



SIA “Viainvest”

Customer Status Determination Policy

No. VI-25-007

Version 04

18.02.2025.

Riga, 2025

Approved by the decision of the shareholders meeting of SIA “Viainvest”:	18.02.2025.
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Next review date:	March 2026

1. Organizational administrative provisions

1.1. Document control

Version No.	Description of changes made
04	The document has been approved by a decision of the shareholders meeting. Some organizational points and wording used have been clarified, as well as references to regulatory acts have been updated.

1.2. Related documents

Document type	Document name
EU Regulation	Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive
Law of the Republic of Latvia	Investment brokerage firms law
Law of the Republic of Latvia	Financial Instrument Market Law
LB Regulatory Provisions	No. 258 "Regulatory provisions on investment product management requirements
LB Regulatory Provisions	No. 375 Regulations on the Management System of Investment Brokerage Companies
Company Policy	Management Information System Policy

1.3. Purpose

The purpose of this Policy is to regulate the process, where the Company's customers, who have expressed a will to receive the Company's investment services and ancillary services, the Customer's status is determined, the changes are made for the determined Customer's status and the protection of Customer's interests is provided.

1.4. Allocation of responsibilities

1.4.1. Within the Customer status determination procedure the Company's Shareholders meeting:

1.4.1.1. approves the Policy;

1.4.1.2. supervises periodical improvement of the Customer status determination procedure according to changes in the Company operation and legislation;

- 1.4.2. Within the Customer status determination procedure the Company's Management Board:
 - 1.4.2.1. ensures appropriate qualification and sufficient experience of the Company employees;
 - 1.4.2.2. provides a publication of the Policy in the Company's website.
- 1.4.3. Within the Customer's status determination procedure the Company's employees and, if necessary, also outsourcing service providers:
 - 1.4.3.1. get acquainted with the Policy and related procedures;
 - 1.4.3.2. make proposals for improvement of the procedure;
 - 1.4.3.3. ensure execution of Policy and binding procedures;
 - 1.4.3.4. notify the process owner about detected violations.
- 1.4.4. The internal audit department shall ensure independent assessment of management efficiency in administration of Customer status determination procedure.
- 1.4.5. This Policy shall be revised at least once a year in order provide its actuality and conformance to changes.

2. Definitions and abbreviations

- 2.1. Transaction – agreement, the execution of which for the Customer is ensured by the Company within the Agreement.
- 2.2. FI – Financial Instruments listed on the Company's Platform and in the Investor's Profile. Information about the Financial Instruments offered on the Company's Platform is provided in the Base Prospectuses and Final Terms.
- 2.3. Investor Protection Measures – measures stipulated in Law, Regulation and Agreement, concluded by the Company and customer, which in compliance with the customer's status (Private customer, Professional customer, Eligible counterparty) the Company shall apply, including, but not limited to:
 - 2.3.1. determination of suitability or appropriateness of investment service or product to the Customer's interests;
 - 2.3.2. warning the Customer about the risks associated with the investment service or ancillary services;
 - 2.3.3. provision of detailed information on consequences related to the investment services or ancillary services and features of FI;
 - 2.3.4. provision of order execution policy, which is based on the Customer's total expenses;
 - 2.3.5. informing the Customer about the difficulties in execution of the order;
 - 2.3.6. provision of detailed information about Transaction costs and fees related to the Transaction execution;
 - 2.3.7. reporting obligations in connection with the order execution; etc.
- 2.4. Customer; Investor – natural or legal person, to whom the Company is planning to provide or provides investment services and/ or investment ancillary services in accordance with the concluded Agreement, and within this Policy it is a Private Customer or Professional Customer, or Eligible counterparty.
- 2.5. Law – Financial Instrument Market Law of the Republic of Latvia.

- 2.6. Agreement – the Company’s Investment Platform Agreement terms and conditions for financial services, concluded between the Company and the Investor for the provision of investment services and/ or ancillary investment services.
- 2.7. Policy – this Customer status determination policy together with all further amendments and supplements performed therein.
- 2.8. Retail Customer – a customer, who is not a Professional Customer and is not an Eligible Counterparty.
- 2.9. Professional Customer – a customer, who has an appropriate experience, knowledge and competence in order to take investment decision independently and to properly assess risks it assumes and which conform to criteria, which are set for the Professional Customer in accordance with Law and the Policy.
- 2.10. Regulation – Commission Delegated Regulation (EU) 2017/565 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.
- 2.11. Company – SIA “Viainvest”, registration number 40203015744, legal address Roberta Hirsa Street 1, Riga, LV-1045, Latvia.
- 2.12. Eligible Counterparty – a Customer who meets the criteria set for an Eligible Counterparty in accordance with the Law and the Policy. TP – trade platform, which is in the Company website www.viainvest.com, by which, using direct electronic access, entering the username and password, the Customer can receive services provided by the Company, including but not limited to executing Transactions with FI by submitting orders..
- 2.13. Member of the Management Board – within the meaning of the Policy: a member of the Company's Management Board responsible for ensuring regulatory compliance.

