

# Exchange Rules of Eurex Deutschland

Eurex01e, as of 01.01.2022

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## **I. Section Areas of Business and Organisation**

### **§ 1 Areas of Business**

These Exchange Rules regulate the organization of the futures and options exchange approved under German law (hereinafter referred to as “Eurex Deutschland”) with its registered office in Frankfurt/Main. Eurex Deutschland provides a fully automated trading platform for the conclusion of transactions, in particular standardized futures and options contracts (hereinafter referred to as “futures and options transactions” or “products”).

### **§ 2 Administrating and Operating Institutions of Eurex Deutschland**

The administrating and operating institution of Eurex Deutschland is Eurex Frankfurt AG, with registered office in Frankfurt/Main.

### **§ 3 Exchange Supervisory Authorities**

Supervision of the operations of Eurex Deutschland shall be the responsibility of the competent highest state authority in the State of Hesse (hereinafter “Exchange Supervisory Authority”).

## **II. Section Exchange Bodies of Eurex Deutschland**

### **1. Sub-Section [deleted]**

#### **§ 4 Exchange Council**

- (1) Eurex Deutschland shall establish an exchange council pursuant to the Stock Exchange Act (Börsengesetz, BörsG) and the Exchange Regulation (Börsenverordnung) issued by the State of Hesse.
- (2) The Exchange Council of Eurex Deutschland shall have the following responsibilities pursuant to the Exchange Act (Börsengesetz, BörsG):
  1. the adoption of the Exchange Rules (Börsenordnung, BörsO) and the Fee Regulations (Gebührenordnung, GebO) for Eurex Deutschland,
  2. the adoption of Conditions for Trading (Bedingungen für den Handel) at Eurex Deutschland,
  3. the adoption of Admission Regulations for Eurex Deutschland for Exchange Traders,
  4. the adoption of Rules of Procedure for the Management Board,
  5. the appointment and removal of the members of the Management Board of Eurex Deutschland in agreement with the Exchange Supervisory Authority,
  6. the supervision of the Management Board of Eurex Deutschland,
  7. the appointment, re-appointment and removal of the head of the Trading Surveillance Office at Eurex Deutschland upon the recommendation of the Management Board of Eurex Deutschland and in agreement with the Exchange Supervisory Authority.

Decisions by the Management Board of Eurex Deutschland with respect to the introduction of technical systems for trading or settlement of exchange transactions shall require the approval of the Exchange Council.

Furthermore, the Management Board of Eurex Deutschland requires the approval of the Exchange Council for measures of principal importance. In particular, this applies to:

- a) Decisions which change the course of trade considerably such as the Delisting of product groups,
- b) Decisions on the assumption of significant new fields of activity or their task,

- c) Establishment of extensive cooperations with other exchanges and organisations which may have an impact on the margin of decision making of Eurex Deutschland.

## **§ 5 Exchange Management**

- (1) The Management Board shall be responsible for the management of Eurex Deutschland.

The members of the Management Board shall be reliable and must possess the appropriate professional qualification for the management of the exchange.

The Management Board shall represent Eurex Deutschland in and out of court, to the extent that the administrating and operating institution of Eurex Deutschland is not charged with such responsibility.

The Management Board shall perform the assigned duties and authorities for the public benefit only.

- (2) Eurex Deutschland shall generally be represented jointly by two members of the Management Board. In urgent cases when a second member of the Management Board cannot be contacted, one member of the Management Board may represent Eurex Deutschland alone.

The Management Board may also authorize other persons to act as representatives.

- (3) The Management Board of Eurex Deutschland shall fulfil all responsibilities which have not expressly been assigned to other Exchange Bodies or to the administrating and operating institution of Eurex Deutschland. Its responsibilities shall include in particular:

1. admitting enterprises and persons to futures and options trading at Eurex Deutschland or excluding enterprises (Exchange Participants) already admitted or persons (Exchange Traders) already admitted from futures and options trading,
2. regulating the organization and business operations of Eurex Deutschland and setting the trading hours,
3. without prejudice to the competence of the Trading Surveillance Office, monitoring and examining compliance with all laws, regulations, terms and conditions and other rules governing trading at Eurex Deutschland,
4. adopting rules for the determination, monitoring, documentation and publication of the prices of Eurex Deutschland,
5. deciding on the admission and the termination of admission of futures and options contracts to futures and options trading at Eurex Deutschland and deciding on the commencement, suspension or discontinuation of futures and options trading at Eurex Deutschland,



6. ruling that no physical delivery shall be effected if this is necessary for the maintenance of orderly market conditions at Eurex Deutschland,
7. determining position limits for futures and options positions held by Exchange Participants,
8. the adoption of the Contract Specifications for Futures Contracts and Options Contracts at Eurex Deutschland (Kontraktsspezifikationen für Futures-Kontrakte und Optionskontrakte an der Eurex Deutschland).

The Management Board of Eurex Deutschland may commission other persons to fulfil certain responsibilities.

## **§ 6 Trading Surveillance Office**

- (1) The Trading Surveillance Office must fulfil the responsibilities conferred upon it under the Exchange Act. In particular, it shall
  1. monitor futures and options trading at Eurex Deutschland and the settlement of exchange transactions,
  2. systematically and completely collect all data regarding futures and options trading and the settlement of exchange transactions and evaluate such data.
- (2) If the Trading Surveillance Office, in connection with its activities, establishes facts justifying the conclusion that violations of exchange laws or orders are occurring or that other irregularities exist which may impair the orderly conduct of trading at Eurex Deutschland or the settlement of exchange transactions, it shall promptly notify the Management Board of Eurex Deutschland and the Exchange Supervisory Authority thereof.
- (3) The head of the Trading Surveillance Office shall be appointed and removed by the Exchange Council at the recommendation of the Management Board and in agreement with the Exchange Supervisory Authority.
- (4) The Trading Surveillance Office may, to the extent necessary for the discharge of their duties, demand information and the production of documents from the Trading Participants (Exchange Participants and Exchange Traders), conduct inspections and, during normal working hours, enter the property and business premises of Eurex Deutschland and of the Exchange Participants. In particular, they may require that Eurex Deutschland and the Trading Participants provide all data from the EDP system relating to trading or settlement.

In addition, § 3 Paragraph 3 Clause 2 shall apply mutatis mutandis.

## **§ 7        Disciplinary Committee**

The Disciplinary Committee (Sanktionsausschuss) shall have the responsibilities for Eurex Deutschland set forth in § 22 of the Exchange Act (Börsengesetz, BörsG). The Disciplinary Committee and the Disciplinary Proceedings (Sanktionsverfahren) shall be organised according to the Exchange Regulation (Börsenverordnung) issued by the State of Hesse.

## **2. Sub-Section    [deleted]**

**§ 8        [deleted]**

**§ 9        [deleted]**

**§ 10       [deleted]**

**§ 11       [deleted]**

**§ 12       [deleted]**

### **III. Section General Conditions**

#### **1. Sub-Section Exchange Trading**

##### **§ 13 Electronic Trading System**

The orders and quotes sent to the electronic trading system of Eurex Deutschland shall be automatically allocated to and matched with one another. Orders entered for the off-book trade, shall be matched pursuant to the provisions in Part 4 of the Conditions for Trading.

The Management Board of Eurex Deutschland may delete orders and quotes which have been entered in the order book if such deletion is necessary for the maintenance of an orderly exchange trading. The Management Board of Eurex Deutschland will provide information on any deletion of orders or quotes immediately.

##### **§ 13 a Pre-Trade Checks**

The electronic trading system of Eurex Deutschland performs pre-trade checks in order to safeguard orderly exchange trading. The limits for these pre-trade checks are determined as follows:

- (1) The Management Board of Eurex Deutschland determines limits for the transfer of notifications (entry of orders, modification of orders, deletion), that an Exchange Participant can send to the trading system within a certain period of time, taking into account its connection types (interface, sessions), and publish those limits ("max message limits"). Upon reaching this maximum limit the transfer of notifications will be delayed.
- (2) The Management Board of Eurex Deutschland determines and publishes order and quote limits for any orders and quotes stored in the order book. Such order and quote limits determine the maximum number of orders and quotes which an Exchange Participant may, with regard to a specific product and taking into account its technical connection types (sessions), enter into the order book. When an Exchange Participant reaches the limit, any orders and quotes entered thereafter are refused by the trading system of Eurex Deutschland until the number of orders and quotes stored in the order book with regard to such product have fallen below a threshold determined by the Management Board. To the extent the entry of a mass quote is the cause for a limit being reached, the system will permit the exceeding of such limit. In such case, only the orders and quotes entered thereafter will be refused. Exchange Participants may individually pre-set lower limits.

