

**› eex group**

**«KNOW YOUR  
CUSTOMER»  
Questionnaire**

28.01.2021  
Ref. 009

According to regulatory requirements, European Energy Exchange AG, EPEX SPOT and European Commodity Clearing AG (hereafter “the EEX Group”) are obliged to implement measures against money laundering, financing of terrorist activities and fraud (e.g. VAT tax fraud). A main element of these measures is the identification of new customers and the background of their transactions. To fulfil this obligation, EEX Group uses this Know Your Customer Questionnaire (KYC Questionnaire). Submitting a completed/filled out version of this KYC Questionnaire is one of the prerequisites to conclude the admission process to one or more entities of the EEX Group. Please be aware that, depending on the information provided within the KYC Questionnaire and related documents, further information and/or additional documents may be requested.

As part of the admission process, EEX Group collects confidential business information (Confidential Information)<sup>1</sup>. EEX Group agrees and commits not to disclose nor to disseminate Confidential Information to a third party except to EEX Group entities, Shareholders and entities or other institutions directly involved in performing the duties and responsibilities of EEX Group (such as, for instance, clearing institutions or supervisory and regulatory authorities). Therefore, by filling out the KYC Questionnaire, the applicant hereby expressly authorizes EEX Group entities to share with each other collected Confidential Information. In such case, EEX Group remains responsible for ensuring the confidentiality of the Confidential Information shared and acknowledges that in case of a breach of this obligation of confidentiality, the applicant shall be entitled to claim compensation from the EEX Group entity which is in breach of its confidentiality obligation for any direct financial damage resulting from such a breach. This compensation obligation is limited to a cap of ten thousand Euros (10.000 €), all damages included except in the event of gross negligence or intentional breach, in which cases the compensation obligation shall be uncapped.

As part of the admission process, EEX Group also receives and/or collects and processes personal data from/of traders, employees or any other representative of the applicant (“**Data Subject**”). This includes among others their contact details (name, email and postal address, phone number) and connection details (“**Personal Data**”<sup>2</sup>) received, collected and/or processed:

- i) either directly by submission of such information to EEX Group by the Data Subject. Any detail related to the processing of such Personal Data, including the rights of Data Subjects, is available on demand; or
- ii) indirectly via the applicant. In such a case, the applicant warrants that the collection and processing of Personal Data by it, including the transfer itself by it to EEX Group, has been and, up to the moment of the transfer, will continue to be carried out in accordance with all applicable Data Privacy Regulation<sup>3</sup>.

Therefore, the applicant hereby expressly authorizes each EEX Group entity to share this Personal Data with other EEX Group entities, for the purpose of admission processes coordination within EEX Group. The applicant herewith confirms that the applicant has obtained any consents from the Data Subject to the extent required by law.

The applicant also agrees that if the EEX Group is held liable by a Data Subject for any breach of the Data Privacy Regulation due to the processing of Personal Data under ii), it will indemnify EEX Group for any cost, charge, damages, expenses or loss it has incurred.

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<sup>1</sup> - Confidential information refers to any information whether or not marked as confidential, including, but not limited to, documents, data, processes, reports, records, financial information, customer information and contents of the discussions/negotiations with EEX Group, directly or indirectly related to the process of application as a member of EEX Group markets, which has been provided or for which access has been given to EEX Group in writing, electronic or any other form in the framework of the process of application. Confidential Information does however not include information which has come into the public domain through no fault or negligence of EEX Group.

<sup>2</sup> - “Personal Data” and “Data Subject” shall have the same meaning as in the General Data Protection Regulation (Regulation (EU) 2016/679) on the protection of individuals with regard to the processing of Personal Data and on the free movement of such data (“GDPR”);

<sup>3</sup> - “Data Privacy Regulation” refers to the GDPR and any other applicable national data privacy law.

## Mandatory supporting documents

Please provide the following documents (translated into English, French or German):

1. Latest Commercial Registry extract (not older than 3 months);
2. Financial statements, audited if available, incl. balance sheet and P&L from the previous fiscal year.