3. General conditions

- 3.1. For a person to whom the Company will provide/ provides investment services and/ or investment ancillary services (previously and hereinafter - the Customer) the following status may be applied:
 - 3.1.1. Retail Customer status;
 - 3.1.2. Professional Customer status or
 - 3.1.3. Eligible Counterparty status.
- 3.2. Providing investment services and/ or investment ancillary services, the Company shall be obligated to ensure for each Customer a protection level appropriate for its status.
- 3.3. The Company shall publish in TP Customer’s profile information about the status assigned to the Customer.
- 3.4. The Customer has the right to request a change of the assigned status to another status that provides either greater or lesser protection of the Customer's rights.
- 3.5. If the Company obtains information that the Customer no longer meets the criteria for the assigned status, the Company, with the approval of a Member of the Management Board, is entitled to unilaterally decide on a status change and inform the Customer accordingly.
- 3.6. Change of Customer status towards a lower level of Investor protection – if the Customer meets the criteria set out in the Law:

- 3.6.1. a Retail Customer is entitled to request the status of a Professional Customer or an Eligible Counterparty;
- 3.6.2. a Professional Customer is entitled to request the status of an Eligible Counterparty.
- 3.7. Change of Customer status towards a higher level of Investor protection:
 - 3.7.1. a Professional Customer is entitled to request the status of a Retail Customer;
 - 3.7.2. an Eligible Counterparty is entitled to request the status of a Professional Customer or a Retail Customer.
- 3.8. A Customer who wishes to change his/ her status shall submit an application to the Company, specifying the desired status and whether he/ she wishes to be assigned a different status for all provided services or only for certain types of investment services, Transactions, or products.
- 3.9. When reviewing a Customer's application for a status change, the Company has the right to request information and documents from the Customer that confirm the Customer's competence, experience, and knowledge in the relevant field of investment services, as well as their compliance with the criteria set out in the Law. The Customer is obliged to provide the requested information.
- 3.10. The Customer's application for a status change shall be reviewed, and a decision shall be made by a Member of the Management Board. The Company has the right to refuse a status change request if the Customer does not meet the criteria set out in the Law, as well as to refuse, without providing reasons, a status change towards a higher level of Investor protection if the Customer was initially assigned the status of a Professional Customer or an Eligible Counterparty.
- 3.11. If the Company agrees to change the Customer's status towards a lower level of Investor protection at the Customer's request, the Company shall provide the Customer with a written warning about the Investor protection rights that may be lost due to the status change. The Customer shall sign a confirmation acknowledging receipt of the warning and awareness of the consequences of losing such rights.
- 3.12. If the Company agrees to a status change initiated by the Customer, the Company and the Customer shall conclude a written agreement regarding the change.
- 3.13. A Customer who has been assigned the status of a Professional Customer or an Eligible Counterparty is obliged to provide the Company with information about any changes in their operations that may affect their compliance with the criteria for the assigned status. The Customer shall submit such information to the Company in writing, stating that the submitted information may affect their assigned status.

4. Customer Categories / Statuses

A) Retail Customer Status: General Provisions

- 4.1. **Retail Customer status** shall be applied for all Customers, which doesn't conform to criteria of Eligible Counterparty or Professional Customer status.
- 4.2. If the Customer fails to provide information, which is required to determine the Customer's status, and it makes impossible to assess the Customer's conformity to another status, the Company shall assign to the Customer the Retail Customer Status.
- 4.3. The highest protection level shall be applied for the Retail Customers.

- 4.4. In transactions with Retail Customer the Company shall apply Order Execution Policy for transactions with financial instruments and Conflict of Interest Prevention Policy for investment services, as well as other requirements, stated in the Financial Instrument Market Law, including, shall assess appropriateness of the investment services and investment ancillary services with the Customers' interests.

B) Change of Retail Customer Status to Another Status

- 4.5. A Retail Customer may request a change of status to a Professional Customer status or an Eligible Counterparty status, in accordance with the procedure set out in the Law and Policy, thereby lowering his/ her level of protection.