- (3) The Management Board of Eurex Deutschland determines price collars for the individual contracts within which orders with a limit can be entered. An order or a quote with a limit outside the price collar will be rejected by the trading system of Eurex Deutschland.
- (4) Exchange Participants are obliged to determine a limit for the maximum order value of an order or quote for each Exchange Trader ("max order value"). An order or quote that exceeds the maximum order value will be rejected by the trading system of Eurex Deutschland.
- (5) Exchange Participants are obliged to determine a maximum number of contracts that an Exchange Trader can enter per order or per quote with regard to a specific product ("order volume"). An order or quote that exceeds the maximum number of contracts will be rejected by the trading system of Eurex Deutschland.

## **§ 14 Position Limits**

- (1) The Management Board of Eurex Deutschland may set or alter position limits in order to ensure orderly futures and options trading and to avoid risks for the spot markets (Kassamärkte). Exchange Participants shall be notified of such determination of position limits allowing for a reasonable period of time.
- (2) A position limit is a maximum number of contracts in the relevant products which an Exchange Participant is permitted to hold for its own account or for one of its customers. If several positions relating to the same position limit form a total position, every Exchange Participant involved may hold the respective positions for its own account or for a customer only if the total position does not exceed the position limit.

Several Positions relating to the same position limit may, in the following situations, be considered a total position:

1. Positions held for the same customer by several Exchange Participants.
2. Positions which an Exchange Participant holds for its own account and positions which the Exchange Participant holds while being another Exchange Participant's customer,
3. Positions which an Exchange Trader or other agent of one or more Exchange Participants may dispose of or which such Exchange Trader or other agent can control in a different way, irrespective of whether or not the positions are held by one or more Exchange Participants for their own accounts or for one or more customers.
4. Positions with regard to which one or more Exchange Participants or one or more of their customers coordinate their actions or cooperate with each other in any other way.

5. Positions which, in the opinion of the Management Board of Eurex Deutschland, ought to be considered a total position in order to ensure an orderly futures and options trading or to avert danger from the cash markets.

(3) A Trading Participant may not engage in any transactions if

1. this would result in exceeding a position limit,
2. the position limit has already been exceeded, and if the transaction leads to a further increase in the relevant position or in the total position, or
3. there are indications of an excess according to No. 1 or an increase according to No. 2.

(4) If a position limit is exceeded or if, in the opinion of the Management Board of Eurex Deutschland, there are indications of a position limit having been exceeded, the Exchange Traders of the Exchange Participant holding the relevant position or parts of the relevant total position for its own account or for the account of one of its customers are obligated to immediately reduce the relevant position or the relevant parts of the total position by such an amount as is necessary to discontinue the exceeding of the position limit. The Exchange Participant undertakes to obtain the consents for a position reduction, in case such consents are necessary, and to have them available at any time.

If the positions are not reduced within a period of time determined by the Management Board of Eurex Deutschland, the Management Board of Eurex Deutschland shall – by carrying out the relevant entries in the Eurex trading system – reduce the relevant positions to such an extent as is necessary to discontinue the exceeding of the position limit or to thwart any indication of a position limit being exceeded.

(5) If the positions kept on the customer position accounts of an Exchange Participant as a whole exceed the position limit, the Trading Surveillance Office of Eurex Deutschland must be provided with evidence that the relevant customers' positions are within the position limits.

Upon request by the Trading Surveillance Office of Eurex Deutschland, evidence must be provided with regard to a single or to all of the individual positions of the customer account and with regard to the relevant customers, even independently from a position limit being exceeded.

Evidence must be provided to the Trading Surveillance Office of Eurex Deutschland without undue delay – in case of fixed-income products until 2 p.m. CET on a trading day – including information about the relevant positions and the relevant customers at the end of the previous trading day. On the last trading day before expiry of a contract, these details shall be provided until 10 a.m. CET.

- (6) The Management Board of Eurex Deutschland may determine that the relevant Exchange Participant must notify its customer positions to the Trading Surveillance Office of Eurex Deutschland if such positions exceed a specific percentage of the position limit.
- (7) The Trading Surveillance Office of Eurex Deutschland examines all positions of an Exchange Participant, including Agent Position Accounts, to verify compliance with the position limits. For this purpose, the Management Board may use the services of a suitable auditor § 3 Paragraph 3 Clause 2 shall apply mutatis mutandis in all other respects.
- (8) Paragraphs 3 to 7 apply accordingly to commodity derivatives within the meaning of Article 2 Paragraph 1 No. 30 of the Delegated Regulation (EU) No. 600/2014.

## **§ 15 Exclusion of Physical Delivery, Delisting of Underlyings**

- (1) In order to maintain orderly trading conditions, the Management Board of Eurex Deutschland may take any appropriate measures, in particular, it may order the exclusion of physical delivery.
- (2) In case of an exclusion of physical delivery, a cash settlement of the relevant derivatives transactions shall take place. In such a case,
  1. upon the expiration of futures contracts, all mutual rights and obligations under such contracts shall be deemed to be performed upon the last daily settlement payment;
  2. upon the exercise of stock options and options contracts on exchange-traded fund shares or debt securities, the prices of the respective underlying security determined by the Management Board of Eurex Deutschland for settlement in cash shall be decisive. The amount of cash settlement is determined by the difference between the relevant share price and the exercise price, multiplied by the number of shares underlying the options contract or by the number of exchange-traded fund shares or debt securities respectively.
- (3) In case of a delisting of the underlying of a derivatives transaction, the Management Board of Eurex Deutschland may take appropriate measures; it may
  1. order the exclusion of physical delivery to maintain orderly market conditions and
  2. order the delisting and the early termination to guarantee orderly exchange tradingwith regard to the concerned derivatives transactions. The Management Board shall determine the price of the derivatives transaction relevant for cash settlement.
- (4) An order concerning exclusion of physical delivery, delisting and early termination shall be made public by announcement.

## **§ 16 Suspension and Discontinuation of Trading**

- (1) The Management Board of Eurex Deutschland may, with regard to the trading in futures and options contracts,
  - a) suspend such trading if an orderly futures and options trading appears to be temporarily threatened or if such suspension appears to be appropriate in order to protect the public; and
  - b) discontinue such trading, if it appears possible that an orderly futures and options trading can no longer be ensured.
- (2) The measures according to Paragraph 1 shall be announced.
- (3) If trading in specific options or futures contract admitted to Eurex Deutschland is suspended in whole or in part, no new orders and quotes may be entered and no open positions may be closed respecting such contract for the duration of the suspension, nor, if exercise is possible under the terms of such contract, may any open positions be exercised during this period. All existing orders and quotes will be canceled. The resumption of futures and options trading in suspended contracts shall commence with a Pre-Trading Period. The Management Board of Eurex Deutschland may, in the event of a suspension of trading, issue different instructions on a case-by-case basis.

## **§ 17 Market Integrity**

- (1) Trading Participants are obligated to use the installations of Eurex Deutschland in accordance with the Exchange-related legal provisions in order to guarantee an orderly conduct of trading and the Exchange transaction settlement (hereinafter "orderly futures and options trading").
- (2) Prior to the application of an electronic trading system or a trading algorithm, Trading Participants have to ensure that orderly futures and options trading will not be compromised by such electronic trading system, trading strategy or trading algorithm.
- (3) Trading Participants must not enter orders or quotes into the system of Eurex Deutschland unless they intend to conclude a business transaction.
- (4) In order to guarantee an orderly futures and options trading, the Trading Participant or several Trading Participants acting upon mutual consultation may furthermore not conclude transactions at Eurex Deutschland or enter orders or quotes in the trading system of Eurex Deutschland that have the potential to influence in an erroneous or misleading way bid, ask or price of products traded at Eurex Deutschland or to effect a price not in line with the market or an artificial price level without being in compliance with a common market practice in accordance with the orderly conduct of trading pursuant to the Exchange-related legal provisions.

