

part of eex group



**Important Notice**

**This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.**

# Institution Clearing Member Questionnaire

04.2025

Leipzig

Ref. CM\_Questionnaire

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## Preliminary Note

According to the German Banking Act, European Commodity Clearing AG (ECC) is obliged to implement measures against money laundering, the financing of terrorist activities and fraud. In accordance with Article 37 of EMIR, ECC is also required to define admission criteria for Institution Clearing Members and to review compliance with these criteria at least annually. If an Institution Clearing Member fails to meet the admission criteria, ECC is entitled to suspend the respective member based on a risk analysis. Based on this risk assessment, ECC may also impose additional measures (e.g. margin limits, position limits). The basis for the risk assessment is this questionnaire. Submitting a completed version of this questionnaire is prerequisite for obtaining the ECC Institution Clearing Member license. Please note that, depending on the information provided in the questionnaire and accompanying documents, ECC may request additional information or documentation. All questions in this questionnaire pertain to the clearing business.

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## Checklist: Mandatory Documents

Please provide the following documents, translated into English or German:

For the annual financial statement, you may alternatively provide a direct link to the document on your official website. Please attach all documents using the paperclip icon.

Document	Available	
	Yes	No
<b>Mandatory Documents for Admission and Review</b>		
Latest commercial registry extract (not older than 3 months)	<input type="checkbox"/>	<input type="checkbox"/>
Organizational chart illustrating the internal structure of your company	<input type="checkbox"/>	<input type="checkbox"/>
Shareholder structure chart, including the Ultimate Parent level, and specifying the direct and indirect shareholders with an aggregate ownership of at least 10%	<input type="checkbox"/>	<input type="checkbox"/>
Audited Annual Financial Statements (incl. audit report) Link:	<input type="checkbox"/>	<input type="checkbox"/>
Audited Annual Financial Statements (incl. audit report) of the Ultimate Parent Link:	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory Disclosure according to Basel, Pillar III (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory Disclosure according to Basel, Pillar III of the Ultimate Parent (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Wolfsberg Financial Crimes Compliance Questionnaire (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Evidence about profit transfer agreement (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Evidence about parental guarantee (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
Evidence about letter of comfort (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Mandatory Documents <u>for Admission Only</u></b>		
Bank License	<input type="checkbox"/>	<input type="checkbox"/>
Target Services Registration Form - Production	<input type="checkbox"/>	<input type="checkbox"/>
Target Services Registration Form - UAT (Simulation)	<input type="checkbox"/>	<input type="checkbox"/>

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## A. Basic Information

A.1. Enter the following information about your company:

a) Full company name:

b) Address:

c) Country of domiciliation:

d) Is your company a regulated financial institution, bank, or financial services provider?

Yes

No

e) Is your company classified by ECB as MFI (Monetary Financial Institution)?

Yes

No

If yes, MFI ID:

f) Does your company have an approved FATCA registration?

Yes

No

If yes, GIIN (Global Intermediary Identification Number):

g) Does your company currently hold a license that complies with ECC's Clearing Conditions?

Yes

No

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

i. Have there been any recent changes to your licensing status?

Yes

No

ii. If yes, what is the updated/changed license?

**A.2.** Please submit a chart illustrating the shareholder/ownership structure of the company, up to and including the Ultimate Parent level, as well as all direct and indirect shareholders, with a minimum aggregate ownership of 10% or comparable control rights.

The following information is required:

**For legal persons:**

- Name of the company
- Legal form of the company
- Registration number (if available)
- Address of the headquarters
- Shares and/or voting rights (in %)

**For natural persons:**

- First name(s) + surname(s)
- Date of birth
- Citizenship
- Shares and/or voting rights (in %)

**For foundations / trusts:**

- Trustor
- Trustee
- Protector (if applicable)
- Member of the foundation's board
- Beneficiary (group of beneficiaries)
- Shares and/or voting rights (in %)

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

Please state your beneficial owners:

**a) For natural persons, provide the following information:**

First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship	Share (in %)

**b) Only applicable for foundations/trusts:**

Natural person acting as trustor, trustee, or where applicable as protector:			
First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship
Natural person who is a member of the foundation's board:			
First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

Natural person who has been designated as a beneficiary or group of beneficiaries:			
First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship

**A.3.** If applicable, provide the following information about your company's Ultimate Parent (i.e., the top-level company in which your company's results are consolidated, or the highest company that directly or indirectly holds at least 50% of your company):

**a)** Ultimate Parent name:

**b)** Is your company's Ultimate Parent is a regulated financial institution, bank, or financial services provider?

Yes

No

**c)** Is your company's Ultimate Parent classified by ECB as MFI (Monetary Financial Institution)?

Yes

No

If yes, MFI ID:

**d)** Which share does your company's Ultimate Parent hold overall, directly and indirectly?

Overall share (in %):

Direct Share (in %):

Indirect Share (in %):

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

e) Has your company been part of a merger or consolidation during the last business year? Has the Ultimate Parent or Beneficial Owner of your company changed during the last business year?