C) Recognition of the Customer as a Professional Customer in accordance with the criteria established by the Law

- 4.6. Customers who are considered **Professional Customers** for all investment services and FI based on the criteria established by the Law:

- 4.6.1. persons licensed or regulated in the Republic of Latvia or another country for activities in the financial market:

- 4.6.1.1. credit institutions;
- 4.6.1.2. investment firms;
- 4.6.1.3. other licensed or regulated financial institutions;
- 4.6.1.4. investment funds and investment management companies;
- 4.6.1.5. alternative investment funds and alternative investment fund managers;
- 4.6.1.6. insurance companies;
- 4.6.1.7. pension funds and pension fund managers;
- 4.6.1.8. commodity dealers;
- 4.6.1.9. companies that engage in transactions in options contracts, futures contracts, or derivative financial instrument markets or underlying assets of derivative instruments in their own name, whose sole purpose is to hedge financial risks in the derivatives markets, or that engage in transactions on behalf of other market participants or form prices for them, and are guaranteed by settlement system participants in that market, if the settlement system participants in the market assume responsibility for the performance of contracts entered into by such companies;
- 4.6.1.10. other institutional investors;

- 4.6.2. commercial companies and other legal entities that meet at least two of the following three requirements:

- 4.6.2.1. own capital – no less than 2 million euros;
- 4.6.2.2. net turnover – no less than 40 million euros;
- 4.6.2.3. balance sheet total – no less than 20 million euros;

- 4.6.3. state authorities managing public debt, central banks of states, the World Bank, the International Monetary Fund, the European Central Bank, and other international financial institutions;

- 4.6.4. other institutional investors whose main activity is investing in financial instruments, including those involved in the securitization of financial assets or financing other transactions, and who engage in such investments on a large scale;

4.6.5. a person recognized as a Professional Customer in another country in accordance with a procedure equivalent to that established in this point.

D) Granting Professional Customer Status upon Customer's Request (Change of Customer Status from Retail Customer to Professional Customer)

4.7. The Company, with the approval of a Member of the Management Board, may recognize a person as a Professional Customer who is not mentioned in Policy point 4.6, but has made such a request, whose knowledge and experience have been evaluated by the Company, and who meets at least 2 of the following criteria:

4.7.1. the person has carried out substantial transactions in the relevant market – at least 10 transactions per quarter in the previous four quarters;

4.7.2. the value of the person's financial instrument portfolio, which includes financial assets and FI, exceeds 500,000 euros;

4.7.3. the person has at least one year of experience in the financial sector in a position that requires knowledge of transactions and services that the person intends to conduct or receive as a Professional Customer.

4.8. Before recognizing the person mentioned in the Policy's point 4.7. as a Professional Customer, the Company evaluates his/ her competence, experience, and knowledge to obtain confirmation that, considering the specific nature of the intended transactions or services, the Customer is capable of making investment decisions independently and is aware of the associated risks.

4.9. The Company may grant Professional Customer status to the person mentioned in the Policy's point 4.7. either in general or with respect to a specific type of investment service, transaction type, or particular transaction or product. A person who wishes to be recognized as a Professional Customer must submit a request to the Company, specifying the type of investment service, transaction, or product for which his/ her wish to receive Professional Customer status. Before granting Professional Customer status to the person, the Company must provide written warning about the investor protection rights that may be lost by acquiring Professional Customer status, and the person must sign an acknowledgment that he/ she has received such a warning and understand the consequences of losing those rights. A written agreement is concluded for the granting of Professional Customer status.

4.10. A person recognized as a Professional Customer in accordance with the procedure outlined in the Policy's point 4.9. must provide the Company with information about any changes in its activities that may affect its continued compliance with the requirements for Professional Customer status. If the Company receives information that the Customer no longer meets the criteria for Professional Customer status, it will decide to revoke such status and notify the respective person in writing.

E) Change of Customer Status from Professional Customer to Retail Customer upon Customer's Request

4.11. A Professional Customer may be recognized as a Retail Customer by the Company (with the approval of a Member of the Management Board) for all provided services or for specific types of investment services, transactions, or products. A Professional Customer who wishes to be granted Retail Customer status must submit a request to the Company, specifying the type of investment service, transaction, or product for which they wish to receive Retail Customer status.

- 4.12. To grant Retail Customer status to a Professional Customer, the Company and the person recognized as a Professional Customer must enter into a written agreement. This agreement will specify the types of investment services, transactions, or products to which Retail Customer status applies.

