

part of eex group



Application for
Recognition as
Non-Trading Broker
to the Markets of
European Energy
Exchange and/or
EEX OTF

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Leipzig

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2. Preliminary note

This application form is used to apply for recognition as Non-Trading Broker to European Energy Exchange (“EEX RM”) and/or EEX OTF (together with their operating companies in the following referred to as “EEX markets” or “EEX”). Non-Trading Brokers are neither exchange members nor trade registration members, and cannot open any position at EEX markets, therefore they cannot conduct any Give-ups in ECC position accounts. Non-Trading Brokers only enter trades on behalf and in the name of participants.

The recognition procedure consists of the following steps:

1. Please return duly signed application for acceptance as a Non-Trading Broker including relevant documentation to:

E-mail:	membership@eex.com
Phone:	+33 1 70 36 33 42

2. The management board of the Exchange shall inform the applicant in writing of its decision in respect of this application.

3. Application

3.1 Application for Recognition as a Non-Trading Broker

We hereby apply for recognition as a Non-Trading Broker (NTB) to the following markets and products at the European Energy Exchange (EEX RM and EEX OTF):

Spot Market	Futures Market	
EEX Regulated Market	EEX Regulated Market	EEX OTF Market*
Emission Rights <input type="checkbox"/>	Power in EUR <input type="checkbox"/>	Power in EUR <input type="checkbox"/>
	Power in GBP <input type="checkbox"/>	
	Power in JPY <input type="checkbox"/>	
	Emission Rights <input type="checkbox"/>	
	Agricultural Products <input type="checkbox"/>	
	Freight <input type="checkbox"/>	
	Natural Gas <input type="checkbox"/>	Natural Gas <input type="checkbox"/>

soon as possible

of requested date (dd.mm.yyyy): _____

The recognition as a Non-Trading Broker only includes the authorisation to enter trades in the trading system on behalf and in the name of participants for which Trade Registration functionality is offered.

* Non-Trading Brokers cannot register trades across EEX RM and EEX OTF as such cross-market-registration requires the ability of the respective broker to conclude own trades and hold own positions. Therefore cross-market-registration can only be conducted by Trading Brokers.

3.2 The legal basis

The legal basis for acceptance and the trade registration functionalities as Non-Trading Broker at EEX markets is based upon:

1. The Exchange Act of the Federal Republic of Germany.
2. The rules and regulations of EEX RM and respectively EEX OTF in its current valid version, in particular:

EEX RM (if EEX RM is selected above under 3.1)

- Exchange Rules,
- Trading Conditions,
- Contract Specifications,
- Code of Conduct,
- EEX Trade Registration Rules (incl. TR Contract Specification),
- EEX Implementing Regulations as well as
- Admission Rules

EEX OTF (if EEX OTF is selected above under 3.1)

- OTF Trading Rules
- OTF Terms and Conditions

The above mentioned legal basis is completed by the relationship between the applicant and European Energy Exchange AG (operating company of EEX RM and EEX OTF). This affects in particular:

- Price lists of the EEX Group and ECC AG and
- Contracts for technical accesses.

By signing this application we assure that we are familiar and abide with the above mentioned rules and regulations. Especially we agree with the validity of the price lists of the EEX Group. All current documentation can be downloaded from the website www.eex.com.

4. General data of the applicant

4.1 Applicant

Name of the Company and Company Register	
Name of the Company according to Company Register	Legal Status
Company Registration No.	Place of Registration
VAT No.	
Business Address of the Company	
Country	Address
Post Code	City
Correspondence Address (only if different to the above address)	
Country	Address
Post Code	City

Persons who are entrusted with the management and the representation of the company's business by law, articles of association or shareholders' agreement (for example proprietor, management director, board member, but not proxy holder or other authorised representatives):

	Name	First Name
1		
2		
3		
4		
5		
6		
7		
8		

We hereby declare, that the above mentioned person(s) as business owner (s) or in another position entrusted with the management of our business according to law, regulations or firm's contract is/are entitled to represent it and has/have the necessary professional qualification.

We provide proof of the personal reliability of all persons referred to in Section 4.1, who are entrusted with the management and the representation of the company's business by law, articles of association or shareholder's agreement by submitting certificates of good conduct or by signing form E01 "Declaration of Personal Reliability (Member of Management Board)".

We enclose copies of the ID-cards.

Correspondence and invoices will be sent in English.

4.2 Central Coordinator / Membership-Customer Center User for gas trading only

The Central Coordinator is the main contact person and authorised to receive information on all EEX related matters. This person is responsible for the internal distribution of all EEX markets information. Only personal Email-addresses can be accepted.

	Name	First name	Phone	Email
<input type="checkbox"/> Ms. <input type="checkbox"/> Mr.				
<input type="checkbox"/> Ms. <input type="checkbox"/> Mr.				
<input type="checkbox"/> Ms. <input type="checkbox"/> Mr.				

4.3 Nomination of Trade Registration Users (TR Users)

We nominate the following person(s) to use the TR functionality:

TR Users*					
	Name	First Name	Profession	Date of Birth	Phone / E-Mail
<input type="checkbox"/> Ms <input type="checkbox"/> Mr					
<input type="checkbox"/> Ms <input type="checkbox"/> Mr					
<input type="checkbox"/> Ms <input type="checkbox"/> Mr					

* In case more than three TR Users are to be nominated, please use form E03.