If available, web link to (audited) annual reports:

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3. EEX Group Signature Schedule (preferred) or alternatively a power of attorney of the legal representative, accompanied by the corresponding ID / passport copy (a scanned color copy will be required).

# 1. Company profile

In order to analyze your application, please answer thoroughly and complete all the following questions (questions must be answered **for the applicant company only** – not its group or shareholder).

1	Company name <i>(according to the Commercial Registry)</i>	
2	<i>In case different, company name in local language</i>	
3	Address of registration according to Commercial Registry	
4	<i>In case different, address and country of the trading desk/trading office</i>	
5	<i>In case different, address and country of the invoiced entity</i>	
6	Phone (switchboard)	
7	Website	
8	Date of incorporation	
9	Number of employees	
10	Managing Directors (if not already listed in the Commercial Registry excerpt)	
11	Describe the main business of the company. Specify the sectors in which the company is mainly active.	

## 2. Identity

### 2.1 What is the company type?

**Main business related to Power / Natural Gas:**

- Regulated Utility (gas/power)**  
A power & gas utility is an energy company that engages in the generation and sales of energy. It operates energy grids. The production capacity is more than 5MW.
- Aggregator**  
A company that acts on behalf of a group of customers. It manages a "pool" of supply and/or demand energy positions.
- Municipal and regional supplier**  
Company that buys power or gas for the benefit of a final user of power or gas
- Trading company**  
Firm that buys and sells power or gas but does not usually get involved in the owning of the good.
- Regulated TSO**  
Transmission system operators, storage operators
- Large Commercial Energy Consumer**  
Company that is the final user of power or gas and is a large-scale consumer / utilizer of power / natgas (> 100.000 kWh p.a.)
- Natural gas extraction, LNG production, oil / biogas or green gas production**

Does your company own or operate the physical assets related to your business?

- Yes       No

**Main business in selected special industries:**

- Agricultural producer / cooperation / wholesale agent**
- Woodmill, pulp or paper producer**
- Airline or aviation services**
- Maritime transport services (bulk, LNG, container, fuel)**

Does your company own or operate the physical assets related to your business (e.g. ships, factories, airplanes, etc.)?

- Yes       No

**Main business in other general industries:**

- Regulated banking industry
- Regulated financial services provider
- Investment fund
- Regulated credit institution
- “Monetary Financial Institution” according to the European Central Bank

Please provide the following information, supplementing this categorization in the table below:

Name of the supervisory authority	Web link database of supervisory authority
Registered since	ID; Identifier

- Multiple commodities trading company (if not financial service provider):**

unregulated       regulated, then please provide the following information:

Name of the supervisory authority	Web link database of supervisory authority
Registered since	ID; Identifier

- Other business group**

Please describe the current main business of your company (company group):

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**2.2 Which category does your company belong to (multiple answers possible)?**

- Majority (>50%) of shares publicly- / state- / municipally owned**  
*or 100% subsidiary of such a company*
- Exchange-listed / exchange-traded corporation**  
*or 100% subsidiary of such a company*

Name of the Exchange (abbreviation): \_\_\_\_\_

- Regulated market segment (please hand in proof)
- Unregulated market segment (free float)

**Is the majority of shares (directly or indirectly) owned by a private wealth management trust or wealth management fund?**

- Yes
- No

**Is the majority of shares (directly or indirectly) issued as bearer shares?**

- Yes
- No

- None of the above applies**

**2.3 Business purpose with ECC**

Please give the purpose of your trades via EEX / ECC's partner exchanges (multiple answers possible):

<input type="checkbox"/> Hedging (for own account)	<input type="checkbox"/> Speculative trading (for own account)
<input type="checkbox"/> Purchase / selling of own (company group) power / natural gas production / storage	<input type="checkbox"/> Purchase / selling of power / natural gas from supply and delivery contracts (e.g. wholesale trades, supply of final customers, import / export)
<input type="checkbox"/> Fulfillment of own regulatory requirements (EUA, CGFR)	<input type="checkbox"/> Fulfillment of regulatory requirements of the company group (EUA, CGFR)
<input type="checkbox"/> Trading on behalf of and account for customers	
<input type="checkbox"/> Other – Please describe:	

