

# Overview

## Election of the Exchange Council of European Energy Exchange 2021

# Timetable (preliminary)

Dates	Event
3 December 2020	<ul style="list-style-type: none"> <li>• Appointment of the Election Committee ✓</li> </ul>
5 February 2021	<ul style="list-style-type: none"> <li>• First information about the election ✓</li> </ul>
22 February 2021	<ul style="list-style-type: none"> <li>• Information on allocation of the exchange participants to the election groups ✓</li> <li>• Invitation to nominate candidates ✓</li> <li>• Final determination of the election date and the election method (electronic or postal voting) ✓</li> </ul>
15 March 2021	<ul style="list-style-type: none"> <li>• Expiry of period to nominate candidates</li> </ul>
17 March 2021	<ul style="list-style-type: none"> <li>• Publication of the preliminary allocation of the exchange participants to the election groups (provisional register of voters)</li> </ul>
31 March 2021	<ul style="list-style-type: none"> <li>• Expiry of period for objections against preliminary allocation and final decision about groups</li> </ul>
21 April 2021	<ul style="list-style-type: none"> <li>• Publication of final register of voters</li> </ul>
End of April 2021	<ul style="list-style-type: none"> <li>• Distribution of the election documents</li> </ul>
21 May 2021, 12 noon	<ul style="list-style-type: none"> <li>• Election date / publication of results after counting of votes afterwards</li> </ul>
23 June 2021	<ul style="list-style-type: none"> <li>• constitutive meeting of the newly elected Exchange Council</li> </ul>

# Exchange Council – Overview

The Exchange Council is a body of the Exchange (Articles 3 and 12 German Exchange Act, Article 4 Exchange Rules).

The Exchange Council has the following duties and powers:

- issuing and amending the Rules and Regulations of the Exchange (e.g.: Exchange Rules, Admission Rules, Trading Conditions, EEX-OTF Trading Rules) as statutes,
- appointment, (if applicable) reappointment and dismissal of the managing directors of the Exchange in agreement with the Exchange Supervisory Authority,
- the supervision of the Management Board of the Exchange,
- issuing the Rules of Procedure for the Management Board of the Exchange, and
- appointment, (if applicable) reappointment and dismissal of the Head of the Market Surveillance Office upon proposal of the Management Board of the Exchange and in agreement with the Exchange Supervisory Authority.

# Exchange Council - Composition

A maximum of 24 members will be elected from among the admitted exchange participants\*, divided into the following electoral groups:

1. Producers, suppliers, processors and distributors,
2. Members of the central clearing house, European Commodity Clearing AG, of EEX Group authorised to settle both their own transactions and the transactions of their customers and transactions of trading participants without a clearing licence via the European Commodity Clearing AG,
3. Trading companies, financial service providers and banking institutes unless these are covered by figure 2 and
4. Commercial consumers, their service providers that are not covered by figure 3 and other non-financial asset-based trading companies.

\* *without suspended exchange participants*

# Exchange Council – Election Groups and Allocation of Seats

- The number of seats of the respective election group results from its share in the total number of admitted exchange participants. Each election group shall receive at least one seat but not more than 12 seats.
- The Election Committee shall draft the provisional registers of voters allocating all admitted exchange participants\* to the election groups.
- These provisional registers of voters shall be published on the EEX website. Furthermore, all exchange participants shall be informed about their allocation and shall be granted the right to object to the allocation or to propose the allocation to another election group within 10 exchange days.
- Subsequently, the Election Committee shall decide on the final allocation of the admitted exchange participants\* to the election groups (final registers of voters).
- The final registers of voters are announced on the EEX website and the exchange participants\* are informed about the final allocation.

\* *without suspended exchange participants*

# Exchange Council – Eligibility and Candidates I

## Who can be a candidate to be elected?

- In the case of companies operated under the legal structure of a sole trader, the proprietors are eligible; in the case of other companies those persons who are entrusted with the management of the company's business according to law, the statutes or the articles of association and who are authorised to represent such company are eligible to stand for election. Moreover, senior executive and expert employees of companies are also eligible to stand for election.
- The person to be elected as the representative of a company must fulfil the requirements for members of the exchange council according to Article 13 paragraph 3 of the Exchange Law in conjunction with Article 4b paragraph 1 and 2 sentence 2 of the Exchange Law.
  - they must be reliable and have the necessary expertise to perform the control function as well as to assess and monitor the transactions conducted by EEX and devote sufficient time to the performance of their duties (Article 13 paragraph 1 in conjunction with Article 4b paragraph 1 German Exchange Act).
  - as elected members of the exchange council they shall act honestly and impartially in order to be able to assess and, if necessary, question the decisions of the management of the exchange and to be able to effectively monitor the decision-making process (Article 13 paragraph 1 in conjunction with Article 4b paragraph 2 sentence 2 German Exchange Act).

# Exchange Council – Eligibility and Candidates II

## Who can be nominated for election?

- You can nominate yourself or another person of your or another company (precondition: the company must be listed in the provisional register of voters).
- If several persons of a company or a group of companies are nominated for election, the company or the group of companies shall declare which person is running for election after being requested to do so by the Election Committee. If the declarations are not made in due time or are not in agreement, the Election Committee shall decide by drawing lots.

# Exchange Council – Eligibility and Candidates III

## **A valid election proposal shall comprise the following:**

- the name of the person applying,
- the name of the company for which said person applies and
- the declaration of consent by the person applying and by the company concerned,
- documents to evaluate the requirements established for members of the Exchange Council
  - Suitability assessment form (available from the Election Committee)
  - Curriculum Vitae
  - Criminal record or similar document as applicable in the respective country
- a declaration by which the person applying agrees to the processing of personal data by the Election Committee in the framework of the Exchange Council election procedure (available from the Election Committee)



# Exchange Council – Election Process

## Who can vote?

- Any exchange participant who is admitted at the time of the publication of the final registers of voters and who is not suspended.
- The right to vote shall be exercised by the Authorised Representative of the exchange participant on behalf of his company.

## How many votes does each participant have?

- The maximum number of votes that may be cast in an election group equals the number of seats in the Exchange Council allocated to that election group. Only one vote can be given to each candidate.

## Who is elected?

- The candidates who receive the most votes in each election group. In the event of a tie, the election shall be decided by lot.

# Contact

If you have any questions, please do not hesitate to contact us.

## **Election Committee**

Denny Wientzek  
(Chairman)

Diana Klauke  
(Member)

Katrin Kretschmer  
(Member)

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