## § 17 a Identification of algorithmic orders and of trading algorithms

- (1) Exchange Participants are obliged to mark the orders and firm quotes generated through algorithmic trading within the meaning of § 80 Paragraph 2 sentence 1 of the Securities Trading Act, to identify the trading algorithms used in each case as well as identify the person that initiated the order. This shall also apply in the event that orders are being transmitted via an Order Routing System or a direct electronic access.
- (2) The orders or quotes must be marked when they are entered into the trading system of Eurex Deutschland. The trading algorithms used in each case must be identified when orders or quotes resulting from the trading algorithms are entered into the trading system of Eurex Deutschland and when such orders or quotes are modified or deleted. The marking of the orders or quotes generated and the identification of the trading algorithms used in each case must be made using the appropriate input options of the trading system of Eurex Deutschland. The marking of the orders or quotes generated and the identification of the algorithms used in each case must be comprehensible, definite and consistent. Trading algorithms must be identified by setting out the complete automated decision-making process by which the entry of orders or quotes into the trading system of Eurex Deutschland or the modification or deletion of such orders or quotes was effected.
- (3) The Management Board of Eurex Deutschland may issue further provisions on the structure and format of the marks and identifications.
- (4) Algorithmic proprietary orders and corresponding binding quotes pursuant to Paragraph 1 which have the same identification, both regarding the investment decision within the meaning of Article 8 of Delegated Regulation (EU) 2017/590 and regarding the execution of the transaction within the meaning of Article 9 of Delegated Regulation (EU) 2017/590 shall be entered in continuous trading by adding the execution condition Self-Match Prevention (SMP) and the identical SMP identification. Number 3.7 Paragraphs 2 to 4 of the Conditions for Trading at Eurex Deutschland shall apply accordingly.

The Management Board may determine further cases in which algorithmic orders and binding quotes have to be identified with the SMP execution condition.

## § 17 b Order to Trade Ratio

- (1) The Trading Participants are obligated to ensure an adequate ratio between order- and quote-entries, -modifications and -deletions (order-entries) and contracts traded. When determining an adequate Order to Trade Ratio, order entries, that have been deleted due to the netting process during an auction or due to a connection interruption in the trading system, are not considered. When determining an adequate Order to Trade Ratio, both a volume-based and a transaction-based ratio is considered.
- (2) The volume-based Order to Trade Ratio is determined by dividing the numerical volume of the order-entries of an admitted enterprise per product within one calendar



day by the volume of the conducted transaction and then deducting 1. The numerical volume of an order-entry is the number of contracts to which the order-entry relates. A modification of an order is counted as a deletion of the previous order/quote and an entry of a new order/quote. If an order or a quote is fully or partially deleted by the Self-Match Prevention (SMP) functionality, the volume of the order entry increases on the buy- and the sell-side respectively by the number of deleted contracts only.

The volume of the conducted transactions is determined by the volume of the Exchange Participants' trades concluded in the order book in the same product of the previous trading day. If the volume of the conducted transactions of the previous trading day is less than the volume-based minimum value, the Management Board of Eurex Deutschland may increase this value to the value of the volume-based minimum value for determining the volume-based Order to Trade Ratio.

- (3) The transaction-based Order to Trade Ratio is determined by dividing the Exchange Participants' order-entries per product within one trading day by the number of trades. A modification of an order is counted as a deletion of the previous order/quote and an entry of a new order/quote. If an order or a quote is fully or partially deleted by the Self-Match Prevention (SMP) functionality, the number of order-entries on the buy- and the sell-side respectively by the number of deleted or modified contracts only. The number of trades is determined by the number of the Exchange Participants' trades concluded in the order book in the same product of the previous trading day. If the number of trades of the previous trading day is less than the transaction-based minimum value, the Management Board of Eurex Deutschland may increase this value to the value of the transaction-based minimum value for determining the transaction-based Order to Trade Ratio.
- (4) The Order to Trade Ratio is adequate if, at the end of the trading day, it is less than or equal to the limit determined below. However, a distinction is made between the limit for the volume-based Order to Trade Ratio and the limit for the transaction-based Order to Trade Ratio. Furthermore, a distinction is made between the limit for Exchange Participants who meet the minimum quoting requirements for an increased Order to Trade Ratio, and the limit for other Exchange Participants. The minimum quoting requirements for an increased Order to Trade Ratio are decided and announced by the Management Board of Eurex Deutschland.
- a) The limit for Exchange Participants who do not meet the minimum quoting requirements is a number, determined per product group pursuant to the Appendix to § 17 b, that is, per product, multiplied by a product-specific factor pursuant to the Appendix to § 17 b. If a product is not listed in the Appendix to § 17 b, this factor shall be 1.
- b) The limit pursuant to Paragraph 4 a) is applicable if the Quote Performance of the Exchange Participant in a product is greater than the multiplication of the Grace Factor and the minimum quoting requirement pursuant to the Appendix to § 17 b.

The limit for Exchange Participants who meet the minimum quoting requirements (MQ Limit), results per product from the multiplication of the limit pursuant to Paragraph 4a) with the minimum quoting base factor (MQ Base Factor), with the Quote Performance and the Average Quote Size, whereas the average Quote size is solely considered within the scope of the volume-based Order to Trade Ratio.

- Pursuant to the Appendix to § 17 b, the MQ Base Factor depends on the Spread Quality. The Spread Quality results from the time-weighted, average quoted Spread Quality compared to the maximum spread as set out in the minimum quoting requirements.
- The Quote Performance is the measured time of the quoting activity of an Exchange Participant in a product in relation to the maximum possible quote time as defined in the minimum quoting requirements.
- The Average Quote Size is the time-weighted average volume of quotes.

If the minimum quoting requirements are met under Stressed Market Conditions as set out in Paragraph 6, the MQ Limit is multiplied by the SMC Factor pursuant to the Appendix to § 17 b. The Quote Performance, Spread Quality and Average Quote Size are measured based on the values captured by Eurex Deutschland at the end of each trading day. Limit-orders are treated as quotes in case this is provided in the minimum quoting requirements. Only those quotes and limit-orders which meet the minimum quoting requirements are considered in the calculation of the MQ Base Factor.

If the MQ Limit is lower than the limit pursuant to Paragraph 4 a), then this limit is applied.

- (5) The parameters for the calculation of the Order to Trade Ratio can be changed by the Management Board of Eurex Deutschland under exceptional market conditions in order to adequately adjust the Order to Trade Ratio to the respective exceptional market conditions. Exceptional market conditions can be characterized by rapid and significant changes in market activity, extraordinary volatility or rapid and significant interest rate fluctuations.
- (6) For the determination of Stressed Market Conditions, the Management Board of Eurex Deutschland set the relevant parameters regarding price and volume changes within the meaning of Article 6 Paragraph 2 of the Delegated Regulation (EU) 2017/578.

## **§ 18 Right to Issue Orders**

The Management Board of Eurex Deutschland may give the appropriate orders to the persons and enterprises admitted to futures and options trading to safeguard orderly exchange trading and orderly settlement of transactions.

## **2. Sub-Section Settlement of Transactions/Clearing**

### **§ 19 Central Counterparty**

- (1) In order to guarantee the orderly settlement of futures and options transactions concluded at Eurex Deutschland, the clearing in respect of these transactions shall be handled exclusively by Eurex Clearing AG in its capacity as a central counterparty. Futures and options transactions which are concluded through the system of Eurex Deutschland shall always be effected with Eurex Clearing AG as central contractual party and with a Clearing Member of Eurex Clearing AG.
- (2) In order to guarantee an orderly settlement and clearing, the Management Board of Eurex Deutschland may enter orders of Eurex Clearing AG and upon request of Eurex Clearing AG orders of an Exchange Participant, which is a Clearing Member, into the trading system of Eurex Deutschland.

### **§ 20 Settlement Systems**

- (1) The netting of rights and liabilities (settlement) of transactions concluded at Eurex Deutschland shall be executed by Eurex Clearing AG.
- (2) The fulfilment of the transactions concluded at Eurex Deutschland shall be carried out by Clearstream Banking AG, SIX SIS AG, Euroclear UK & Ireland. The Management Board of Eurex Deutschland shall define for each derivative transaction via which institute it can be settled.

## **3. Sub-Section Exchange Data and Data Protection**

### **§ 21 Storage of Exchange Data / Publication of Prices and Turnover by Eurex Deutschland**

- (1) Any and all exchange data shall be stored in the Exchange-EDP.
- (2) The respective prices and underlying turnover shall be published by the Management Board of Eurex Deutschland via the electronic media. The manner and scope of the publication of prices shall be determined by the Management Board of Eurex Deutschland in accordance with the legal requirements.

