

# Regulation No. 18/2019

**of the President of the Management Board of Dom Maklerski TMS Brokers S.A. regarding detailed rules of conduct in the case of positions for which 365 days have elapsed since the moment of opening or submission**

**dated March 29, 2019**

## § 1

Acting in accordance with § 12 para. 6 point 1) of the "Terms of use governing the provision of services for the execution of orders by Dom Maklerski TMS Brokers S.A. in the MT5 transaction system, maintenance of cash accounts and registers, and foreign exchange" (hereinafter: "**Terms of use MT5**"), it is determined that as part of the **TMS Trader** offer variant:

1. Dom Maklerski TMS Brokers S.A. (hereinafter: "**TMS Brokers**") closes all client positions opened on March 5, 2015 or later, for which more than 365 days have elapsed since their opening.
  - a) If the underlying instrument for a given Financial Instrument is listed on organized trading, the closing price of the Financial Instrument adopted from the MT5 transaction system shall be adopted at the closing price of the Financial Instrument. For long positions, the closing rate will be a bid course, for a short offer price.
  - b) If the underlying instrument for a given Financial Instrument is not listed in organized trading, the closing price will come from the end of the day according to the CET time. For long positions, the closing rate will be a bid course, for a short offer price.
  - c) If the closing date falls on a day off from trading for a given Financial Instrument, the position will be closed on the next trading day of a given Financial Instrument on the principles indicated above.
  - d) Positions open before March 5, 2015 are not subject to the closing process pursuant to § 12 para. 6 point 1 of the Terms of use MT5 Regulations and this Regulation.
2. TMS Brokers shall cancel all Pending Client's orders for which more than 365 days have elapsed since their submission, provided that:
  - a) Pending orders submitted before November 20, 2016 are not subject to the cancellation process pursuant to § 2 para. 14 point 6) of the Terms of use MT5 and this Regulation.
  - b) For the purposes of this Regulation, it is assumed that the modification of the pending order is not the same as its re-submission. Consequently, the 365 days period is counted from the initial submission of the pending order and not from its last modification.

## § 2

Acting pursuant to § 12 para. 6 point 1) of the Terms of use MT5 and § 2 para. 14 point 6) of the Terms of use MT5 as part of the **TMS Connect** offer variant (including **TMS Connect Professional**) and **TMS Prime**, it is determined that TMS Brokers does not exercise his rights under these provisions in relation to any Financial Instruments.

### § 3

1. This Regulation shall enter into force on March 29, 2019.
2. This Regulation is a **continuation** of the terms and conditions of operation of TMS Brokers in the use of the right to close positions for which more than 365 days have elapsed since they were opened, as specified in the Regulations referred to in § 4 below.

### § 4

On the day of entry into force of this Order, the following shall be repealed:

- a) Regulation No. 53/2016 (dated October 20, 2016 ) of the President of the Management Board of Dom Maklerski TMS Brokers S.A. on detailed rules of conduct in the case of positions for which 365 days have elapsed since the moment of opening or submission,
- b) Regulation No. 8/2015 (dated March 9, 2015) of the President of the Management Board of Dom Maklerski TMS Brokers S.A. determining the detailed rules of conduct for positions for which 365 days have elapsed since the moment of opening or submission, and
- c) Regulation No. 48/2017 (dated November 2, 2017) of the President of the Management Board of of Dom Maklerski TMS Brokers S.A. on detailed rules of conduct for positions for which 365 days have elapsed since the moment of opening or submission.

Marcin Niewiadomski

President of the Management Board  
of Dom Maklerski TMS Brokers S.A.