Yes

No

If yes, the following changes took place:

A.4. Has your company, its group and/or its management been under investigation (e.g., by tax, financial, competition, or energy authorities) within the last three years, or is such an investigation currently ongoing?

Yes

No

If yes, please provide details:

A.5. Are there any Politically Exposed Persons (PeP)<sup>1</sup> among your company's direct shareholders or beneficial owners?

Yes

No

Please provide details in the table below:

First Name	Last Name	DOB (dd.mm.yyyy)	Reason for PEP Status

<sup>1</sup> For details, please refer to Article 3 of Directive (EU) 2015/849

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## B. Key Figures

**B.1.** Please provide the key financial figures in the following table based on the latest audited annual report or financial statements (either individual annual accounts or consolidated accounts in which your company is included).

Please ensure that the figures reported here are consistent with those in the latest audited financial statements or the most recent Regulatory Disclosure Report (in accordance with Basel, Pillar III).

Key figure	Figures (reported currency/in %)	Figures (in Euro/in %)
Data as of		
Tier 1 Regulatory Capital		
Total Regulatory Capital		
Total equity (according to financial statements)		
Total assets (according to financial statements)		
Net income <sup>2</sup> (according to financial statements)		
Tier 1 capital ratio (in %)		
Total capital ratio (in %)		

<sup>2</sup> Net income before preferred dividends after adjusting for extraordinary items and accounting changes

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**B.2.** Are the figures provided in question B.1. determined according to IAS/IFRS?

Yes

No

If no, the following accounting standard was applied:

**B.3.** If applicable, please provide your key financials at the highest level at which your company is consolidated, based on the latest audited annual accounts, in the table below.

Ensure that the figures reported here are consistent with those in the latest audited financial statement or the most recent Regulatory Disclosure Report (in accordance with Basel, Pillar III).

Key figure	Figures (reported currency/in %)	Figures (in Euro/in %)
Data as of		
Tier 1 Regulatory Capital		
Total Regulatory Capital		
Total equity (according to financial statements)		
Total assets (according to financial statements)		
Net income <sup>2</sup> (according to financial statements)		
Tier 1 capital ratio (in %)		
Total capital ratio (in %)		

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**B.4.** Are the figures provided within question B.3. determined according to IAS/IFRS?

Yes

No

If no, the following accounting standard was applied:

**B.5.** Is there any of the following types of contracts in place between your company and your company's Ultimate Parent? If yes, please provide appropriate evidence (see checklist).

**a)** Profit transfer agreement<sup>3</sup>

Yes

No

**b)** Parental guarantee

Yes

No

**c)** Letter of comfort<sup>4</sup>

Yes

No

**B.6.** Is there another company within the overall group structure (excluding the Ultimate Parent) that has entered into any of the following contracts?

If yes, please specify the full name of the company:

**a)** Profit transfer agreement<sup>3</sup>:

Yes

No

If yes, with the following company:

**b)** Parental guarantee:

Yes

No

If yes, with the following company:

<sup>3</sup> A profit transfer agreement/loss pooling agreement pursuant or equivalent to Art. 291 Aktiengesetz (German Stock Corporation Act) is an agreement by which a company undertakes to transfer its entire profits to another company.

<sup>4</sup> The letter of comfort/comfort letter (equivalent is a letter of credit/parental guarantee) is a declaration issued by a company by which it commits to compensate any loss or debt for the benefit of another company.

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

c) Letter of comfort<sup>4</sup>:

Yes

No

If yes, with the following company:

**B.7.** Please provide the aggregated figure of the exposure of your company (ECC Institution Clearing Member) to all Central Counterparties (CCPs; including ECC) in the following table.

