

part of eex group



Application form for admission  
as Auctioneer at European  
Energy Exchange and  
European Commodity Clearing  
AG (*Version applicable for  
auctioning on the Common  
Auction Platform*)

07.09.2017  
Release 003

# 1. Table of Contents

1. Table of Contents .....	2
2. Preliminary note .....	3
3. Application.....	4
4. General Data of the Applicant.....	5
4.1 Applicant .....	5
4.2 Appointing Member State .....	5
4.3 Signature List .....	6
4.4 Contact persons for settlement of the auction proceeds in the auctioneer's account .....	7
4.5 Relationships.....	7
4.6 Cash Settlement.....	8
4.7 Statements .....	9
5. Checklist.....	10
6. Signature(s) for the application for admission as auctioneer .....	11

## 2. Preliminary note

This application form is used to apply for admission as an auctioneer at the European Energy Exchange (**EEX**) and at the clearing house of EEX, European Commodity Clearing AG ("**ECC**"), both valid for the primary auctioning of allowances in accordance with Commission Regulation (EU) No 1031/2010 (**Auctioning Regulation**).

The auctioneer is participating in the primary auctions representing the appointing Member State(s) in accordance with Article 22 of the Auctioning Regulation that has/have concluded a contract with the European Energy Exchange AG (**EEX AG**)<sup>1</sup> for appointing EEX AG as auction platform pursuant to Article 26(1) of the Auctioning Regulation (the "**Service Contract**").

The auctioneer should sign and return this application form, together with the requested supporting documents, both by email and mail, to:

European Commodity Clearing AG  
 Member Readiness  
 Augustusplatz 9  
 04109 Leipzig  
 Germany

Phone: +49 (0)341 2156-261  
 Fax: +49 (0)341 2156-559  
 E-mail: MemberReadiness@ecc.de

ECC Member Readiness team will act as a single point of contact for EEX and ECC, including with regard to any following communications performed by the auctioneers concerning the admission. The contact point for practical day-to-day operational matters on the performance of the auctions (e.g. cancellation of one or more auctions, the processing of payments) will be provided to the auctioneers at the time of admission.

The requirements for admission as auctioneer by EEX are set out in section 3.4 of the Exchange Rules of EEX<sup>2</sup>. The requirements for admission as auctioneer by ECC are set out in section 6.1.2 of the Clearing Conditions of ECC<sup>3</sup>.

The Management Board of EEX decides on the admission by written administrative act, which is governed by the applicable public law. The management board of ECC decides on the admission by written notice which is subject to the applicable private law. The applicant will receive the duly approved and signed decisions of EEX and ECC by mail.

The terms defined in the EEX rules and regulations and in the ECC Clearing Conditions will, unless otherwise defined in this application form, bear the same meaning when used in this application form.

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1 ECC acting as the clearing system for the auctioning of allowances may also be a party of the contract  
 2 <https://www.eex.com/en/trading/rules-and-regulations/regulated-market>  
 3 <https://www.ecc.de/ecc-en/about-ecc/rules/clearing-conditions>

### 3. Application

We hereby apply for admission as an auctioneer

- as soon as possible
- requested date (dd.mm.yyyy): \_\_\_\_\_

at EEX and ECC for the primary auctions of allowances in accordance with the Auctioning Regulation.

The auctions will be conducted pursuant to the terms and conditions for auctioning set out in the applicable Service Contract, as implemented to the extent necessary into the **Clearing Conditions of ECC and the Rules and Regulations of EEX**.

## 4. General Data of the Applicant

### 4.1 Applicant

Name of the public or private person (details to be filled in if applicable)	
Name of the public or private person	<input type="checkbox"/> public entity <input type="checkbox"/> private entity
Sector	Legal Status
Company Registration No.	Place of Registration
Tax Number	VAT Identification Number
Official address of the Auctioneer	
Country	Address
Post Code	City
Correspondence Address (only if different to the above address)	
Country	Address
Post Code	City

### 4.2 Appointing Member State

Member State	
Appointing Member State pursuant to Art. 22 of Commission Regulation No 1031/2010 [Introduce name of the Member State]	<input type="checkbox"/> appointed by one Member State <input type="checkbox"/> appointed by a number of Member States as listed below
Other appointing Member State(s) [Introduce name(s) of other Member State(s)]	

Proof of Appointment by means of:

- Letter from the auctioneer attaching the act of appointment (with a certified German or English language translation), where such act is publicly available,

or

- Letter from the Permanent Representative to the European Union of the appointing Member State attaching the act of appointment appointing the auctioneer for the Member State (with a certified German or English language translation) where the act of appointment is neither publicly available nor published,

and,

- in case the relevant national act of appointment does not contain a specific reference to the identity of the auctioneer and its functions as per Article 23 of the Auctioning Regulation, the Certification of identity of the auctioneer provided by the Permanent Representative to the EU of the appointing Member State.

