



## **Elective Professional Clients Disclaimer**

Version 6 – March 2024

## 1. General

CAPITAL COM SV INVESTMENTS LIMITED (the "Company") is authorised and regulated by the Cyprus Securities and Exchange Commission ("CySEC") as a Cyprus Investment Firm (Licence No. 319/17). The Company is authorised to provide investment and ancillary services with regards to specific financial instruments as stated in its CySEC Licence here.

This Elective Professional Clients Disclaimer (the "Policy") sets out important information for retail Clients who request to be classified as Professional. The policy needs to be read and understood in full, whilst for any enquiries, you may contact [support@capital.com](mailto:support@capital.com).

Retail Clients may be classified as Professional Clients when they meet at least two of the three following criteria:

- the Client seeking professional status 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 financial instrument portfolio of the Client seeking professional status, 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.

In terms of Law, Professional clients are those clients where we can assume that they have sufficient knowledge, experience and expertise to make their own investment decisions and understand the risks involved in trading with CFDs.

As a Professional Client you are responsible to inform us about any change, which could affect your current classification. In case of such change, please notify us in writing at the following e-mail address: [support@capital.com](mailto:support@capital.com) or notify your dedicated account manager. Should we become aware that you no longer fulfil the initial conditions, which made you eligible for Professional Client treatment, we will take appropriate action.

You are entitled to demand at any time another classification, e.g., be re-categorised as a Retail Client and receive a higher level of protection in terms of the regulations of the Law (see Part 2 below). In this case, please notify us in writing at the following e-mail address: [support@capital.com](mailto:support@capital.com) or notify your dedicated account manager. Such re-classification becomes effective after such a request has been received and acknowledged by the relevant officer of our Compliance Department. For the avoidance of doubt, such requests cannot be retroactively applied to trading transactions that have taken place before we have formally received and acknowledged such requests.

### **Costs & fees:**

Charges applied to professional accounts may vary from those of retail accounts. Details of costs and charges applied can be found on the dedicated website section [here](#).

## 2. Consequences of categorisation as an Elective Professional

Once categorised as a Professional Client, you will lose some of the regulatory protections which would have otherwise been available to you as a Retail Client. In particular, the following changes shall be applicable:

- **Appropriateness Test and understanding of risk:**  
We assume that you have sufficient knowledge and experience to understand and assess the risks of the relevant financial instruments and your transactions, therefore we will not provide you with any written risk warnings in relation to any of your transactions.
- **Terms of Business:**  
Our Terms & Conditions and Policies remain applicable to you to the extent they are not in conflict with your status as a Professional Client.
- **Financial Promotions:**  
Rules relating to financial promotions are limited or modified in their application to Professional Clients compared to Retail Clients. Financial promotions directed at Professional Clients' are only subject to the high level requirement that they are fair, clear and not misleading.
- **CIF Client Compensation Fund Scheme:**  
Only Retail Clients have access to Cyprus Investor Compensation Fund, in the case where we are unable to meet our obligations.
- **Negative Balance Protection:**  
The Company does not offer negative balance protection to Professional Clients, however may, at its sole discretion, offer limited negative balance protection from time to time. Professional Clients will be responsible for making additional payments should their account fall into a negative balance. **Professional Clients could lose more than the sum they have invested when trading with the Company.**
- **Title Transfer Collateral Arrangement (TTCA):**

By accepting these Terms, you hereby allow the Company to conduct a TTCA appropriateness assessment on your Professional Account. **In case your Account is assessed as appropriate for the application of TTCA, the Company will request your consent for treating your money as a collateral.** In essence, by being assessed as appropriate for TTCA and by providing your consent you will be treated in accordance with title transfer, namely money that you transfer to us by way of margin or otherwise, will be transferred in full ownership to us for the purpose of securing or covering your recent, future, actual, contingent or prospective obligations.

**TTCA consent will be requested only if the Company determines that the use of TTCA is appropriate for your Account.** In particular, the below factors, inter alia, shall be taken into consideration:

- Client's margin requirements/available margin;
- The leverage utilised;
- The volume of transactions undertaken.

For more information, please refer to section 3.5.11 of our Terms and Conditions.

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