

part of eex group



Application for
Recognition as
Non-Trading Broker to
the markets of European
Energy Exchange
and 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 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 all markets and products at the European Energy Exchange (EEX RM and EEX OTF):

as soon as possible

as 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.

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

- Exchange Rules,
- Admission Rules,
- Trading Conditions,
- Contract Specifications and Contract Specifications for Trade Registration,
- Code of Conduct,
- EEX Implementing Regulations as well as
- Announcements and decisions of the Management Board of the Exchange.

EEX OTF

- 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:

- List of Services and Prices of EEX AG and the Price List of ECC AG and
- Contracts for technical accesses.

By signing this application, we assure that we are familiar and abide with the abovementioned rules and regulations. Especially we agree with the validity of the List of Services and Prices of EEX AG and the Price List of ECC AG. 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	
Business Address of the Trading Participant		
Country	Address	
Post Code	City	
Invoice Address (only if different to the above address)		
Country	Address	
Post Code	City	

4.2. Executive Officers / Managing Directors

Persons who are entrusted with the management of the applicant and empowered with its representation according to law, articles of associations or deed of partnership (for example proprietor, management director, board member, but not proxy holder or other authorised representatives):

	First Name	Last Name
1		
2		
3		
4		
5		
6		
7		

4.3. Central Coordinator

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.

Mr./Ms.	Name	First Name	Phone	E-Mail

4.4. Nomination of Trade Registration Users (TR Users)

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

Mr./Ms.	Name	First Name	Profession	Date of Birth	Phone / E-Mail

4.5. Contact person(s) for technical requirements

Mr./Ms.	Name	First Name	Phone	Fax	Phone / E-Mail

4.6. 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

4.7. Assurances / Statements

1. We assure that we are familiar with the rules and regulations of EEX markets, 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 confirm that the person(s) listed under section 4.2 has/have the necessary professional qualification for engaging in exchange transactions.
4. We confirm that the person(s) listed under section 4.4 has/have the necessary professional knowledge as demanded by the applicable rules and regulations.
5. We assure that neither the applicant nor the signatory/-ies have knowledge of any circumstance that would give reason to doubt the personal reliability of any of the persons listed under sections 4.2. and 4.4. In particular,
 - a. we assure that neither the applicant nor the signatory/-ies are aware of any preliminary or main proceedings pending against these persons for punishable acts related to assets, taxes or other in connection with their previous occupation or their participation in exchange dealings or have been pending against them within the last five years. This does not include proceedings resulting in an acquittal or a discontinuation in accordance with Article 170 StPO (German Code of Criminal Procedure).
 - b. we assure that neither the applicant nor the signatory/-ies are aware of any violations committed by any of these persons against
 - the trading and consulting regulations,
 - the guidelines for own securities business of staff members of credit institutions or comparable internal regulations,
 - the regulations of the German Securities Trading Act, in particular the insider regulations and the rules of good behavior,
 - the German Exchange Act and the Exchange rules and regulations
 within the last three years nor that there are corresponding proceedings pending against them.
 - c. we are aware, that if the assurance under items a) and b) cannot be given in their entirety, then the relevant wording has to be marked up and further details have to be provided on a separate sheet.
 - d. we confirm that the applicant will inform the Management Board of the Exchange as soon as possible if there are any changes in the confirmations given under item a).
 - e. we acknowledge that the Management Board of the Exchange may – at any time – request further documents that are relevant for the evaluation of the reliability of these persons.
6. In the event that screens necessary for trading are not installed in the applicant's premises, by signing this application we assure that agreements were made, entitling EEX to check the observance of the requirements for installation and operation of a participant front end installation in the third party's office.
7. 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.

8. 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.
9. We agree to the publication of our company as a Non-Trading Broker.
10. 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.
11. 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.
12. 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).
13. We have ensured that the TR Users nominated in section 4.4. to use the TR functionality have the required professional qualification.
14. 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

We authorise the Management Boards of the European Energy Exchange ("EEX") and the operating company of EEX, European Energy Exchange AG ("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.

We authorise the Management Boards of the EEX and EEX AG to exchange information and data regarding the NTB membership within the EEX group as well as within the Deutsche Börse group.

4.9. Exchange of personal data within EEX Group and Deutsche Börse Group and with public

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

The undersigned assures that he/she has fully informed the contact persons named in connection with the contract, the NTB membership relationship or other legal relationships about the transfer of their personal data and that he/she has brought to their attention the PRIVACY NOTICE which can be found on our company websites.

Legally binding signature(s):

Place	Date	Legally binding signature(s) of applicant <i>Name(s) of Signatory/ies:</i>
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