We enclose the undersigned Form E04 ["Declaration of personal reliability (Exchange Trader/Trader assistant/TR User)"] or respective proofs of personal reliability by certificate of good conduct. The nominated TR User have the necessary professional knowledge as demanded by the applicable rules and regulations.

4.4 Contact person(s) for technical requirements

Contact person(s) IT

	Name	First name	Phone	Email
<input type="checkbox"/> Ms. <input type="checkbox"/> Mr.				
<input type="checkbox"/> Ms. <input type="checkbox"/> Mr.				
<input type="checkbox"/> Ms. <input type="checkbox"/> Mr.				

4.5 Straight Through Processing (STP)

Mandatory precondition for the use of the Trade Registration Functionality as Non-Trading Broker is the technical access to the EEX markets acknowledged STP services. For this the Non-Trading Broker needs to

- conclude on its own responsibility the necessary agreements with one of the independent STP service providers that have been accepted by ECC AG as published on the website of ECC AG (www.ecc.de) in order to gain access to its respective STP service,
- activate STP by completing and signing the T09 form which is provided by ECC AG on website www.ecc.de

4.6 OTC Web (Gas Member only)

Non-Trading Broker can also register trades on behalf of Non-Clearing Members through the OTC Web application. The access to this web based application is granted to Non-Trading Broker by means of a dedicated logins. Two logins are provided by default to Non-Trading Broker. Additional access can be provided upon request.

4.7 Assurances / Statements

1. We assure that we are familiar with the rules and regulations of EEX markets and ECC AG, listed in section 3.2 and that we shall acknowledge and observe them.
2. We assure that all necessary national, supranational and/or international authorisations, licenses and permissions have been obtained in order to take part on EEX markets. We also assure that trading on EEX markets does not contravene our bylaws or obligations which are known to us.
3. We herewith consent to allow representatives of EEX markets or persons acting on their behalf, to monitor (on the premises of the applicant) at any time compliance with the Rules and Regulations of EEX markets as amended from time to time and with the obligations and assurances of the applicant vis-à-vis EEX markets and their governing bodies.
4. We assure to promptly inform EEX markets about changes to the entries, confirmations and declarations, which have been given in context with this application, and to prove such entries, confirmations and declarations.
5. We agree to the publication of our company as a Non-Trading Broker.
6. We hereby give permission and authorise EEX to record our calls with the market operation of EEX in order to ensure the orderly operation of the exchange. We assure, that we will inform the employees concerned about this practice.
7. **We guarantee that we ensure with our internal organisation that transactions are only registered in the name of those EEX members with whom we have concluded a legally effective broker agreement and that the pre-arranging of trades in our broker system cannot be manipulated.**
8. We declare that our company is authorised to operate financial commission businesses or provision of financial services (We enclose a copy of the permission of our national regulatory authority to this application).
9. We have ensured that the TR Users nominated in section 4.3. to use the TR functionality have the required professional qualification.
10. We give our consent, that amendments of contact persons named in section 4.4. as well as extensions and reductions of our admission for products on an already admitted market (Spot/Futures) of EEX may be applied for by the central coordinator(s) listed in section 4.2. by sending the request from one of the e-mail addresses listed in section 4.2. We will inform EEX markets about any modification of this consent immediately. We are aware of the fact that an extension of the admission is subject to a respective approval by ECC.
11. We agree, that in the context of our exchange membership, ECC AG, if required, acts as authorized recipient for our company. In case we would like to appoint an alternative authorized recipient, we provide EEX markets with the respective admission form (E07).

4.8 Authorization for the exchange of information within EEX Group and Deutsche Börse Group and with public authorities

We authorise the Management Board of the Exchange and the operating company of the Exchange (“EEX AG”) to exchange information and data regarding the Non-Trading Broker membership within EEX Group and within Deutsche Börse Group.

We further authorise the Management Board of the Exchange and EEX AG that information and data entered into EEX Systems and all data resulting or derived from such entries in EEX Systems may be transmitted by EEX and/or EEX AG to national and foreign public authorities if demanded by them from EEX or EEX AG and if the requesting authority is subject to a statutory confidentiality obligation according to the laws applicable to them.

4.9 Exchange of personal data within EEX Group and Deutsche Börse Group and with public authorities, recording of calls

We acknowledge, that EEX and EEX AG may exchange personal data with public authorities or affiliated companies within EEX Group or Deutsche Börse Group where this is permitted by the applicable law. In order to fulfil the legal duty of ensuring the orderly trading and processing of exchange transactions, EEX will record incoming and outgoing calls for certain telephone connections of the market operations department as separately announced by EEX. We assure that we will inform our employees and other persons that contact EEX market operations on our behalf about this practice, the recorded telephone connections announced to us by EEX and the PRIVACY NOTICE, which can be found at <https://www.eex.com/>.

We also assure that we have informed the persons named in this form about the PRIVACY NOTICE which can be found at <https://www.eex.com/>.

4.10 Signature(s) for the application for recognition as Non-Trading Broker to EEX markets

Legally binding signature(s):

Place	Date dd.mm.yyyy	Signature(s) of applicant
		<p><i>Name of Signatory/-ies:</i></p>