

Claim for Compensation

EdW
10865 Berlin

Occurrence of an event of claim: Phoenix Kapitaldienst GmbH

Please note that you need to file your claim for compensation with EdW in writing **within one year** starting from the date you received the notification of the occurrence of the event of claim. Following this period your claim for compensation will in principle expire unless you cannot be held accountable for the failure to observe the deadline.

Should questions arise in connection with filling out this form we request that you call the following phone number:

+ 49 (0)30 203699-5626

Note

Please answer the questions in this claim form carefully, completely and correctly. Wrong or incomplete information will not only delay the processing of your claim for compensation but may also subject you to criminal prosecution.

Compensation may only be granted if you as claimant establish the probable validity of your claim in accordance with the Deposit Insurance and Investor Compensation Act (EAG) of EdW by providing appropriate documents (e.g. copies of contracts, securities account statements, evidence of transfer of assets and/or other documents).

You will not incur any costs for the processing of your claim for compensation by EdW. However, we expressly point out that any further costs, which you may have incurred to enforce your claim against Phoenix Kapitaldienst GmbH (e.g. legal costs), cannot be compensated under Article 4 of the EAG.

How EdW can assist you

EdW offers financial compensation to legitimate claimants pursuant to the Deposit Insurance and Investor Compensation Act (EAG) if the German Financial Supervisory Authority has determined that an institution is unable to repay deposits or to fulfil its liabilities from securities transactions for reasons directly linked with its financial position and that there is no possibility that the institution will be able to repay the deposits or fulfil its liabilities at a later point in time or that measures according to Article 46 a Paragraph 1 Nos. 1 to 3 of the German Banking Act (KWG) have been ordered and have lasted for more than six weeks. The German Banking Act (KWG) is available on the Internet at www.bafin.de.

Securities transactions within the meaning of the EAG are banking transactions or financial services within the meaning of Article 1 Paragraph 1 Sentence 2 No. 4 (financial commission business), No. 5 (securities administration business) No. 10 (issuing business) or Paragraph 1a Sentence 2 No. 1 to 4 (investment brokerage, transaction brokerage, financial portfolio management, trading for own account) of the German Banking Act (KWG).

Liabilities from securities transactions within the meaning of the EAG are obligations of an institution to pay back funds owed to or owned by investors and which are held for their account in connection with securities transactions. These also include claims of investors for the release of instruments they own and which are kept or held in safekeeping for their account in connection with securities transactions.

The claim for compensation of the creditor is determined by the amount and volume of his/her claims from securities transactions taking into account any rights of setting off or rights of retention of the securities trading company. A claim for compensation exists only if funds are denominated in a currency of a EU member state or in euro. Thus, funds denominated e.g. in US dollars or Swiss francs are not subject to compensation. Further, claims arising from faulty advice cannot be compensated.

The claim for compensation is limited to the amount of 20,000 EUR as well as 90% of liabilities from securities transactions and the equivalent of 20,000 EUR. The amount of the claim for compensation is calculated on the basis of the amount of funds and the market value of the financial instruments upon occurrence of the event of claim. Within the upper limit, the claim for compensation also comprises interest claims, if interest was contractually agreed. The upper limit refers to the total claims of the creditor against the securities trading company, regardless of the number of accounts, the currency and where the accounts are held and the financial instruments are kept. In the case of joint accounts the upper limit of the respective share of the individual account holder will be decisive. If no special regulations have been agreed, the funds or financial instruments will be accounted towards the account holders in equal shares. If the creditor has acted for account of a third party, the upper limit will apply for the third party.

If EdW satisfies the claim for compensation of a legitimate claimant, the latter's claim against Phoenix Kapitaldienst GmbH will be passed on to EdW in the amount of the compensation paid.

Personal data

Mr. /Ms. / Company

Title: _____

First name: _____

Name: _____

Company name: _____

Street/ No.: _____

City/postal code: _____

Country: _____

Telephone: _____ Fax: _____

E-mail: _____

We request companies/institutions to submit an extract from the trade register, the register of cooperative societies or the register of associations.

In the case of compensation we will transfer the amount to the following account:

Account holder: _____

Account number: _____ Bank code: _____

Name of the institution: _____

Seat of the institution: _____ Country: _____

If you wish us to address our correspondence to another person or institution, please provide us with the following information:

Name: _____

Postal address: _____

Telephone: _____ Fax: _____

Please include a photocopy of the power of attorney.