<b>Exposure<sup>5</sup> to all CCPs as of 31 December of the year prior to completing this questionnaire</b>		
	<b>Pre-funded Resources</b> (i.e. posted collateral + default fund contributions)	<b>Non-pre-funded Resources</b> (i.e. assessment powers committed) <sup>6</sup>
Currency		
Amount		

<sup>5</sup> "Exposure" means the amount of losses that your company as an Institution Clearing Member could be exposed to, due to its participation in all CCPs that your company may be using at global level (not just European level). "Institution Clearing member" refers to the legal entity being member of the CCP, not to its affiliates

<sup>6</sup> "Assessment powers committed" refers to the number of assessments committed as included in the relevant CCPs rulebooks across all CCPs that your company may be using, assuming a single default event. If unlimited, please include the figure equivalent to three (3) assessments, unless otherwise indicated by the respective CCP.

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## C. Risk Management & Compliance

**C.1.** Is a risk-based AML/CTF, KYC, and Fraud Prevention System implemented that includes a risk analysis, clearly defined responsibilities, reporting procedures, appropriate and effective measures, as well as regular controls?

Yes

No

If no, please explain:

**C.2.** Are the measures/processes defined by your company to comply with relevant AML-, CTF- and KYC requirements subject to a regular review by an independent auditor?

Yes

No

If yes, were any significant findings revealed in the last few audits?

Yes

No

If yes, please describe the significant findings and explain how they were mitigated or resolved?

**C.3.** Does your company maintain/provide accounts that allow unknown or anonymous customers to access products cleared by ECC (e.g., anonymous accounts, brokerage accounts, trading relationships)?

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

Yes  No

**C.4.** Does your company regularly train staff members on AML and fraud prevention?

Yes  No

**C.5.** Does your company conduct business in, or receive from and/or deliver to (directly or indirectly), countries with insufficient measures to prevent money laundering (i.e., high-risk countries according to Commission Delegated Regulation (EU) 2016/1675 or the FATF list)?

Yes  No

If yes, please list the respective countries:

**C.6.** Is special attention paid to the risk of money laundering evasion, and are appropriate measures taken?

Yes  No

**C.7.** Does your company conduct business in, or receive from and/or deliver to (directly or indirectly):

- Countries subject to comprehensive economic sanctions (embaragoes) by the UN, EU, UK or US (e.g., Iran, Syria, Libya, Cuba etc.)
- Sanctioned entities?

Yes  No

If yes, please list the respective countries and/or entities. What actions are taken to address the corresponding risk?

Please confirm that you do not intend to process sanctioned funds, transactions, or requests through ECC or its partners?

Yes  No

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**C.8.** If your company is regulated by the “Financial Conduct Authority” (FCA) or “Prudential Regulation Authority” (PRA), please provide the details of the person approved for the “Client Assets Sourcebook” operational oversight function according to CF10a (“The CASS operational oversight function”):

**a) Full Name:**                      **b) Email address:**                      **c) Contact number:**

--	--	--

**C.9.** Does your company have an adequate Business Continuity Management System (BCMS) in place, including contingency plans for business processes and their critical underlying resources (staff, workspace, IT systems, third-party service providers) essential for providing clearing services?

Yes                                       No

**C.10.** Were your contingency plans (e.g., backup and disaster recovery procedures) successfully tested in the past year without resulting in material risks to clearing services?

Yes                                       No

If no, please explain:

**C.11.** Was your BCMS independently audited (internally or externally) in the past year without identifying material risks to clearing services?

Yes                                       No

If no, please explain:

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**C.12.** Are the risks from clearing services (including operational, liquidity, and credit risk) reported regularly to senior management (e.g., a risk committee)?

Yes

No

**C.13.** Does your company collect at least the amount of collateral calculated by ECC from its clearing customers (as defined in the Clearing Conditions)?

Yes

No

**C.14.** Does your company have minimum requirements for accepted securities (e.g., high liquidity, low credit risk)?

Yes

No

n/a; only cash accepted as collateral

**C.15.** Does your company calculate haircuts on cash in foreign currencies and securities?

Yes

No

n/a;

foreign currencies not accepted as cash collateral

**C.16.** Does your company calculate the risk exposure against clearing customers intraday and, if required, perform intraday margin calls?

Yes

No

**C.17.** Does your credit risk management consider the residual risk resulting from ECC's margin requirements being calibrated to a 99% confidence level?

Yes

No

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**C.18.** Does your company have processes to handle the close-out of positions after the default of a clearing customer?

Yes

No

If yes, in which cycle are the processes tested?