- (3) The Management Board of Eurex Deutschland is allowed to publish turnover figures from futures and options trading or to have these published. In addition thereto, it may arrange for publications that serve the purpose of properly informing the public about market news.

## **§ 22 Evaluation of Data by the Trading Participants**

Data and Information received from the EDP system of Eurex Deutschland or, upon the instigation of Eurex Deutschland, via separate technical connections, shall only be used by the Trading Participants for own purposes of trading and settlement. A transmission of such data to third parties or a processing of the data received shall, to the extent that this is not necessary for trading at Eurex Deutschland, not be permitted without the prior consent by the Management Board of Eurex Deutschland; this shall also apply to any kind of commercial use of such data.

## **§ 23 Data Protection**

- (1) To comply with their duty to monitor orderly exchange trading and orderly settlement of exchange transactions, Eurex Deutschland records incoming and outgoing phone calls on particular telephone extensions which the Management Board of Eurex Deutschland published by circular. The records will be deleted after a lapse of ten years at the latest.
- (2) Data collected according to Paragraph 1, the non disclosure of which is within the interest of the Exchange Participants or of a third party, in particular individual related data as well as trade and business secrets, will only be used for the purpose specified in Paragraph 1 and only in case that relevant facts cannot be clarified via other evidence or if other means of disclosure are unacceptable. In cases of Clause 1, the Management Board of Eurex Deutschland in each case may transmit collected data to these bodies to which law permits data to be circulated.

## **IV. Section Exchange Participants**

### **1. Sub-Section Admission**

#### **§ 24 Admission Obligation**

- (1) To participate in exchange trading, enterprises and persons entitled to act as traders on their behalf must be admitted to Eurex Deutschland. Applications for admission to exchange trading are to be submitted in the prescribed form to Eurex Deutschland.
- (2) The applying enterprise must name in its application for admission the persons who are, by law, articles of association or shareholders' agreement, entrusted with the management of the business of the applicant and are authorized to represent it. The applying enterprise must, at the same time, name at least one person who is to be authorized to conclude transactions at Eurex Deutschland.

#### **§ 25 Obligation to Provide Evidence of Admission Requirements**

Evidence that the conditions for admission have been fulfilled must be furnished by the applicant. The obligation pursuant to Clause 1 shall apply to the Exchange Participant and the Exchange Trader during the whole period of time of admission. The Management Board of Eurex Deutschland shall satisfy itself in an appropriate manner that the necessary conditions for admission to Eurex Deutschland are met at the time of admission and during the whole period of time of admission. The Management Board of Eurex Deutschland may, either itself or through an authorized agent, undertake a pertinent examination of the applicant at the applicant's expense and require the applicant to submit such statements and documents as they may deem appropriate. It may also request information from third parties, after prior notice thereof to the applicant.

### **2. Sub-Section Admission Prerequisites**

#### **§ 26 General Conditions for Admission of Companies**

An enterprise is to be admitted to trading

1. if such company, with regard to objects which may be traded on an exchange, acts on a commercial basis, concluding transactions involving
  - a) buying or selling for its own account or
  - b) buying or selling in its own name for the account of third parties or
  - c) commission agency of contracts relating to buying or selling,

and if the business operations of such enterprise are of such nature and scale as to require a commercially organized business establishment;

2. if – with regard to companies operated in the legal form of a sole trader, the proprietor of such company, and with regard to other companies such persons who are by law, articles of association or shareholders' agreement entrusted with the management of the business of the enterprise and are authorized to represent it – such proprietor or such persons are reliable and include at least one person who has the necessary professional qualifications to participate in exchange trading;
3. if the orderly settlement of transactions concluded on the exchange is ensured according to § 27 to § 30;
4. if the orderly technical connection to the Electronic Trading System of Eurex Deutschland is ensured according to § 31 and § 63;
5. if the enterprise provides evidence of equity capital of at least EUR 50,000 unless it is a credit institution, a financial services institution or an enterprise within the meaning of § 53 Paragraph (1) Clause 1 or § 53 b Paragraph (1) Clause 1 of the Banking Act and is authorized to engage in principal broking services within the meaning of § 1 Paragraph (1) Clause 2 No. 4 or to render a financial service within the meaning of § 1 Paragraph (1a) Clause 2 No. 1 to 4 of the Banking Act; the equity capital consists of the paid-in capital and the reserves after deduction of withdrawals by the proprietor or the personally liable shareholders, of credit extended to such persons and of any excess of indebtedness with respect to the free assets of the proprietor and
6. if, with respect to an enterprise that is obliged to provide evidence of equity capital according to No. 5, no facts may exist justifying the assumption that such enterprise, taking into account the proven equity capital, does not have the necessary economic capacity to participate in an orderly manner in exchange trading.

## **§ 27      Guaranteeing an Orderly Settlement of Transactions**

- (1) An orderly settlement of transactions according to § 26 No. 3 is guaranteed if
  1. a settlement of the futures and options transactions (clearing) which are concluded by the applying enterprise, is guaranteed via Eurex Clearing AG; the applying enterprise must give proof of this with a confirmation by Eurex Clearing AG, and
  2. the applying enterprise, provided that it itself is entitled to participate in the clearing procedure or makes entries into the system of Eurex Clearing AG by itself, provides adequate technical equipment and employs at least one specifically qualified staff member in the settlement area. A staff member shall be presumed to be specially qualified if such staff member fulfils the requirements for back office staff members as specified in the Clearing Conditions of Eurex Clearing AG, and
  3. the conditions in the clearing process (§ 28 ff.) are met.
- (2) Those Exchange Participants who are not entitled to participate in the clearing procedure by themselves, can guarantee the orderly settlement of their futures and

options transactions by including one or several other enterprises (Clearing Members) participating in the clearing procedure of Eurex Clearing AG. This applies correspondingly to Exchange Participants who are not entitled to participate in the clearing procedure by themselves regarding all futures and options transactions that are available for trading at Eurex Deutschland.

- (3) Eurex Deutschland may restrict the admission to futures and options trading to specific futures and options transactions, if an orderly settlement is only guaranteed with respect to such specific futures and options transactions. This shall apply in particular where an Exchange Participant has not ensured an orderly settlement of all futures and options transactions that are available for trading at Eurex Deutschland.

## **§ 28 Conditions within the Clearing Process**

- (1) In order to guarantee the fulfilment of the conditions agreed between Clearing Members and Exchange Participants in connection with their participation in the clearing process according to § 29 and § 30, the Clearing Members may agree with the respective Exchange Participants that orders and quotes of the Exchange Participants to be executed by the respective Clearing Members at Eurex Deutschland will initially be checked with regard to the fulfilment of fixed pre-trade limits (§ 29) and other agreed conditions (§ 30), and that such orders and quotes shall be matched with other orders or quotes in the system of Eurex Deutschland only in case of fulfilment of these conditions.
- (2) If orders or quotes of an Exchange Participant which have to be entered or which have already been entered in the system of Eurex Deutschland, would result in or constitute a breach of agreed conditions within the meaning of § 29 or § 30, Eurex Deutschland shall take measures according to Section IV Sub-Section 4 (Suspension and Revocation of an Enterprise's Admission to Trading).

## **§ 29 Limitation of Orders or Quotes ("Pre-Trade Limits")**

- (1) Exchange Participants may enter restrictions with regard to their orders or quotes into the system of Eurex Deutschland. A Clearing Member may agree on conditions on restrictions of orders or quotes with an Exchange Participant, for which the Clearing Member performs the clearing. Such conditions may – depending on the relevant limit – either be entered into the system of Eurex Deutschland or into the system of Eurex Clearing AG by the Clearing Member ("Pre-Trade Limits").
- (2) Pre-Trade Limits which may be entered into the system of Eurex Deutschland may include individual, or a combination of, restrictions for entering orders and quotes.

Upon request of the Clearing Members commissioned by the Exchange Participants, the latter are obligated to agree with such Clearing Members upon Pre-Trade Limits. In this case, Clearing Members may specify the Pre-Trade Limits agreed upon with the respective Exchange Participants in the system of Eurex Deutschland.



