



INVESTOR COMPENSATION FUND



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INFORMATION TO CUSTOMERS OF LITEFOREX (EUROPE) LTD IN RELATION TO THE INVESTOR COMPENSATION FUND FOR CUSTOMERS OF CYPRIOT INVESTMENT FIRMS

1. INTRODUCTION

- 1.1. Liteforex (Europe) LTD ("the Company") is an Investment Firm regulated by the Cyprus Securities and Exchange Commission ("CySEC") with license number 093/08. The Company is a member of the Investor Compensation Fund (the "Fund") for customers of Cypriot Investment Firms (CIFs) and other Investment Firms (IFs) which are not credit institutions.
- 1.2. The Fund is subject to the provisions of Article 15 of the Investment Services and Activities and Regulated Markets Law No. 87(I)/2017 (the "Law") with any possible amendments thereto and Directive DI87-07 of The Cyprus Securities and Exchange Commission for the Operation of the Investors Compensation Fund (the "Regulations"), which were issued under the Law.
- 1.3. The object of the Fund is to secure the claims of the **covered clients** against the Company through the payment of compensation for their claims arising from the **covered services** provided by the Company, so long as failure by the Company to fulfill its obligations has been ascertained.
- 1.4. Where The Fund shall initiate the compensation payment procedure when:
 - (1) The Cyprus Securities and Exchange Commission has determined that the Company appears, for the time being, for reasons directly related to its financial circumstances, to be unable to meet its obligations arising out of investors' claims and has no early prospect of being able to do so.
 - (2) A Court of the Republic of Cyprus has made a ruling, for reasons directly related to the Company's financial circumstances, which has the effect of suspending investors' ability to make claims against it.
- 1.5. The Cyprus Securities and Exchange Commission shall issue its decision for the initiation of the compensation payment procedure by the Fund within a reasonable time and publish the relevant information on its website.

2. COVERED SERVICES

- 2.1. The Fund covers the following services:

- Reception and transmission of orders in relation to one or more financial instruments.
- Execution of orders on behalf of clients.
- Dealing on own account.
- Portfolio management.
- Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis.

- Placing of financial instruments without a firm commitment basis. □ Operation of an MTF.
- Operation of an OTF.
- Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management.

2.2. As applicable to the Company's License and relating to any of the financial instruments listed below and relevant to the Company:

- Transferable securities.
- Money market instruments.
- Units in collective investment undertakings.
- Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash.
- Options, futures, swaps, forward rate agreements and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event).
- Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market or/and an MTF.
- Options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled (provided that they are traded on a regulated market or/and an MTF) and not being for commercial purposes, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are cleared and settled through recognised clearing houses or are subject to regular margin calls.
- Derivative instruments for the transfer of credit risk.
- Financial contracts for differences.
- Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates, emission allowances or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event), as well as any other derivative contract relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Part, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are traded on a regulated market or an MTF, are cleared and settled through recognised clearing houses or are subject to regular margin calls.

3. COVERED CUSTOMERS

3.1. The Fund covers the clients of Company **except** those, who are included in the following categories of **non-covered investors (below)**:

(1) The following categories of institutional and professional investors:

- Investment Firms,



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- Legal entities associated with the Company and, in general, belonging to the same group of companies,
 - Banks,
 - Cooperative credit institutions,
 - Insurance companies,
 - Collective investment organizations in transferable securities and their management companies,
 - Social insurance institutions and funds,
 - Investors characterized by the Company as professionals, upon their request, pursuant to the provisions of Part II of the Second Appendix of the Law 87 (I)/2017.
- (2) Supranational institutions, government and central administrative authorities.
 - (3) Provincial, regional, local and municipal authorities.
 - (4) Enterprises that have close ties with the Fund member as the term «close ties» is construed in Article 2(1) of the Law 87 (I)/2017.
 - (5) Managerial and administrative staff of the Company.
 - (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.
 - (7) 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.
 - (8) Up to second degree relatives and spouses of the persons listed in paragraphs 3.1.(5), 3.1.(6) and 3.1.(7), as well as third parties acting for the account of these persons.
 - (9) Investors-clients of the Company responsible for facts pertaining to the Company that has caused its financial difficulties or has contributed to the worsening of its financial situation or have profited from these facts.
 - (10) Other firms in the same group.
 - (11) Investors in the form of a company, which due to its size, is not allowed to draw up a summary balance sheet in accordance with the Companies Law or a corresponding law of a Member State.

- 3.2. In the cases of paragraphs 3.1.(5), 3.1.(6), 3.1.(7) and 3.1.(8), the Fund suspends the payment of compensation informing the interested parties accordingly, until it reaches a final decision as to whether such cases apply.