**C.19.** Have there been any defaults by clearing customers due to insolvency in the past 12 months?

Yes

No

Was the loss from close-out positions fully covered by the received collateral?

Yes

No

**C.20.** Does your company have processes and qualified staff to fulfill its obligations under ECC's Default Management Process in the event of a potential Clearing Member default?

Yes

No

If no, please explain:

**C.21.** Do you have arrangements and processes in place with your Non-Clearing-Members regarding their participation in ECC's Default Management auction?

Yes

No

If yes, were these processes tested in the past 12 months?

Yes

No

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## D. Organization

**D.1.** Does your company have sufficient staff (including backups) and IT resources to ensure the adequate completion of all business processes related to clearing activities?

Yes

No

If no, please explain:

**D.2.** Does your company ensure that at least one sufficiently qualified staff member is available to execute business processes related to the function as Institution Clearing Member, and that this person can be reached via phone/email/fax throughout the business day?

Yes

No

If no, please explain:

**D.3.** Are there regular training courses for employees involved in clearing specific tasks and processes related to the clearing service with ECC?

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

Yes

No

If no, please explain:

**D.4.** Is this training provided to new employees in a timely manner?

Yes

No

If no, please explain:

**D.5.** Are there any known circumstances in which these trainings, or the lack thereof, negatively influence the connection to ECC?

Yes

No

If yes, please explain:

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**D.6.** Have the clearing business and related processes been subject to an audit by external auditors (e.g., auditors, competent authority) in the past year?

Yes

No

If yes, were there any serious findings?

Yes

No

If yes, the following findings occurred:

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**D.7.** Are any changes to your IT systems necessary or planned for the Clearing Business with ECC?

Yes

No

If yes, please explain:

**D.8.** Are there any circumstances known that these changed/new systems negatively influence the connection to ECC?

Yes

No

If yes, please explain:

**D.9.** Are there any changes to the major outsourced services necessary or planned for the Clearing Business with ECC?

Yes

No

If yes, please explain:

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**D.10.** Are there any circumstances known that these changed/new outsourcing arrangements negatively influence the connection to ECC?

Yes

No

If yes, please explain:

**D.11.** Do you have back-up arrangements to fulfill your payment obligations to ECC?

Yes

No

If yes, are these back-up arrangements regularly tested?

Yes

No

Are there any circumstances known that these arrangements or the missing arrangements negatively influence the connection to ECC?

Yes

No

If yes, please explain:

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## E. Recovery & Resolution Processes

Since the financial crisis in 2008, jurisdictions worldwide have implemented targeted banking regulations and legislation for recovery and resolution of banks. These provide for special planning and internal as well as regulatory measures in situations where the solvency or viability of an institution is severely threatened. Your institution’s plans and processes in this area are therefore an important part of ECC’s risk and default management plans and provisions.

### Your Institute’s Recovery Planning

**E.1.** Are you subject to national or European recovery and resolution regulations (e.g., BRRD in the EU, its national implementation or equivalent regulation in a non-EU jurisdiction)?

Yes

No

**E.2.** What is your institution’s Competent/Supervisory Authority (please refer to the entity named under A.1)?

European Central Bank

National Competent Authority in the European Union

Please enter the respective name here:

Other non-EU Competent Authority

Please enter the respective name here:

**E.3.** What is your institution’s classification as defined by your National or European Regulator (please refer to the entity named under A.1)?

G-SIB (Global Systemically Important Banks)

O-SIB (Domestic/Local/Other Systemically Important Banks)

None (not systemically important or not determined)

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**E.4.** Do you have a Recovery Plan as defined by the BRRD (according to the European bank recovery and resolution directive BRRD or similar)?

- Yes, we maintain an entity-specific recovery plan.
- No, but we are part of the group recovery plan of our (ultimate) parent.
- No, we are not required to maintain a recovery plan

**E.5.** Do the communication processes outlined in your recovery plan ensure that ECC is informed when recovery measures with a potential impact on ECC are activated (see section 2.1.6 paragraph 2, sentence 1(d) of ECC’s Clearing Conditions)?

- Yes
- No

If no, please explain:

**E.6.** Is your clearing activity at ECC part of a function classified as a ‘critical function’ under Article 2(35) BRRD (or equivalent national legislation)?