- (3) Pre-Trade Limits which may be entered into the system of Eurex Clearing AG may refer to the maximum amount with regard to the margin or specifically defined parts of the margin, which the Clearing Member is required to provide to Eurex Clearing AG due to the conclusion of transactions for the Exchange Participant, and are governed by the Clearing Conditions of Eurex Clearing AG.

### **§ 30 Other Conditions (“Stop-Button”)**

- (1) Upon request of any Clearing Member instructed by an Exchange Participant, and in order to guarantee the orderly settlement of transactions according to § 27, the Exchange Participant is obligated to agree on additional conditions vis-à-vis the relevant Clearing Member regarding (without further limitations) the entry or execution of orders or quotes within the meaning of § 28.
- (2) Provided that such Other Conditions agreed upon with a Clearing Member are not fulfilled by the Exchange Participant, the respective Clearing Member may, by an according entry in the system of Eurex Clearing AG (“Stop Button”) declare vis-à-vis Eurex Deutschland that it is no longer willing to execute the clearing of futures and options transactions of the concerned Exchange Participant for the clearing of which it has been instructed. In doing so, the Clearing Member applies, with respect to such futures and options transactions for which this Clearing Member has been instructed by the Exchange Participant, for exclusion of the Non-Clearing Member from trading at Eurex Deutschland for the period of non-fulfilment of these Other Conditions. In substantiated exceptional cases in which the Clearing Member is unable to use the Stop Button, the declaration according to Clause 1 and Clause 2 may also be submitted in writing.
- (3) Clearing Members may agree with the respective Exchange Participants that in the event of a violation of other conditions (e.g. by exceeding certain values agreed as other condition in accordance with this provision), the Exchange Participant is restricted to enter and execute orders or quotes, for the period in which the violation of such other condition exists, and that existing orders or quotes are being cancelled in the system of Eurex Deutschland. Subject to this paragraph, only those restrictions may be agreed on which can be technically entered into the system. The Clearing Member and the Exchange Participant may enter only those restrictions into the system which have been previously agreed on.

### **§ 31 Requirements regarding Technical Equipment and Organisation**

- (1) Each Exchange Participant is required to observe the technical requirements for connection to the trading system of Eurex Deutschland which are determined by the Management Board of Eurex Deutschland and must furthermore, for the period of time of admission, have concluded with Eurex Frankfurt AG the Agreement on the technical connection and the utilization of the Exchange-EDP of Eurex Deutschland (Eurex Connection Agreement) in its respectively valid version.
- (2) Exchange Participants falling within the scope of Delegated Regulation (EU) 2017/589, as amended from time to time, are required to meet the

requirements, as specified therein, for conducting pre-trade checks with regard to price, volume, value of orders and system usage prior to entering orders into the EDP system of Eurex Deutschland as well as post-trading checks.

- (3) Each Exchange Participant is required to test and guarantee that its trading systems, trading algorithms and trading strategies are in line with the trading system of Eurex Deutschland pursuant to § 63.
- (4) If an Exchange Participant intends to provide its customers with a direct electronic access, the Exchange Participant must meet the requirements pursuant to § 63 and give evidence.
- (5) Each Exchange Participant is obligated to guarantee the presence of a sufficient number of qualified personnel on its business premises at all times during all trading periods according to § 61 and to guarantee the availability by telephone in order to ensure the orderly operation of its exchange trading and the settlement of transactions of Eurex Deutschland, particularly in order to take the necessary measures at the instruction of Eurex Deutschland in the event of a technical disruption. In addition, Eurex Deutschland must be provided with the name of a person to be contacted in the event of a technical disruption or with proof of a service agreement with a third party.
- (6) In deviation to Paragraph 5 Clause 1, Trading Participants trading products which may be traded between 1.00 a.m. and 07.50 a.m. ("extended trading period") and which do not actively participate in trading during this night phase, are not obliged to guarantee the presence of qualified personnel nor the availability by telephone during the extended trading period. For Trading Participants who have open orders (in the sense of Number 3 of the Conditions for Trading at Eurex Deutschland) in the trading system during the extended trading period, enter new orders, modify existing orders or participate in trading in any other way, Paragraph 5 Clause 1 shall apply during the extended trading period with the restriction that the availability by telephone must be guaranteed.
- (7) Each Exchange Participant is obliged to take appropriate measures for emergency planning and management. Each Exchange Participant must be able to cancel its orders in whole or in parts ("Kill Functionality").
- (8) If an Exchange Participant operates at two or more locations for trading at Eurex Deutschland, it may equip any two locations with a connection in order to ensure breakdown protection in the event of a disruption of the connection between one location and an access point.

## **§ 32 [deleted]**

### **3. Sub-Section Obligations for Enterprises arising from Admission**

#### **§ 33 Trading Locations**

- (1) When applying for admission or upon admission – at least two weeks prior to commencement of business – an Exchange Participant must notify the Management Board of Eurex Deutschland of its trading locations. Furthermore, the Exchange Participant must notify any changes with regard to:
  - the relocation of trading locations;
  - additional trading locations;
  - the closure of trading locations.
- (2) Any notification according to Paragraph 1 must contain the address of such trading locations.
- (3) The Management Board of Eurex Deutschland may permit the joint utilisation of business premises for trading at Eurex Deutschland upon application by the Exchange Participants involved in such joint utilisation.
- (4) If the new trading locations are in a country other than the original trading locations, it must be ensured that Eurex Deutschland is permitted to operate trading screens for trading at Eurex Deutschland in such country. Eurex Deutschland shall provide a list of acceptable countries upon request. Furthermore, the notification according to Paragraph 1 must contain additional information with regard to the compliance of the intended operation with the rules and regulations of the respective country.

#### **§ 34 Margin Requirements; Daily Settlement Payments**

- (1) Each Exchange Participant is required to provide the margin required of it in the amount determined by way of the calculation method of Eurex Clearing AG, and to affect any daily settlement payments within the specified period. The method applied by the Clearing Members of Eurex Clearing AG, to calculate such margin shall be disclosed to its affiliated Exchange Participants at their request. Exchange Participants must require margin and daily settlement payments from their customers in an amount which is at least equal to the amount determined on the basis of the formula applied by Eurex Clearing AG. Clause 2 shall apply mutatis mutandis to the relationship between the Exchange Participants and their customers.
- (2) Exchange Participants who are also Clearing Members are required to immediately notify the Management Board of Eurex Deutschland if an Exchange Participant for which they act fails to meet any margin requirements or fails to effect any daily settlement payments when due.
- (3) If futures and options trading commences prior to the time when margin is required to be provided or a daily settlement payment is required to be made, an Exchange

Participant shall not be permitted to commence futures and options trading if there is any risk that such margin or daily settlement payment might not be provided or made when due. Such Exchange Participant shall promptly notify the Management Board of Eurex Deutschland of any such situation.

### **§ 35 Disclosure of the Assignment Method**

If the applicant for admission to exchange trading engages in futures and options trading in its own name for the account of third parties, the applicant must – upon request by the Management Board of Eurex Deutschland, or by the Trading Surveillance Office of Eurex Deutschland – state the method pursuant to which it will assign to its customers, in a manner that ensures the neutrality of the assignment process, the drawings allocable to its agent position account.

### **§ 36 Agent for Service of Process**

- (1) Each Exchange Participant must in a suitable manner ensure that any service of process from the Exchange Body of Eurex Deutschland, the administrating and operating institutions or the supervisory authorities, insofar as it is to be effected upon persons who work or worked outside Federal Republic of Germany for the Exchange Participant, can be effected upon an agent for service of process in the Federal Republic of Germany. In the course of the procedure regarding admission to futures and options trading, Eurex Deutschland must be notified in writing of the identity of the respective agent for service of process. This also applies to any changes regarding such agents for service of process. In addition, each Exchange Participant must obtain the consent of the persons affected hereby, particularly that of the Exchange Traders working for it, that the Exchange Participant is authorized to appoint an agent for service of process within the meaning of Clause 1 in their name.
- (2) If an agent for service of process has not been specified, any written correspondence to the Exchange Participant shall be deemed to have been received by the Exchange Participant on the seventh day after being posted; a document sent electronically by E-Mail shall be deemed to have been received on the third day after being sent. This shall not apply if it is certain that the document has not reached the Exchange Participant at all or has been received by the Exchange Participant at a later point in time.