EEX or ECC may further contact the Permanent Representation for clarifying the act of appointment, if deemed necessary.

### 4.3 Signature List

The following persons are authorised representatives of the applicant and therefore legally authorised to represent and act on behalf of the applicant in carrying out and signing for all the obligations of the applicant under the Clearing Conditions of ECC and the Rules and Regulations of EEX (each person is an Authorised Representative). The Authorised Representative(s) hereunder is/are also designated by default to act as primary contact person(s) of the applicant with respect to any communication and any exchange of information between the applicant and ECC and EEX. The communication to the applicant relating to the application and to the performance of the auctions will be addressed to the Authorised Representative(s). The Authorised Representative(s) will distribute the information received from ECC and EEX inside the entity appointed as auctioneer and will notify through ECC Member Readiness EEX and/or ECC of any change in the information provided in this application form.

Authorised Representative(s)						
	Name	First Name	E-mail	Specimen signature	Entitled to sign on his/her own	Only allowed to sign together with No.
1					<input type="checkbox"/>	
2					<input type="checkbox"/>	
3					<input type="checkbox"/>	
4					<input type="checkbox"/>	
5					<input type="checkbox"/>	

- Please see the attached signature list for authorised representatives.

## 4.4 Contact persons for settlement of the auction proceeds in the auctioneer's account

Additionally to the Authorised Representative(s), the following persons which are not Authorised Representative(s) of the auctioneer may be indicated as contact persons for communication concerning the performance of the auctions, and in particular the clearing and settlement of the auctions,

Contact persons for settlement					
	Name	First Name	Phone	Fax	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					

## 4.5 Relationships

### 4.5.1 Relationship with EEX

The contractual relationship between the auctioneers representing the Member State(s) and EEX will be governed by the Rules and Regulations of EEX. These Rules and regulations are governed by and will be construed in accordance with the applicable Service Contract and the applicable legislation.

### 4.5.2 Contractual relationship with ECC

The contractual relationship between the auctioneers representing their Member State(s) and ECC will be governed by the Clearing Conditions of ECC and the Custody Agreement and the Escrow Agreement referred to therein. These Clearing Conditions are governed by and will be construed in accordance with the applicable Service Contract and the applicable legislation.

## 4.6 Cash Settlement

The auctioneer hereby nominates the following TARGET2 account as nominated bank account for the transfer of the proceeds of the auctions pursuant to the Clearing Conditions and Article 44 of the Auctioning Regulation:

- own TARGET2 account (form "TARGET" No 2002" required)
- TARGET2 account of a third party, which is not an ECC Clearing Member (forms "TARGET2 No 2002" and "EU12 Authorisation of the TARGET2 Account Holder" required)
- TARGET2 account of a third party, which is an ECC Clearing Member (form "EU12 Authorisation of the TARGET2 Account Holder" required)

The auctioneer entitles EEX and ECC to execute all necessary measures for ensuring the settlement of the transactions and the transfer of allowances to the successful bidders and of the auction proceeds to the Nominated Bank Account (TARGET 2 Account) in accordance with the Clearing Conditions of ECC.

For fall-back purposes, in case the Nominated Bank Account indicated above is not accessible, the auctioneer hereby decides:

- Not to nominate yet an alternative account in accordance with the Clearing Conditions.
- To nominate the following alternative bank account in accordance with the Clearing Conditions:

The alternative account must be held by a bank that is a participant of the TARGET2 system; otherwise, ECC cannot use it for payments.

Alternative Bank Account Details	
Name of the Bank	Bank Address
Sort Code of the Bank	Swift Code of the Bank
Name of the Account Holder	Address of the Account Holder
Account Number	IBAN of the Account Holder



