover.

3. Covered Services

3.1. Covered Services are the investment services listed on the Company's licence (Licence No. CIF 120/10) issued by the CySEC. The Fund shall not pay compensation to individuals for which criminal proceedings under the provisions of the Prevention and Suppression of the Legalisation of Proceeds from Criminal Activities Law of 2007 are pending against them.

4. Covered Clients

The Fund compensates all clients of the Company unless they fall into the following investor categories:

4.1. Institutional and professional investors including:

4.1.1. Investment Firms

- 4.1.2.** Legal entities associated with the Company and, in general, belonging to the same group of Companies
 - 4.1.3.** Banks
 - 4.1.4.** Cooperative credit institutions
 - 4.1.5.** Insurance companies
 - 4.1.6.** Collective investment organizations in transferable securities and their management companies
 - 4.1.7.** Social insurance institutions and funds
 - 4.1.8.** Investors characterized by the Company as professionals
- 4.2.** States and International Organizations
- 4.3.** Central, federal, confederate, regional and local administrative authorities
- 4.4.** Enterprises who have close ties with the Company
- 4.5.** Managerial and Administrative Staff of the Company
- 4.6.** Shareholders of the Company, whose participation directly or indirectly in the capital of the Company amounts to at least 5% of its share capital, or its partners who are personally liable for the obligations of the Company, as well as persons responsible for the carrying out of the financial audit of the Company as provided by the Law, such as its qualified auditors
- 4.7.** Investors having in enterprises connected with the Company and, in general, of the group of companies to which the Company belongs, positions or duties corresponding to the ones listed in subparagraphs 4.5 and 4.6 above
- 4.8.** Second-degree relatives and spouses of the persons listed in subparagraphs 4.5, 4.6 and 4.7, as well as third parties acting for the account of these persons
- 4.9.** Apart from investors convicted of criminal offence pursuant to the Prevention and Suppression of Money Laundering Activities Law of 2007, investors-clients of the Company responsible for facts pertaining to the member of the Fund that have caused its financial difficulties or have contributed to the worsening of its financial situation or which have profited from these facts
- 4.10.** Investors in the form of a company, which due to its size, is not allowed to draw a summary balance sheet in accordance with the Companies Law or a corresponding law of a Member State

5. Compensation Payment Procedure

The Fund initiates the compensation payment procedure when at least one of the following preconditions is fulfilled:

- 5.1.** The CySEC has determined by Resolution that the Company, which is subscribed to the Fund, is unable, at present, to meet such of its duties as arise from its investor-clients' claims in connection with the provision of investment services, provided that such inability is directly related to its financial circumstances in respect of which there is no foreseeable realistic prospect of improvement in the near future or;
- 5.2.** A court has, on reasonable grounds directly related to the financial circumstances of the Company which is subscribe to the Fund, issued a ruling which has the effect of suspending the investors ability to lodge claims against the Company.

Upon issuance of a decision by the Court or by the CySEC on the commencement of the compensation payment process, the Fund publishes in at least three newspapers of national coverage, an invitation to the covered clients to make their claims against the Company arising from covered services. The procedure for the submission of the relevant applications, the deadline and their content will be designated in the invitation.

6. Payable Compensation

6.1. The amount of compensation payable to each covered client is calculated in accordance with the legal and contractual terms governing the relation of the covered client with the Company, subject to the set-off rules applied for the calculation of the claims between the covered client and the Company.

6.2. The calculation of the payable compensation derives from the sum of total established claims of the covered client against the Company, arising from all covered services provided by the Company and regardless of the number of accounts, of which it is a beneficiary, the currency and place of provision of these services.

6.3. Insofar as the amount of the claim determined exceeds the amount of €20.000, the claimant receives as compensation the lump sum of the amount of €20.000.