### **§ 37 Reporting Obligation**

- (1) After the granting of admission, the Trading Participants shall be required to notify the Management Board of Eurex Deutschland promptly of any changes of a factual or legal nature as a result of which the conditions for admission may cease to be met. The Exchange Participant shall, in particular, be obliged to inform the Management Board of Eurex Deutschland about all changes concerning the Derivatives Clearing License, the change of the Clearing Member via which it clears its concluded transactions, it shall, in particular, be obliged to inform the

Management Board of Eurex Deutschland in the event that it becomes aware of a criminal proceeding against it on suspicion of property or tax law violations, a proceeding on suspicion of non-compliance with the prohibition of insider trading, a proceeding on suspicion of inducement to engage in speculative exchange transactions or on suspicion of share price and market price manipulation.

- (2) Furthermore, it is obliged to inform the Management Board of Eurex Deutschland if it becomes aware that such a proceeding is initiated or is pending against a person acting on behalf of its enterprise who by law, articles of association or shareholders' agreement, is entrusted with the management of the business of the admitted applicant and who is authorized to represent it.

### **§ 38 Obligation to Cooperate**

Each Exchange Participant which participates directly in futures and options trading at Eurex Deutschland through its Participant Front End System located outside the Federal Republic of Germany – to the extent permitted by law – ensure that all installations operated outside the Federal Republic of Germany (Participant Front End Systems, input devices, etc.), as well as the activities of such Exchange Participant conducted within the scope of the use of such devices, may be subject to inspection pursuant to the provisions of the Eurex Exchange Rules. The same shall apply if an Exchange Participant participates in futures and options trading at Eurex Deutschland by means of input devices outside the Federal Republic of Germany which are connected to a Participant Front End System within the Federal Republic of Germany.

### **§ 39 Examinations Abroad**

- (1) The Management Board of Eurex Deutschland may avail itself, pursuant to the rules of private law, of the services of the administrating and operating institution of Eurex Deutschland in the fulfilment of its responsibility to monitor compliance with the Rules and Regulations of Eurex Deutschland with respect to foreign Exchange Participants. The respective administrating and operating institutions of Eurex Deutschland may at any time require any Exchange Participant to provide information and evidence necessary for the purpose of conducting its supervisory activities. The respective administrating and operating institutions of Eurex Deutschland must ensure in a suitable manner, in particular through contractual arrangements to be entered into by them, that they may, either themselves or through suitable agents appointed by them (e.g., auditors), examine any or all business activities of an Exchange Participant with regard to compliance with the Rules and Regulations of the Eurex organization on Eurex Deutschland.
- (2) The respective administrating and operating institutions of Eurex Deutschland shall immediately inform the Management Board of Eurex Deutschland with regard to compliance with the Eurex Rules and Regulations of the results of such examination.

#### **4. Sub-Section Trading Participants' Suspension of Admission to Trading / Exclusion from Trading**

##### **§ 40 Suspension and Revocation of Admission to Trading / Exclusion from Trading**

- (1) If a justified suspicion or certainty exists that any of the conditions for admission specified in the Exchange Rules was not satisfied or has subsequently ceased to be satisfied, the Management Board of Eurex Deutschland may exclude the respective Exchange Participant from trading or order the suspension of the Exchange Participant's admission to trading. If the orderly settlement of transactions according to § 26 No. 3 cannot be ensured, the exclusion from trading may be limited to such futures and options transactions with regard to which the orderly settlement can no longer be ensured.

§§ 40 – 44 contain special provisions for such cases in which the orderly settlement of transactions can no longer be ensured for special reasons. Such special provisions shall generally be applicable in addition to the provisions of this § 40 and of § 45; however, in the case of divergences, they shall have priority.

- (2) Furthermore, the Management Board of Eurex Deutschland are authorized to temporarily exclude an Exchange Participant from futures and options trading and to order the suspension of the Exchange Participant's admission to trading if and for so long as such Exchange Participant interferes with the orderly conduct of trading, violates applicable rules or fails to comply with orders issued by the Management Board.
- (3) The suspension of admission of an enterprise may also be ordered for the duration of any default in the payment of fees assessed in accordance with the Fee Regulations.
- (4) In the case of Exchange Participants at Eurex Deutschland with their registered office in a state which is not a member state of the European Union or a contracting state to the Treaty for the European Economic Area (EEA), the Management Board of Eurex Deutschland may order that the admission be suspended or revoked entirely if the exchange of information with the competent authorities in such state for the purpose of monitoring compliance with the prohibition of insider trading or for the purpose of monitoring compliance with the prohibition of share price and market price manipulation is not ensured.
- (5) The Management Board of Eurex Deutschland may order a suspension of admission for a maximum time period of six months. Upon expiry of such time period, a decision on the revocation of admission shall be taken according to § 48.
- (6) The right of the Management Board of Eurex Deutschland to revoke the admission of an Exchange Participant shall remain unaffected.

## § 41 Exceeding of Pre-Trade Limits

- (1) If the inspection run by the System of Eurex Deutschland during the exchange hours produce findings to the extent that, with regard to an Exchange Participant's Pre-Trade Limits entered into the System of Eurex Deutschland by its respective Clearing Member (§ 29 Paragraph 1 and 2), any new orders or quotes entered by such Exchange Participant would exceed the agreed Pre-Trade Limits, this results in the Clearing Member refusing to carry out the clearing of futures and options transactions of such Exchange Participant with regard to individual products.
- (2) The Management Board of Eurex Deutschland shall, in the case of a Clearing Member refusing to carry out any longer the clearing of futures and options transactions of an Exchange Participant according to Paragraph 1, immediately for the duration of non-compliance by the affected Exchange Participant with such requirements, order the restriction of the affected Non-Clearing Member to trading individual products only and relating to a specific position account only. The effects of such exclusion from trading shall, in such case, be restricted to the products affected by such exclusion from trading.

The concerned Exchange Participant shall immediately be informed of the decision to exclude it from trading in individual products by way of electronic notice sent through the Eurex System, the access of such Non-Clearing Member to the System of Eurex Deutschland being restricted accordingly at the same time.

- (3) In regard of the inspection run by the System of Eurex Clearing AG whether the Exchange Participant's Pre-Trade Limits (§ 29 Paragraph 3) entered into the System of Eurex Clearing AG by its respective Clearing Member are complied with, the Clearing Conditions of Eurex Clearing AG may provide for the respective Clearing Member refusing to carry out the clearing of futures and options transactions of such Exchange Participant with regard to all products of such Exchange Participant. In this case, Paragraph 2 shall apply accordingly provided that all products of such Exchange Participant are excluded from trading.

## § 42 Non-Fulfilment of Other Conditions ("Stop Button")

- (1) As soon as a Clearing Member, by way of a respective system entry ("Stop Button"), declares vis-à-vis Eurex Deutschland that it is no longer willing to execute in whole the clearing of futures and options transactions of a certain Exchange Participant, since the concerned Exchange Participant does not fulfil the other conditions agreed upon (§ 30), the Management Board of Eurex Deutschland shall immediately order the exclusion of the concerned Exchange Participant from Exchange trading and the suspension of exchange admission with respect to such futures and options transactions the clearing of which is effected through such Clearing Member. The exclusion from Exchange trading shall be effective until, by way of a new system entry (deactivation of the stop-button), the Clearing Member declares vis-à-vis Eurex Deutschland that it is again willing to execute in whole the clearing of futures and options transactions of the concerned Exchange Participant the clearing of which is effected through such Clearing Member. In substantiated exceptional cases in which

the Clearing Member is unable to deactivate the Stop Button, the declaration according to Clause 1 and Clause 2 may also be submitted in writing.

- (2) The concerned Exchange Participant shall immediately be informed of the decision to order a suspension of the exchange admission by way of electronic notice sent through the Eurex System, the access of such Non-Clearing Member to the System of Eurex Deutschland being restricted accordingly at the same time.
- (3) Clearing Members who – by way of a system entry (“Stop Button”) have declared vis-à-vis the Management Board of Eurex Deutschland that they are not willing any more to execute the clearing of futures and options transactions of one of their Exchange Participants in whole with respect to all futures and options transactions the clearing of which is effected through the relevant Clearing Member or with regard to individual products, are obligated to immediately revoke their declaration vis-à-vis the Management Board of Eurex Deutschland by using the same system facility, if the concerned Exchange Participant again fulfils the conditions agreed upon with the Clearing Member. In this case, the Management Board of Eurex Deutschland shall at the same time revoke the order of suspension of the exchange admission vis-à-vis the concerned Exchange Participant, immediately announce such revocation electronically via the Eurex system and, again, technically provide respective utilization of the system of Eurex Deutschland to the Exchange Participant.

