

Payward Europe Solutions Limited t/a 'Kraken'

Summary Commercial Policy

PURPOSE

Payward Europe Solutions Limited (hereafter, "**PESL**") is a private limited company incorporated in Ireland under the Companies Act 2014 (Register No. 711781). PESL is a wholly-owned subsidiary of Payward Europe Limited ("**PEL**") which in turn is wholly-owned by Payward, Inc. Payward, Inc., a Delaware, USA corporation, is the parent company of a worldwide group of subsidiaries (the "**Payward Group**", the "**Kraken Group**" or the "**Group**" collectively doing business as "**Kraken**").

PESL is authorised by the Central Bank Of Ireland ("**CBI**") as a Crypto Asset Service Provider ("**CASP**") within the meaning of Article 3(15) of the Markets in Crypto-Assets Regulation (Regulation (EU) 2023/1114 ("**MiCA**") to provide crypto asset services to client European Economic Area ("**EEA**").

This Summary of PESLs Commercial Policy ("**Policy**") sets out a non-discriminatory framework for the types of client PESL accepts for the provision of crypto-asset exchange services—whether for fiat currency or other crypto-assets. PESL is responsible for outlining, through this Policy, the clients it is prepared to do business with, as well as the conditions such clients must satisfy in order to access its services.

In accordance with Article 77 (2) of Regulation (EU) 2023/1114, PESL publishes a firm price or the methodology for the price provided to clients when exchanging crypto-assets for funds and other crypto-assets.

DEFINITIONS

Unless otherwise specified in this section, all definitions follow those provided in Regulation (EU) 2023/1114.

"exchange services of crypto-assets for funds" means the conclusion of purchase or sale contracts concerning crypto-assets with clients for funds by using proprietary capital.

"exchange services of crypto-assets for other crypto-assets" means the conclusion of purchase or sale contracts concerning crypto-assets with clients for other crypto-assets by using proprietary capital.

"client" means any natural or legal person to whom a crypto-asset service provider provides crypto-asset services.

TYPES OF CLIENTS

To support fair and equal provision of exchange services PESL has established non-discriminatory criteria outlining, in particular, the type of clients it agrees to service.

For the provision of exchange services PESL agrees to service all natural and legal persons including but not limited to clients it considers: individual clients (retail and professional investors) and institutional clients based in the EEA.

PESL may impose limits or restrictions on the basis of types of clients to meet its regulatory requirements. Limits or restrictions that impact types of client will be published on the group's website.

PROVISIONAL CONDITIONS OF SERVICES

To be accepted, all prospective clients must satisfy the following conditions:

- successfully complete the onboarding process as employed through PESLs onboarding procedures;
- comply with and pass PESLs due-diligence requirements which may vary based on the type of client or a risk profile determined by PESL;
- consent to PESL's Terms of Services and applicable addendums provided during the onboarding process; and
- comply with PESL's Terms of Service

Clients are required to comply with PESL Terms of Service and this Policy and as such shall not engage in conduct that:

- violates Regulation (EU) 2023/1114 or any other applicable regulatory obligations;
- contravenes any provision within the PESL Terms of Service or other agreements clients consent to;
- poses a risk to the fairness, reputation, or operational integrity of PESL; or
- fails to comply with or breaches the provisions set out in this Policy.

PESL reserves the right to restrict account access or disable funding abilities for reasons including, but not limited to:

- Detection of a potential security issue,
- Suspected malicious activity targeting your account,
- Withdrawals to crypto wallets associated with fraud or illegal activity,•
- A reversal of one of your recent transactions by your bank or card issuer
- Failure to maintain accurate, truthful, and up-to-date information regarding your identity and contact information,
- Failure to respond to a request for additional information, as required by regulations in the jurisdiction where you reside, have not entered into a contract by accepting the terms of service or who have breached them;
- Are not eligible on the basis of regulatory requirements

AVAILABILITY OF SERVICE

With the exception of any scheduled or unscheduled downtime, the platform is intended to operate 24 hours a day, 7 days a week. The current platform status is available at <https://status.kraken.com/>

PESL may, in its sole discretion, suspend trading and or access to trading in order to maintain market integrity including, but not limited to, any of the following circumstances:

- in response to system disruptions;
- disorderly market conditions;
- network issues, hosting and cloud computing issues, database errors or software errors;
- adverse market events;
- on-chain events such as chain splits or soft/hard forks;
- excessive volatility or excessive price moves when it deems that not suspending access to trading would likely cause significant damage to the interests of clients; or
- competent authority prohibits trading or applies other supervisory measures to relevant crypto assets or persons in accordance with Regulation (EU) 2023/1114 or other laws and regulations.

EXCHANGE LIMITS

At present, there are no maximum restrictions on the volume of crypto-assets that can be exchanged for fiat currency or other crypto-assets. However, a client's exchange request may be declined if there is inadequate market liquidity or insufficient market depth to fulfill the requested amount as determined by Kraken.

Factors which can limit amounts that can be exchanged include:

- the users available balance;
- the level of liquidity present within 5% of mid-point on the relevant order book

The minimum instant buy/sell order size (approximately 1 USD) of an asset in your account

For OTC a minimum trade size is imposed and there is no maximum trade size. Information on product limits can be found on the Kraken website.

PUBLICATION OF A FIRM PRICE OR PRICING METHOD

PESL will publish a firm price of the crypto-assets or a method for determining the price of the crypto-assets on its website and will publish any applicable limit it determines on the amount to be exchanged.

Kraken reserves the right to withhold or withdraw published prices or suspend the exchange of specific or all crypto-assets at any time, without prior notice. This may occur in cases of significant market volatility, technical or human errors in price publication, or at Kraken's discretion.

PESL's methodology for determining the price of crypto-assets that it proposes to exchange for funds or other crypto-assets involves a comprehensive approach to ensure accuracy, fairness, and alignment with current market conditions.

PESL is dedicated to facilitating the exchange of crypto-assets for fiat currency or other crypto-assets either at a firm price or, where applicable, at a price determined by a predefined pricing methodology.

The firm price listed on the Kraken website is subject to change at any time—for example, in response to trade size or prevailing market conditions.

For each transaction, PESL presents a firm price based on the prices published or derived from its methodology, giving clients a reasonable opportunity to review and accept the offer, once the

price is accepted it is deemed final. PESL will only ever conclude transactions at the price agreed with the client.

POLICY REVIEW

This Policy is reviewed on a periodic basis or where there is a material change by its owner. Any modifications and amendments to the Policy shall be made in writing and become effective once approved by the management body.