F) Professional Customer Status: General Provisions

- 4.13. In transactions with Professional Customer the Company applies the Order Execution Policy for transactions with financial instruments and Conflict of Interest Prevention Policy for investment services.
- 4.14. The Company shall not assess the suitability of the Investment Services to the interests of the Professional Customer, as the Professional Customer is considered to have the necessary experience and knowledge to assess the suitability of the relevant Investment Service, transaction or product for its interests and to be able to bear the risk of any loss, what the investment can create.
- 4.15. The Company shall provide to the Professional Customers information about costs and fees, which were applied to the Customers for provided investment services, however in some cases it shall have right to agree with the Customer on limited provision of the mentioned information.
- 4.16. A Customer, who has been granted the status of a Professional Customer, shall not be entitled to the compensation provided in the Investor Protection Law.**

G) Recognition of a Customer as an Eligible Counterparty in accordance with the criteria established by the Law

- 4.17. The persons who are recognized as **Eligible Counterparties** based on the criteria set out in the Law are:
- 4.17.1. investment firms;
 - 4.17.2. credit institutions;
 - 4.17.3. insurance companies;
 - 4.17.4. investment management companies;
 - 4.17.5. pension funds and their management companies;
 - 4.17.6. other financial institutions that are licensed and operate in accordance with the financial services regulations of the respective national or foreign jurisdiction;
 - 4.17.7. national governments and other state institutions managing public debt;
 - 4.17.8. central banks and supranational organizations;
 - 4.17.9. other companies and institutions in accordance with the provisions of the Law.
- 4.18. The Company, before starting the provision of investment services and investment-related services, must inform the entities listed in the Policy's point 4.17. about the Eligible Counterparty status that applies to them.

H) Change of Eligible Counterparty Status to Professional Customer Status or Private Customer Status Upon the Customer's Request

- 4.19. The persons listed in the Policy's point 4.17. have the right, in accordance with the procedure set out in the Law (i.e., the person submits a request to the Company, specifying the type of investment service, transaction, or product for which it wishes to receive Private Customer status or Professional Customer status; with the approval of the Member of the Management Board, the person may be recognized as a Private Customer or Professional Customer; thereafter, the Company and the person enter into a written agreement, specifying the types of investment services,

transactions, or products for which Private Customer or Professional Customer status will apply), to request the Company to grant it Professional Customer or Private Customer status. If the person does not specifically indicate which status—Professional Customer or Private Customer—should be granted, the Company will assign Professional Customer status.

I) Assignment of Eligible Counterparty Status According to Additional Criteria Set Out in the Law

- 4.20. The Company may apply the Eligible Counterparty status to the persons listed in points 4.6.1.8 – 4.6.1.10, 4.6.2, and 4.6.3 of the Policy. If the Company's potential Customer is a commercial company registered in another member state, equivalent to the commercial companies mentioned above, the company may apply the Eligible Counterparty status to it, in accordance with the provisions of the following point of the Policy.
- 4.21. In order to apply the Eligible Counterparty status to the persons mentioned in the previous point of the Policy, the Company must obtain the approval of the Member of the Management Board and the person's consent. Consent may be obtained for the investment services provided in general, for individual investment services, or for specific transactions.
- 4.22. If a Customer requests to be treated under the regime applied to an Eligible Counterparty, the following procedure must be followed:
- 4.22.1. the Company must clearly inform the Customer in writing about the consequences of such a request, including the potential loss of protection;
 - 4.22.2. the Customer must confirm in writing the request for the application of the Eligible Counterparty regime either in general or concerning a specific investment service or several investment services, or for a specific transaction or type of transaction or product, and confirm that he/ she understands the consequences of losing protection after the request is fulfilled.

J) Eligible Counterparty Status: General Provisions

- 4.23. In its relations with the Eligible Counterparty, the Company shall act honestly, fairly and professionally and shall communicate honestly, clearly and not misleadingly, taking into account the nature of the Eligible Counterparty and its business.
- 4.24. In transactions with the Eligible Counterparty the Company shall apply for investment services the Conflict of Interest Prevention Policy.
- 4.25. In transactions with the Eligible Counterparty, to the extent stipulated in Law, the Company shall be entitled not to apply the Law requirements to the Customer's contract on the provision of investment services and ancillary services, types of exchange of information related to investment services, appropriateness and suitability of the investment service and ancillary services to the Customer's interests, the Company's obligations in relations with Customers, Customer's order execution and order execution policy, as well as ensuring the best results for the Customer.
- 4.26. A Customer, who has been granted the status of an Eligible Counterparty, shall not be entitled to the compensation provided in the Investor Protection Law.**

5. Final terms

- 5.1. The Policy shall enter into force on the date of its approval and shall be in force in the current edition until its amendment, supplement or cancellation.
- 5.2. The Policy may be amended, supplemented or canceled by the Company Shareholders meeting decision.
- 5.3. The Company publishes this Policy on its website.
- 5.4. The Company ensures that Customers are familiarized with the Policy before starting to provide investment services.