Please note that any possible compensation can only be paid to the account mentioned above.

Assertion of claims from securities transactions for compensation by EdW

I/we herewith apply for compensation for my/our claim against Phoenix Kapitaldienst GmbH. I have made the following payments and received the following disbursements or Phoenix Kapitaldienst GmbH has made the following securities transactions outside the managed account on my behalf (if necessary in a separate annex):

No.	Payment/disbursement amount	Currency	Date
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Please mark and explain regular disbursements (e.g. monthly distribution of profits). Please enclose the relevant documents in your possession which prove your concrete claims for compensation to EdW. These may be copies of the declaration of entry into the managed account, a contract with Phoenix, evidence of payments, all statements of the managed account, powers of attorney or other correspondence.

Please answer the following questions

1.) By whom and when were you first informed of the disbursement difficulties of Phoenix Kapitaldienst GmbH?

2.) Did you agree with Phoenix Kapitaldienst GmbH before the occurrence of the event of claim was ascertained by the German Financial Supervisory Authority that you would waive claims against Phoenix Kapitaldienst GmbH against a one-time payment or also without a counterclaim? If so, please send us the corresponding documents.

YES NO

- | | YES | NO |
|---|--------------------------|--------------------------|
| 3.) Have you already filed claims against Phoenix Kapitaldienst GmbH with a (court-) appointed administrator or administrator in bankruptcy or insolvency proceedings or similar? If this is the case we request you to send us a copy of the claims raised and proof of any payments that have been made. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.) Pursuant to Article 3 Paragraph 2 of the EAG certain groups of persons or institutions have no right to compensation. Please state - if necessary with further explanations - if you belong to one of the groups of persons or institutions mentioned under a) to j). | | |
| a) Institutions within the meaning of Article 1 Paragraph 1 No. 1 of the EAG and financial institutions within the meaning of Article 1 No. 6 of the Council Directive 89/646/EEC of 15 December 1989 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions and amending Directive 77/780/EEC (O J of the European Communities No. L 386 page 1) domiciled in Germany or outside Germany insofar as they act in their own name and on their own account, | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Private and public-sector insurance agencies domiciled in Germany or outside Germany | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Investment companies including special funds managed by them or investment joint stock companies or collective investment undertakings domiciled outside Germany | <input type="checkbox"/> | <input type="checkbox"/> |
| d) The German federal government, a federal state, a legally dependent special fund of the German federal government or a federal state, a local authority, another state or regional government or a local authority of another state, | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Managers, partners with personal liability or members of the supervisory bodies of the institution, persons holding at least 5% of the share capital of the institution, auditors within the meaning of Article 28 of the German Banking Act and creditors holding a corresponding position or function in a company that belongs to the same group within the meaning of Article 18 of the German Company Law (Aktiengesetz) as the institution, no matter its legal status, | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Spouses and first and second degree relatives of the persons mentioned under e), except if the deposits, funds or financial instruments stem from the spouse's or relative's own property, | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Companies that belong to the same group within the meaning of Article 18 of the German Company Law as the institution, no matter its legal status, | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Creditors who have brought about or used certain situations at the institution, in particular if they have received high interest rates or financial advantages as a result of individually negotiated agreements which have caused the financial difficulties or contributed essentially to the deterioration of the financial situation of the institution, | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Companies that are required to prepare a management report according to the regulations of the third book of the German Commercial Code (HGB) or are exempted from this obligation only due to their inclusion in consolidated accounts, comparable companies domiciled outside Germany (if the answer is no please submit corresponding documents) and | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Creditors whose claims against the institution are linked to transactions for which persons have been finally convicted in criminal proceedings for money laundering within the meaning of Article 1 of the Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering (O J of the European communities No. L 166 page 77). | <input type="checkbox"/> | <input type="checkbox"/> |

I/we confirm that I/we have completed this assertion of claims for compensation form truthfully and to the best of my/our knowledge. The documents enclosed provide a truthful picture of the facts.

Place, date

Signature of the claimant(s)

Enclosure

Deposit Insurance and Investor Compensation Act (EAG)