- Yes
- No

**E.7.** According to your Recovery Plan, what is the preferred strategy for the clearing service at ECC?

- Continuance of business (including restructuring/sale)
- Controlled wind-down
- Ad-hoc closure & stop of payments

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**E.8.** Is closing positions or winding down the clearing service at ECC part of the recovery plan?

Yes

No

If yes, what is your currently estimated wind-down period in a recovery scenario?

**E.9.** Do you perform dry runs of your recovery plan processes?

Yes

No

If yes, did you find weaknesses regarding the clearing service or clearing and settlement processes?

Yes

No

Please explain your remediation measures (incl. timeline):

**Resolution Planning by your Resolution Authority (only if E.1. is “yes”)**

**E.10.** What is your (or your group’s, in the case of a group resolution plan) responsible Resolution Authority?

**E.11.** Are you informed about and do you support the resolution planning process conducted by your responsible Resolution Authority?

Yes

No

Are your functions as an Institution Clearing Member at ECC classified as a critical function under Article 2(35) BRRD (or equivalent national legislation)?

Yes

No

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

Does the resolution plan take into account ECC's responses to the '*FSB Questionnaire on Maintaining Access to CCPs for Banks in Resolution*' (see <https://www.ecc.de/en/about-ecc/company/reports> and Section 2.1.6, paragraph 2, sentence 1 (d) of ECC's Clearing Conditions)

Yes

No

Please specify measures foreseen to fulfill obligations and communication requirements towards ECC in case of resolution:

**E.12.** Is winding down the clearing service at ECC foreseen in the resolution plan?

Yes

No

If yes, what is the planned wind-down period in resolution?

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## F. Contact Persons

**F.1.** Pursuant to Article 50c(1) of Regulation (EU) 648/2012 (EMIR), European Commodity Clearing AG (ECC) is obliged to make information on the Hypothetical Capital (also referred to as  $K_{CCP}$  or c-factor report) available to the Institution Clearing Members and their Competent Authorities. Therefore, it is necessary to provide us with the email addresses to be used for this purpose.

Please use block letters.

**a)** Email recipient(s) at your company (Institution Clearing Member):

Last Name	First Name	Email Address

**b)** Email recipient(s) at your company's Competent Authority

Last Name	First Name	Email Address

**F.2.** To facilitate efficient processing of the Institution Clearing Member Questionnaire, it would be helpful to designate a central contact person/department. This single point of contact should be specified.

If there is no single point of contact, please provide multiple contact details along with the corresponding topics/subjects they cover.

Please use block letters.

Contact persons at your company:

Last Name	First Name	Email Address	Assigned Field of Topics/Subject

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

**F.3.** Please provide the contact details of the responsible Director/Head and the functional team address to be contacted in the event of activation of ECC’s Default Management Process.

Last Name	First Name	Email Address	Assigned Field of Topics/Subject
			Responsible Director/Head
			Contact person/functional inbox

**F.4.** To clarify questions regarding your recovery options towards ECC and to establish high-level contact in the event of a crisis related to recovery or resolution, please provide the contact details of the responsible Director/Head and relevant contact persons for Recovery and Resolution-related topics.

Last Name	First Name	Email Address	Assigned Field of Topics/Subject
			Responsible Director/Head
			Contact person/functional inbox

This PDF version is a copy of the official DocuSign document. Completion of this questionnaire must be done via DocuSign. A secure link will be provided for electronic submission during admission.

## G. Confirmation of Clearing Agreements

We herewith confirm for the future our acceptance of the versions of the relevant clearing agreement(s) and the documents incorporated and/or referenced therein (including, in particular, the Clearing Conditions and the Price List) as published at <https://www.ecc.de/en/about-ecc/rules> and <https://www.ecc.de/en/about-ecc/rules/price-list>, respectively, on the date of the submission of our response to this due diligence questionnaire to European Commodity Clearing AG (incorporating all previous amendments published by European Commodity Clearing AG to these documents based on its amendment process). For the avoidance of doubt, these versions shall replace any previous versions.<sup>7</sup>

Place	Date	Company stamp and legally binding signature(s) of applicant/ Institution Clearing Member

<sup>7</sup> *Background of this question:* In 2021, the German supreme court (Bundesgerichtshof) has ruled that unilateral amendment clauses in standard terms violate mandatory German contract law when used against consumers. While we are of the opinion that this judgement is not relevant for the amendments made by European Commodity Clearing AG to its legal framework, we herewith would like to rule out any uncertainties resulting out of that judgement for the functioning of the clearing system maintained by European Commodity Clearing AG.