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# Benchmark Complaints Handling Procedure

European Energy Exchange AG

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# 1. Objective and Purpose

This Procedure is based on Art. 9 and sections 16 and 17 of Annex II of Regulation (EU) No. 2016/1011 ("Benchmark Regulation"). This Procedure serves to outline the complaints-handling mechanisms EEX AG has in place in relation to its administration of benchmarks. Art. 9 and Sections 16 and 17 of Annex II of the Benchmark Regulation, and hence this Procedure, apply to critical benchmarks, significant benchmarks, EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks and commodity benchmarks subject to Annex II, respectively. The Benchmark Committee, at its discretion, may choose to consider a complaint relating to other benchmarks provided by EEX AG and apply the Procedure in whole or in part.

# 2. Filing of Complaints

## 2.1 Subject of Complaints

Complainants may file a complaint with EEX AG in relation to

(a) whether a specific benchmark determination is representative of market value,

(b) a proposed change to the benchmark determination process,

(c) an application of the methodology in relation to a specific benchmark determination, and

(d) other decisions in relation to the benchmark determination process.

## 2.2 Formal Requirements

A complainant may not file a complaint, if the event giving rise to the complaint has already been addressed by a previous complaint by the same complainant.

Any complaint shall be submitted in writing and addressed to the Benchmark Committee, EEX AG, Augustusplatz 9, 04109 Leipzig, Germany; (boards_and_committee@eex.com). The complainant shall provide contact details.

A complaint must be made no later than three (3) months after the benchmark determination or decision complained of. However, if EEX AG conducts a public consultation in relation to a proposed material change of the methodology of a benchmark in accordance with EEX AG's Benchmark Change and Cessation Procedure, any complaint against the proposed change must be filed during the applicable consultation period, which will be announced in the course of the consultation process.

In order for EEX AG to be in a position to consider the correspondence as a complaint under this Procedure, the complainant must fully substantiate their claim with evidence and sufficient level of detail to assess the complaint or enable a comprehensive investigation by EEX AG. Where there is insufficient detail, the complainant will be notified as such.

In all cases, the complaint must include at a minimum the following information:

(a) The full name and contact address of the complainant and, if applicable, the company name and the contact address;

(b) The rationale behind the complaint and the status of the complainant (client, market participants or other stakeholder)

(c) A detailed description of the incident that led to the complaint and of the implications of the incident on the complainant in line with the above (including all relevant background information).

### 2.3 Handling of Complaints

The Boards and Committees department shall acknowledge receipt of any complaint usually no later than 10 business days after receipt and bring the complaint to the attention of the members of the Benchmark Committee. If the Benchmark Committee considers the factual circumstances relating to the complaint established, warranting no further investigation, it shall consult the Benchmark Oversight Committee and decide in the subject matter as set out in section 4. Otherwise, and in any event on request of the Benchmark Oversight Committee, the Benchmark Committee shall instruct the Compliance department to further investigate the subject matter of the complaint.

To this end the Compliance department may request further information or clarification relating to the subject matter.

## 3. Investigation of Complaints

The Compliance department is in charge to perform the investigation in a timely and fair manner. The investigation will be conducted independently of any personnel who may be or may have been involved in the subject matter of the complaint.

## 4. Resolution of Complaints

The following applies in case the Compliance department is instructed to further investigate the subject matter of the complaint. The Compliance department shall submit the investigation findings to the Oversight Committee for review and to the Benchmark Committee for review and decision. If the Compliance department deems it appropriate, the Chief Compliance Officer or respective Compliance Officer may – along with the investigation findings – submit a proposal for action to be taken in the matter.

The Benchmark Committee shall formally consult the Oversight Committee prior to taking any decision in the matter.

The Compliance department shall communicate the outcome of the investigation to the complainant within a reasonable period of time, unless such communication would be contrary to objectives of public policy or to Regulation (EU) No 596/2014.

EEX AG aims at resolving any complaint within a reasonable period of time, noting that the exact time needed for resolution of a complaint depends very much on the subject matter of the complaint.

## 5. Record Keeping

In accordance with Article 8 (1) (g) Benchmark Regulation, EEX AG records all documents relating to any complaint, including those submitted by a complainant. In particular, EEX AG records the following:

(a) the complaint itself;

(b) contact details on the complainant;

(c) receiving date of the complaint;

(d) date of informing the complainant about the acknowledgement of the complaint;

(e) the nature of the complaint;

(f) name of the internal investigator;

(g) facts and documents obtained or internally developed in the course of the investigation;

(h) status and or decision on dealing with the complaint, including any recommendations by the Oversight Committee;

(i) the communication to the complainant regarding the investigation findings; and

(j) date of informing the complainant about the decision.

EEX AG keeps those records for a period of five (5) years.

# 6. Amendment

Amendment of this procedure requires approval by the Benchmark Committee. Non-material amendments of this Procedure (editorial changes only) can be approved by the Director Legal.