### 3. Business profile

#### 3.1 Key financials

Please indicate the key financial data in EURO (€):

Values to be given in Euro (€)	Fiscal year		
	Year-2: 20__	Year-1: 20__	Year: 20__
<b>Share capital:</b>			
Nominal capital			
Has the nominal capital been totally paid?			<input type="checkbox"/> Yes <input type="checkbox"/> No If no, uncalled capital:
<b>Equity:</b>			
Capital reserves			
Profit reserves			
<b>Assets:</b>			
Intangible assets			
Total assets			
<b>Revenues:</b>			
Turnover			
Profit			

For the current fiscal year, please provide the profit/loss (year-to-date) in Euro (€):

\_\_\_\_\_

#### 3.2 Ownership

**3.2.1 Please submit a chart explaining the shareholder/ownership structure of the company, up to and including the Ultimate Parent level as well as the direct and indirect shareholders with a minimum of 10% aggregated ownership or comparable control rights.**

For foundations or trusts: please provide the name of the trustor, beneficiary (group of beneficiaries, if applicable) and name of the administrator.

The following information are required:

- name of the company or in case of a natural person, first name + surname
- country of residence
- citizenship in case of a natural person
- shares and/or voting rights (in%)



**3.2.2 Who is/are the beneficial owner/s<sup>4</sup>?**

First Name	Surname	Citizenship	Country of residence	DOB (dd.mm.yyyy)	Share (in %)

**3.2.3 Has there been any change of the beneficial owner within the last 3 years?**

Yes       No

If yes, please provide details about these changes:

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**3.2.4 Is the company a part of a group?**

Yes       No

If yes: - What is the revenue of the group?

>100m €       >500m €       >1000m € revenue p.a.

- Who is the Global Ultimate Owner (i.e. the last legal entity that controls more than 50% of the shares, or that the company consolidates on the balance sheet)?

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**3.2.5 Has your company, its group and/or its management been under investigation (e.g. by tax, financial, competition or energy authorities) within the last three years or is such an investigation currently ongoing?**

Yes       No

If yes, please provide details.

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<sup>4</sup> For details, please refer to §3 of the German Money Laundering Act.

**3.2.6 Are there any Politically Exposed Persons (PeP)<sup>5</sup> among your company’s direct shareholders or beneficial owners/?**

Yes       No

If yes, please provide the following information:

Last Name	First name	DOB (dd.mm.yyyy)	Reason for PEP status

<sup>5</sup>For details, please refer to Article 3 of Directive (EU) 2015/849

## 4. Your trading profile and capability to intervene

### 4.1 Is your company already admitted/registered on at least one Regulated Market/Exchange?

	Market/Exchange	Start date	Type via		
Yes			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
No					

### 4.2 Is your company already trading commodities on other centrally cleared markets?

	Commodity traded (centrally cleared)	Since
Yes		
<input type="checkbox"/> No, we are not trading commodities on other centrally cleared markets		

### 4.3 Is your company already trading commodities OTC?

	Commodity traded (OTC)	Since
Yes		
<input type="checkbox"/> No, we are not trading commodities OTC		

**4.4 In case your company does not have experience in any of the above markets (4.1, 4.2, 4.3), please briefly explain the activities of your company since its incorporation.**

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**4.5 Are the traders acting on behalf of your company employed by your company?**

- Yes             No, employed by \_\_\_\_\_
- No, employed by an affiliated company: \_\_\_\_\_

## 5. Prevention of Money Laundering, Terrorist Financing & International Financial Sanctions

### 5.1 For non-financial institutions:

#### 5.1.1 Is your company regulated?

Yes       No

If so, please list the law(s)/regulation(s) and the regulatory authority:

Law/Regulation	Name of the Regulatory Authority

#### 5.1.2 Is a risk-based AML/CTF and Fraud Prevention System implemented, which contains a risk analysis, clear responsibility, and ways of reporting, appropriate and effective measures as well as regular controls?

