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Institution Clearing Member Questionnaire

08.2026
Leipzig

Ref. CM_Questionnaire 2026

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Preliminary Note

According to the German Banking Act and the German Anti-Money Laundering Act, European Commodity Clearing AG (ECC) is obliged to implement measures against money laundering, the financing of terrorist activities and fraud. In accordance with Art. 37 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 and maintaining 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.

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

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A. Basic Information

A.1 Provide 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

☐ financial institution/ bank
☐ financial service provider

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

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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 current chart (not older than 1 year) 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. Please also add a *timestamp* within the document.

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
- Domiciliation
- 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 %)

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Who is/are the beneficial owner/s[1]?

(In case there is no Beneficial Owner please state at least one member of the management board)

Last Name	First Name	DOB (dd.mm.yyyy)	Citizenship	Domiciliation	Share (in %)

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 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:

[1] *For details, please refer to Directive (EU) 2015/849 and to GWG (Geldwäschegesetz / German Money Laundering Act)*

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

Overall share (in %):

Direct share (in %):

Indirect share (in %):

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 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:

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A.5 Are there any Politically Exposed Persons (PeP)[2] among your company's direct shareholders, beneficial owners or in its management?

☐ Yes ☐ No

Please provide details in the table below:

Last Name	First Name	Date of Birth (dd.mm.yyyy)	Reason for PEP Status

[2] For details, please refer to Article 3 of Directive (EU) 2015/849

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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 (in reported currency)	Figures (in Euro)
Data as of		
Tier 1 Regulatory Capital		
Total Regulatory Capital		
Total Equity (according to financial statements)		
Total Assets (according to financial statements)		
Net income[3] (according to financial statements)		
Tier 1 Capital Ratio (in %)		
Total Capital Ratio (in %)		

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:

[3] Net income before preferred dividends after adjusting for extraordinary items and accounting changes

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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 (in reported currency)	Figures (in Euro)
Data as of		
Tier 1 Regulatory Capital		
Total Regulatory Capital		
Total Equity (according to financial statements)		
Total Assets (according to financial statements)		
Net income[4] (according to financial statements)		
Tier 1 Capital Ratio (in %)		
Total Capital Ratio (in %)		

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

☐ Yes ☐ No

If no, the following accounting standard was applied:

[4] Net income before preferred dividends after adjusting for extraordinary items and accounting changes

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B.5 Are 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[5]

☐ Yes ☐ No

b) Parental guarantee

☐ Yes ☐ No

c) Letter of comfort[6]

☐ 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[4]

☐ Yes ☐ No

If yes, with the following company:

b) Parental guarantee

☐ Yes ☐ No

If yes, with the following company:

[5] A profit transfer agreement/loss pooling agreement pursuant or equivalent to Sec. 291 German Stock Corporation Act is an agreement by which a company undertakes to transfer its entire profits to another company.

[6] 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.

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c) Letter of comfort[5]

☐ 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.

	Exposure[7] to all CCPs as of 31 December of the year prior to completing this questionnaire.	
	Pre-funded Resources (i.e. posted collateral + default fund contributions)	Non-pre-funded Resources (i.e. assessment powers committed)[8]
Currency		
Amount		

[7] "*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

[8] "*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.

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C. Risk Management and 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 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)?

☐ Yes ☐ No

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

☐ Yes ☐ No

C.5 Does your company, or an entity within your company group, 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 state the respective countries and the individual kind of business activities conducted there:

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, or an entity within your company group, conduct business in, or receive from and/or deliver to (directly or indirectly):

- Countries subject to comprehensive economic sanctions (embargoes) 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 and state the individual kind of business activities conducted there. What actions are taken to address the corresponding risk?

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

☐ Yes ☐ No

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:

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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:

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 ☐ n/a

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 ☐ n/a

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 ☐ n/a

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

☐ Yes ☐ No ☐ n/a

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 ☐ n/a

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 ☐ n/a

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 ☐ n/a

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

☐ Yes ☐ No

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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 involved employees in clearing specific tasks and the specified process around the clearing service with ECC?

☐ Yes ☐ No

If no, please explain:

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D.4 Does this training be provided to new employees in timely manner?

☐ Yes ☐ No

If no, please explain:

D.5 Are there any circumstances known that these trainings or the missing trainings negatively influence the connection to ECC?

☐ Yes ☐ No

If yes, please explain:

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:

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D.7 Are there 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:

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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 in place?

☐ 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:

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E. Recovery and 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 insert the respective name here:
[ ]
☐ Other non-EU Competent Authority
Please insert 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 (Globally Systemically Important Banks)
☐ O-SIB (Domestic/Local/Other Systemically Important Banks)
☐ None (not systemically important or not determined)

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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 national legislation?

☐ 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 lit. (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 Art. 2 paragraph 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 and stop of payments

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?

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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 (including timeline):

Resolution Planning by your Resolution Authority (only if E.1. is "yes")

E.10 Who 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 Art. 2 paragraph 35 BRRD (or equivalent national legislation)?

☐ Yes ☐ No

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 lit. (d) of ECC's Clearing Conditions)?

☐ Yes ☐ No

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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?

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F. Contacts

F.1 Pursuant to Art. 50c paragraph 1 EMIR, ECC is obliged to make information on the Hypothetical Capital (also referred to as KCCP or c-factor report) available to the Institution Clearing Members and their Competent Authorities. Therefore, it is necessary to provide us with email addresses to be used for this purpose.

Please use block letters.

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

Email addresses (role-based/functional email address preferred)

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

Email addresses (role-based/functional email address preferred)

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.

Contact people at your company:

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

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F.3 Please provide the contact details of the Director/Head responsible 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 Director/Head responsible 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

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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 ECC (incorporating all previous amendments published by ECC to these documents based on its amendment process). For the avoidance of doubt, these versions shall replace any previous [9][10]

Place	Date	Legally binding signature(s) of applicant/ Institution Clearing Member

[10] *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 ECC 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 ECC.

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