## 4.7 Statements

1. We confirm that we have read and understood the terms of the valid Service Contract, the Rules and Regulations of EEX and the Clearing Conditions of ECC, including the Custody Agreement and the Escrow Agreement.
2. In consideration of being admitted as auctioneer representing our appointing Member State(s) for the purposes of the Rules and Regulations of EEX, we confirm that we agree with the Rules and Regulations of EEX and we undertake to perform all the obligations of the auctioneer therein, as may be amended from time to time, but only to the extent that those provisions implement and comply with the terms and conditions for auctioning set out in the valid Service Contract.
3. In consideration of being admitted as auctioneer representing our respective appointing Member State(s) for the purposes of the Clearing Conditions of ECC, we confirm that we agree with the Clearing Conditions of ECC and we undertake to perform all the obligations of the auctioneer therein, as may be amended from time to time, but only to the extent that those provisions implement and comply with the terms and conditions for auctioning set out in the valid Service Contract.
4. We confirm that all necessary national and/or international authorisations, licenses and permissions which may be required to enable our participation as auctioneer in the primary auctions at EEX have been obtained. We also confirm that the participation as auctioneer in the primary auction and the following clearing and settlement by ECC do not contravene to our bylaws or other legal obligations. We confirm the absence of conflicts of interests while participating in the auctions as auctioneer representing our appointing Member State(s) in compliance with the applicable legislation, including the absence of conflicts of interests of the persons working for the exercise of the functions of the auctioneer as provided for in the applicable legislation, as well as the absence of any interests of a financial nature with respect to the auctions that would undermine their integrity or impartiality in carrying out their functions.
5. We commit to keep confidential all information regarding the auctions that is not publically available.
6. We commit to not use such information for other purposes than the exercise of the functions of the auctioneers as provided for in the applicable legislation.
7. We confirm that the terms for the appointment set out in Article 22(4) of the Auctioning Regulation are met.
8. We herewith consent to allow representatives of EEX and ECC, or persons acting on their behalf, to monitor on our premises at any time the compliance with the Rules and Regulations of EEX and/or the Clearing Conditions of ECC, as may be amended from time to time and with the statements given by the auctioneers in relation to this application form.
9. We commit to immediately inform EEX and ECC about any change to entries, confirmations and statements, which have been given in relation to this application form, or any other circumstances potentially concerning the admission to EEX/ECC, and to prove such entries, confirmations and statements.
10. We acknowledge that all communication regarding the auction process, applicable for the arrangements and the terms and conditions for the auctioning and reflected to the extent necessary in the exchange rules, the rules of the system and the application form, including the implementation of the Escrow and Custody Agreements, will take place between the EEX and/or ECC and the Commission, acting on behalf of the contracting Member States, other than for communication between the auctioneer and EEX/ECC concerning the practical day-to-day operational matters regarding the admission, cancellation of one or more auctions, the processing of payments, or for informing EEX and/or ECC of any actions taken under its market conduct, or the Auctioning Regulation, or where required by law.
11. We acknowledge that EEX and ECC are entitled to share all relevant information regarding an auctioneer and the auction process with their national supervisory authorities, the auction monitor and the Commission both in its regulatory capacity and as representative of the contracting Member States under the Service Contract.
12. We authorise the Management Board of EEX and the operating companies of the Exchange to exchange information regarding the admission as auctioneer within the EEX group and ECC.
13. We agree with the disclosure of our appointment and admission as auctioneer on the EEX and ECC websites.

## 5. Checklist

We enclose the following required documents and certificates as evidence for the requirements for admission (with a certified German or English language translation where necessary) and certify their validity (if applicable).

Form, document	Explanations
Domestic applicants: Certificate of Company Register Foreign applicants: Similar documents	Copy of the current company register certificate. For foreign applicants other adequate documents may be submitted.
Proof of signatures	Copies of the ID cards of all persons signing the application form
Direct Debit Mandate TARGET2 (Form 2002 of the TARGET2 account holders central bank)	Signed TARGET2 form 2002 of the TARGET2 account holder to authorise direct debit by ECC as ancillary system
Authorisation of the TARGET2 account holder (EU12)	Confirmation of the TARGET2 account holder in case the applicant uses a third party TARGET2 account and proof of signatures of the TARGET2 account holder
Act of appointment by the appointing Member State	Letter from the auctioneer attaching the act of appointment (with a certified German or English language translation), where such act is publicly available. or Letter from the Permanent Representative to the European Union of the appointing Member State, attaching the act of appointment appointing the auctioneer for the Member State (with a certified German or English language translation) where the act of appointment is neither publicly available nor published.
Certification of identity by the appointing Member States	In case the relevant national act of appointment does not contain a specific reference to the identity of the auctioneer and its functions as per Article 23 of the Auctioning Regulation, the Certification of identity of the auctioneer provided by the Permanent Representative to the EU of the appointing Member State.

The following documents are requested for private entities only (if not a financial institution supervised by national authorities):

Form, document
Questionnaire „Know your customer“
Audited annual financial reports of the past 3 years
Organisation chart

## 6. Signature(s) for the application for admission as auctioneer

Legally binding signature(s) for the whole application:

Place <i>[insert]</i>	Date <i>[insert]</i> (dd.mm.yyyy)	Name of the applicant <i>[insert]</i>  Full name of the Authorised Representative <i>[insert]</i>  Company stamp and legally binding signature(s) of applicant <i>[insert]</i>
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