### **§ 43 Exclusion from Trading due to Default by Clearing Members of Eurex Clearing AG**

If a Clearing Member fails to make any payment or delivery to Eurex Clearing AG or fails to provide any margin or daily settlement payment required by Eurex Clearing AG to be provided by it within the period prescribed therefor, this Clearing Member (provided it is an Exchange Participant) as well as all Exchange Participants for which such Clearing Member acts (provided that they settle their futures and options transactions via the Clearing Member), may be excluded from futures and options trading at Eurex Deutschland by the Management Board of Eurex Deutschland for the duration of such failure.



#### **§ 44 Exclusion from Trading due to Default by Exchange Participants vis-à-vis Clearing Members**

- (1) If an Exchange Participant fails to make any payment (including premiums and fees) or delivery, resulting from futures and options transactions, to its Clearing Member or fails to provide any required margin or daily settlement payment, having the legal basis in the Eurex Deutschland rulebooks or in the Clearing Conditions of Eurex Clearing AG, as determined by the Clearing Member to be provided by it within the period prescribed, the Exchange Participant may, at request of the respective Clearing Member and by the decision of the Management Board of Eurex Deutschland for the duration of the failure to provide any required margin or daily settlement, be suspended from futures and options trading at Eurex Deutschland or may be excluded from the trading of certain products respectively, in each case to the extent the clearing of futures and options transactions by Eurex Clearing AG is effected through the relevant Clearing Member.
- (2) In case the requirements of Paragraph 1 have been fulfilled, the respective Clearing Member may, instead of a written application pursuant to Paragraph 1, declare vis-à-vis Eurex Deutschland by making the according entry in the Eurex system ("Stop Button") that it is no longer willing to execute the clearing of futures and options transactions of the concerned Exchange Participant. At the same time, it is thereby applied for vis-à-vis Eurex Deutschland that the respective Exchange Participant shall, with respect to the futures and options transactions the clearing of which is effected through the relevant Clearing Member, be excluded from trading at Eurex Deutschland for the period of the non-fulfilment of its above-mentioned duties.

#### **§ 45 Consequences of Suspension of Admission to Trading / Exclusion from Trading**

- (1) From the point of ordering suspension of the exchange admission, all orders and quotes in the trading system of Eurex Deutschland shall be deleted. Under the supervision of Eurex Deutschland, the Exchange Participant shall furthermore guarantee that its positions can be adjusted or transferred. Opening new positions is not permitted.

From the point of ordering suspension of the Exchange admission, the trading system of Eurex Deutschland prevents further orders or quotes of the concerned Exchange Participant from being entered into the trading system of Eurex Deutschland. In addition, orders and quotes of the Exchange Participant already existing in the trading system are deleted. Regarding the orders or quotes of the concerned Exchange Participant, the regulations on the matching of transactions pursuant to No. 2.2 of the Conditions for Trading at Eurex Deutschland do not apply. From the point of ordering suspension of the Exchange admission, the concerned Exchange Participant is not authorized to conclude transactions at Eurex Deutschland any more.

Furthermore, the concerned Exchange Participant shall, from this point onwards, not be authorized to execute the measures set forth in Paragraph 4 of the Conditions for Trading at Eurex Deutschland regarding accounting. The concerned Exchange

Participant shall be cut off from the respective technical facilities of the Eurex system.

The competences regarding adjustment or transfer of positions are regulated in Paragraph 2 to 6.

- (2) During the duration of its exclusion from futures and options trading, a suspended Exchange Participant which is a Clearing Member owning a Eurex Clearing AG Clearing License may, under the supervision of the Management Board of Eurex Deutschland, close or transfer its positions.
- (3) If, at Eurex Deutschland, an Exchange Participant is excluded from futures and options trading, the Clearing Member representing such Non-Clearing Member may close the positions of the Exchange Participant which are cleared through such Clearing Member under the supervision of the Management Board of Eurex Deutschland and according to the provisions contained in the Clearing Conditions for Eurex Clearing AG.
- (4) If a Clearing Member which is an Exchange Participant is excluded from futures and options trading at Eurex Deutschland pursuant to the provisions of this sub-part, the Exchange Participants for which such Clearing Member acts shall only be excluded from futures and options trading at Eurex Deutschland until they are able to engage in futures and options trading at Eurex Deutschland through another Clearing Member.

## **5. Sub-Section Termination of Admission to Trading of Enterprises**

### **§ 46 Resignation of Admission to Trading**

- (1) The admission of an Exchange Participant at Eurex Deutschland may be terminated upon notice of resignation to the Management Board of Eurex Deutschland.
- (2) However, such declaration of termination shall take effect only after the conditions of § 49 have been satisfied.

### **§ 47 Termination of Admission to Trading by the Exchange**

The Management Board of Eurex Deutschland may terminate or withdraw an enterprise's admission to trading. The Management Board of Eurex Deutschland shall withdraw the admission to trading if such admission to trading has been suspended for six months and if reasons for ordering the suspension of the admission continue to exist.

### **§ 48 Consequences of Termination of Admission to Trading**

If an Exchange Participant's admission to trading is terminated or revoked by the Management Board of Eurex Deutschland, such Exchange Participant shall be obliged to close its positions or transfer them to other Exchange Participants within a period prescribed by the Management Board of Eurex Deutschland; furthermore, such

Exchange Participant must cancel all its orders and quotes in the system of Eurex Deutschland and may not open any new positions. Such Exchange Participant shall ensure that its customers are able to transfer their positions to another Exchange Participant. If such Exchange Participant fails to meet these requirements within the prescribed period, the Management Board of Eurex Deutschland shall be entitled to transfer those positions onto another Exchange Participant provided that the required consent to such transfer has been given, or to cancel the orders and quotes and to close the positions of such Eurex Participant. The admission to trading of such Exchange Participant shall terminate only after the fulfilment of the requirements provided for in this paragraph and of all obligations owed to the clearing house and / or the relevant Clearing Member.

## **6. Sub-Section Exchange Trader**

### **§ 49 Admission as an Exchange Trader**

- (1) Persons shall be admitted upon application by Eurex Deutschland as Exchange Traders if such persons are reliable and have the necessary professional qualifications. The professional qualifications shall be presumed if evidence of the necessary technical knowledge and experience is provided which qualifies the applicant for options and futures trading at Eurex Deutschland. In particular, the passing of an Eurex Exchange Trader examination shall constitute evidence of the necessary technical knowledge.
- (2) The admission procedure for Exchange Traders is regulated by the Admission Regulations for Exchange Traders at Eurex Deutschland.
- (3) On Eurex Deutschland, a person may be authorized to act as an Exchange Trader for not more than one Exchange Participant. The Management Board of Eurex Deutschland may make exceptions to this rule whenever an Exchange Participant outsources its trading infrastructure to a third party that provides this type of service for several Exchange Participants and is subject to regulatory requirements which appropriately regulate any conflicts of interest arising therefrom. These include:
  - basic principles regarding the disclosure of conflicts of interest, either to the supervisory authorities or to the customer;
  - the legal relationship between the Exchange Trader, or its employer respectively, and the Exchange Participant, such legal relationship resulting in a number of duties of good faith arising to the Exchange Trader vis-à-vis the Exchange Participant;
  - basic principles regarding the execution of orders which ensure that each customer will receive the best price and that no customer has disadvantages in comparison to any other customer.

An Exchange Participant which provides trading services as a third party within the meaning of Clause 2 for other Exchange Participants must not be involved in trading in its own name and for its own account at Eurex Deutschland.

- (4) An Exchange Trader without residence or habitual residence within the country must specify to the Management Board of Eurex Deutschland in his application for admission an authorised Agent for Service of Process within the country. If he fails to do so, any written correspondence addressed to the Exchange Trader shall be deemed to have been received by the Exchange Participant on the seventh day after being posted; a document sent electronically by E-Mail shall be deemed to have been received on the third day after being sent. This shall not apply if it is certain that the document has not reached the Exchange Trader at all or has been received by the Exchange Trader at a later point in time.