Yes       No

#### 5.1.3 Are the measures/processes defined by your company to comply with relevant AML-, CTF- and KYC-requirements subject to a review by an independent audit on a regular basis?

Yes       No

If yes, and in case of significant findings in the last few audits, were these mitigated or resolved?

Yes       No

#### 5.1.4 Does your company maintain accounts for customers to have anonymous access to products cleared by the ECC (anonymous accounts, brokerage accounts, trading relationships)?

Yes       No

#### 5.1.5 Does your company have an AML/Sanctions/Compliance Department?

Yes       No

#### 5.1.6 Does your company regularly train the staff members regarding AML?

Yes       No

#### 5.1.7 Does your company do business in or receive and/or deliver (directly or indirectly) to: - countries with insufficient measures to prevent money laundering (high risk countries according to the FATF list), - countries against which the UN, EU or US have applied comprehensive economic sanctions (embargoes), e.g. Iran, Syria, Libya, Cuba etc.?

Yes       No

If yes, has the risk of money laundering or sanction evasion been especially considered and appropriate action taken?

- Yes       No

If yes, can you confirm that you do intend to process sanctioned funds, transactions or requests through ECC or its partners and that appropriate and effective measures have been taken to ensure this approach?

- Yes       No

**5.1.8 In case your company will not trade on own accounts only (see your answer to question 2.3), has the risk of VAT fraud been especially regarded?**

**This is the necessary, if you trade for your customers Energy Spot or European Union Allowances (EUA) for example.**

- Yes       No       N/A

Are appropriate measures defined in the customer acceptance process and trading, to mitigate the risk?

- Yes       No       N/A

If yes: Do you check the VAT-ID of your customer on a regular basis?

- Yes       No       N/A

**5.2 For financial institutions:**

**5.2.1 Is your company a regulated financial institution?**

- Yes       No

If so, please list the law(s)/regulation(s) and the regulatory authority:

Law/Regulation	Name of the Regulatory Authority

**5.2.2 Is a risk-based AML/CTF and Fraud Prevention System implemented, which contains a risk analysis, clear responsibility, and ways of reporting, appropriate and effective measures as well as regular controls?**

- Yes       No

**5.2.3 Are the measures/processes defined by your company to comply with relevant AML-, CTF- and KYC-requirements subject to a review by an independent audit on a regular basis?**

- Yes       No

If yes, and in case of significant findings in the last few audits, were these mitigated or resolved?

**5.2.4 Does your company maintain accounts for customers to have anonymous access to products cleared by the ECC (anonymous accounts, brokerage accounts, trading relationships)?**

Yes  No

**5.2.5 Does your company have an AML/Sanctions/Compliance Department?**

Yes  No

**5.2.6 Does your company regularly train the staff members regarding AML?**

Yes  No

**5.2.7 Does your company do business in or receives and/or delivers (directly or indirectly) to:**  
 - countries with insufficient measures to prevent money laundering (high-risk countries according to the FATF list),  
 - countries against which the UN, EU or US have applied comprehensive economic sanctions (embargoes), e.g. Iran, Syria, Libya, Cuba etc.?

Yes  No

If yes, has the risk of money laundering or sanction evasion been especially considered and appropriate action taken?

Yes  No

If yes, can you confirm that you do intend to process sanctioned funds, transactions or requests through ECC, or its partners and that appropriate and effective measures have been taken to ensure this approach?

Yes  No

## 6. Signature(s)

We recognize that the companies that are part of the EEX Group are obliged to implement measures against money laundering, financing of terrorist activities and fraud (e.g. VAT tax fraud) and that the information in this questionnaire is used to fulfill regulatory requirements. We authorize the companies that are part of the EEX Group to use the information given in this questionnaire internally and to exchange information in this questionnaire with the partner exchanges within the Group where the applicant is admitted for trading or has applied for admission.

We declare in good faith that all information, answers and documents provided with this questionnaire are exact and authentic. We have omitted no important information that could have an impact on the judgment made about our request for admission. We accept to answer any other question you might have in the future to comply with your legal obligations.

Place	Date	Company stamp and legally binding signature(s)  Signature(s):   Name(s):
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