4. THE INITIATION OF THE COMPENSATION PAYMENT PROCEDURE BY THE FUND

- 4.1. Upon initiation of the compensation payment procedure, the Fund shall publish as soon as possible in at least two national newspapers, an invitation to submit applications for compensation, designating the procedure for the submission of the relevant applications, the deadline for their submission as well as their content.
- 4.2. The above publication shall be communicated immediately to the Cyprus Securities and Exchange Commission, which shall post the publication on its website.
- 4.3. The Fund shall issue a claim form setting out the information and supporting evidence required in order to evaluate the claims of covered investors and may request additional information where deemed necessary.
- 4.4. In exceptional and justified cases, the Fund, with an announcement thereof, may extend the deadline for the submission of compensation applications up to three months, provided it obtains the approval of the Cyprus Securities and Exchange Commission. A covered client submitting a compensation application after the deadline, shall submit, in addition to the information forming the content of the application, a declaration explaining the reason, if any, for which he was not in a position to claim compensation in time, attaching all supporting evidence to that end.

5. COMPENSATION PAYMENT CONDITIONS

- 5.1. The payment of compensation by the Fund shall entail the following:
- the initiation of the compensation payment procedure;
 - the existence of a valid claim by a covered client against the Company, which derives from an investment operation;
 - the submission of an application form as prescribed above;
 - that the claims do not arise from transactions for which there has been a criminal conviction for money laundering as defined in the Prevention and Suppression of Money Laundering Activities Law of 2007;
 - there are no pending criminal proceedings against the said covered client for money laundering as defined in the Prevention and Suppression of Money Laundering Activities Law of 2007;
 - the right of a covered client has not been extinguished under the Limitation of Offenses Act.



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- 5.2. The Fund shall reject the application if the claimant has used false or misleading means in order to secure the payment of the compensation.

6. COMPENSATION AMOUNT FORMALITIES

- 6.1. The calculation of the compensation payable shall arise from the sum of the total established claims of the covered client against the Company, arising from all covered services provided by the Company. The Fund shall provide coverage for the covered claims which applies for the total claims of the covered client against a Company and shall be defined as the lower of 90% of the cumulative covered claims of the covered client and €20.000.
- 6.2. In the case of joint investment business the claims shall be allocated equally amongst covered investors. Claims relating to joint investment business to which two or more persons are entitled as members of a business partnership, association or grouping of a similar nature, which has no legal personality, shall, for the purpose of calculating the coverage, be aggregated and treated as if arising from an investment made by a single investor.
- 6.3. Where a covered client is not the ultimate beneficiary of the funds or financial instruments held by the Company:
- (1) compensation shall be paid to the ultimate beneficiary if his identity is or may be established prior to the date of initiation of compensation payment procedure.
 - (2) if the ultimate beneficiaries are more than one, in the calculation of the coverage provided for, the share attributable to each one of them according to the arrangements regulating the management of the funds or financial instruments shall be taken into account.

7. ANNOUNCEMENT OF FUND'S DECISION

- 7.1. Upon completion of the assessment procedure the Fund shall:
- (a) Issue a decision listing the clients of the Company, determining the amount of money each one of them is entitled to receive, and communicate it to the Cyprus Securities and Exchange Commission and the Company within five working days from its issue. The said decision shall also list those clients to whom no compensation shall be paid, and the reasons for this;
 - (b) Communicate to each affected client its decision the soonest possible from its issue.
- 7.2. The claimant to whom the Fund communicates its decision, may, in case of disagreement, submit an objection in writing to the Cyprus Securities and Exchange Commission, within one month from the date on which the decision was notified, justifying its objection sufficiently. The objection shall be submitted at info@cysec.gov.cy and entitled "Objection to the decision of the ICF".



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- 7.3. The Cyprus Securities and Exchange Commission must conclude the examination of the objection within forty-five (45) days and in case that identifies an error in the evaluation carried out by the Fund, it shall request in writing from the Fund to immediately rectify the mistake and pay the correct amount, and inform the affected client accordingly claimant the correct amount, and inform the affected client accordingly.

8. DEADLINE AND PROCEDURE RELATING TO THE PAYMENT OF COMPENSATION

- 8.1. The Fund shall pay each covered client/claimant the compensation that he is entitled to, within three months from the date that the decision was communicated to the covered client.
- 8.2. The payment of the compensation by the Fund shall be deposited to a bank account of the covered client. In extraordinary and justified circumstances, the Fund may request from the Cyprus Securities and Exchange Commission an extension of the deadline. The said extension may not exceed three months.
- 8.3. The Fund may at any time require the covered client to return the compensation paid to it if it subsequently establishes that there has been a reason for the rejection of the application.

For any further information regarding the Fund, please contact our office at:

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