## **§ 50 Suspension of an Exchange Trader's Admission to Trading / Exclusion from Trading of an Exchange Trader**

- (1) If a justified suspicion or certainty exists that any of the conditions for admission specified in the Exchange Rules was not satisfied or has subsequently ceased to be satisfied, the Management Board of Eurex Deutschland may order the suspension of the respective Exchange Trader's admission to trading for a maximum time period of six months. Upon expiry of such time period, a decision on the revocation of admission shall be taken according to § 51.
- (2) The admission to trading of an Exchange Trader shall be suspended for the duration of the suspension of the company for which the Exchange Trader is concluding transactions at the Exchange.
- (3) The Management Board of Eurex Deutschland shall furthermore be authorized to temporarily exclude Exchange Traders from futures and options trading if and for so long as they disturb the orderly conduct of trading, violate applicable rules or fail to comply with orders issued by the Management Board.

## **§ 51 Termination of an Exchange Trader's Admission to Trading**

- (1) The admission of an Exchange Trader shall be terminated upon his submission of an appropriate declaration of resignation to Eurex Deutschland or through an appropriate declaration by the enterprise for which the Exchange Trader is concluding transactions at Eurex Deutschland. Such declaration is to be submitted in writing in the form specified by Eurex Deutschland.
- (2) The Management Board of Eurex Deutschland may terminate an Exchange Trader's Admission to Trading by resignation or revocation of such Admission to Trading. The Management Board of Eurex Deutschland shall revoke the admission to trading if such admission to trading has been suspended for six months and if reasons for ordering a suspension of the admission to trading continue to exist.
- (3) The admission of an Exchange Trader shall also terminate upon termination of the admission of the company for which the Exchange Trader is concluding transactions at Eurex Deutschland.

## **7. Sub-Section Market Makers**

### **§ 52 Application for Admission**

- (1) Exchange Participants may, for each product admitted to Eurex Deutschland, apply for an admission as market maker. For each product which an Exchange Participant includes in a market making strategy within the meaning of Article 1 of the Delegated Regulation (EU) 2017/578 ("Market Making Strategy"), an admission as market maker is required.
- (2) The Management Board of Eurex Deutschland shall decide on the application for admission.

### **§ 53 Quoting Obligations**

- (1) In order book trading, the Exchange Traders acting on behalf of the market maker are required to continuously enter binding quotes in at least one product and during 50% of the daily trading hours on a monthly average. Daily trading hours pursuant to Clause 1 do not include opening auctions, closing auctions, volatility interruptions and exceptional circumstances within the meaning of Article 3 of the Delegated Regulation (EU) 2017/578. Exceptional circumstances within the meaning of Article 3a), b), c) and e) of the Delegated Regulation (EU) 2017/578 are determined and published by the Management Board of Eurex Deutschland. The relevant requirements with regard to maximum spread and quoting volume, which have to be met by the Exchange Traders of the market makers when entering binding quotes, are determined by the Management Board of Eurex Deutschland.
- (2) The Exchange Traders acting on behalf of the market maker are obliged to flag quotes that are entered within the scope of their Market Making Strategy (Liquidity Provision Flag).
- (3) Market makers must immediately notify Eurex Deutschland in the event of an occurrence or a termination of exceptional circumstances within the meaning of Article 3 of the Delegated Regulation (EU) 2017/578 and, upon request by the Management Board of Eurex Deutschland, give evidence to the Management Board of Eurex Deutschland.
- (4) The Exchange Traders acting on behalf of the market maker must be constantly available during the trading hours of those products in which they pursue a Market Making Strategy. This does not apply to market makers who pursue a Market Making Strategy in products, which can be traded during the extended trading period in the sense of § 31 Paragraph 6, but who do not quote, do not have open orders (in the sense of Number 3 of the Conditions for Trading at Eurex Deutschland) in the trading system, do not enter new orders, do not modify existing orders or participate in trading in any other way during the extended trading period in the sense of § 31 Paragraph 6.
- (5) Market makers are obliged to separately record all quotes that they enter as market makers and to retain those records for at least five years.

- (6) Market makers must have efficient systems and control mechanisms available to ensure that they fulfil their obligations pursuant to Paragraphs 1 to 5.

## **V. Section Access to the Trading System**

### **1. Sub-Section Technical Connection to the Trading System**

#### **§ 54 Requirements**

- (1) The trading system of Eurex Deutschland may be accessed by internet as well as by leased line. Eurex Deutschland may determine an access point for connection to the Network of Eurex Deutschland. The technical requirements (hardware, software, Network parameters, Network areas etc.) for the respective connection variants shall be determined by the Management Board of Eurex Deutschland. It is required for all connection variants to the trading system that, by the establishment of such connection, the system of Eurex Deutschland - particularly trading and clearing - is not interfered with. The system load produced on the trading system of Eurex Deutschland by individual Exchange Participants can be measured by Eurex Deutschland and if necessary for reasons of system security or for other serious reasons, can be limited through technical means. Each Exchange Participant undertakes to ensure that it, according to the laws and regulations applicable to it, is entitled to connect to the trading system of Eurex Deutschland and to execute trading and clearing at Eurex.
- (2) Eurex Deutschland may check the configuration and the Network parameters of the Exchange Participants at any time and request the correction of diverging values. In the event of changes becoming necessary, the Exchange Participant is obliged to upgrade the technical standard of its Participant Front End Installation according to the technical requirements specified by Eurex Deutschland within the time period set by Eurex Deutschland. The Exchange Participants shall, upon request by Eurex Deutschland, be obliged to grant access to their technical infrastructure used to connect to the trading system of Eurex Deutschland for purposes of technical inspection by Eurex Deutschland. This shall not be applicable to customer relevant data.

#### **§ 55 Installation of Participant Front End Installations**

- (1) All locations with Participant Front End Installations, if not employed in emergencies or for the purpose of participating in technical simulated tests must in principle be installed at the locations of the Exchange Participant and should be configured redundantly in order to increase failsafe mechanisms. The Exchange Participant itself shall be responsible for the software which uses the interfaces for accessing the trading system of Eurex Deutschland and must ensure that the software functions according to the rules and regulations of Eurex Deutschland. The Exchange Participant shall be responsible for the utilization of the Participant Front End Installations.
- (2) Upon receipt of prior notification from an Exchange Participant or from an applicant for Exchange admission, the Management Board of Eurex Deutschland may permit the installation and the operation of a Participant Front End Installation at the

business premises of a third party, if the application of and compliance with the provisions of the rules and regulations of Eurex Deutschland and supplemental conditions thereto are ensured, in particular in respect of such third party. By means of appropriate agreements concluded with the third party, the Exchange Participant or applicant for Exchange admission shall secure that the third party grants Eurex Deutschland the right to inspect the business premises of such third party at all times for the purpose of determining compliance with the requirements for the installation and operation of a Participant Front End Installation.

- (3) An Exchange Participant may apply for the connection of several Participant Front End Systems. Eurex Deutschland may limit the number of Participant Front End Systems applied for by an Exchange Participant, to the extent that such action is necessary for reasons relating to system performance or for other serious reasons. To the extent that Participant Front End Systems are installed in the United States of America (including Puerto Rico), the connection to the trading system of Eurex Deutschland must occur through a System of the Exchange Participant, to be used exclusively for this link from the United States of America (including Puerto Rico); the use of such connection is compulsory.
- (4) The provision of § 33 remains unaffected.

## **2. Sub-Section Access to the Trading System by Individuals**

### **§ 56 Application for Access Codes**

- (1) In order to access the Electronic Trading System, each company admitted as Exchange Participant shall be assigned at least one user ID by the Management Board of Eurex Deutschland; such ID may only be used by the respective company. The Management Board of Eurex Deutschland may in particular, without limitation, assign several user IDs if an Exchange Participant settles different futures and options transactions through different Clearing Members in accordance with § 27 Paragraph 1 No 1. In such case, the Management Board of Eurex Deutschland shall assign one user ID with respect to each instructed Clearing Member. Based on this user ID, the Exchange Participant shall, upon application, be assigned personal user IDs and codes for all persons supposed to get access to the trading system of Eurex Deutschland. The Management Board of Eurex Deutschland shall be notified of the names of the persons as well as user IDs. All Exchange Participants and all owners of the user IDs are obliged to immediately notify Eurex Deutschland of any changes.
- (2) Exchange traders as well as other persons using the electronic trading system (e.g. back-office personnel, safety officers) may be allowed access to the Electronic Trading System. Personal user IDs and codes may only be used for entries into the Exchange-EDP by the persons they have been assigned to. Codes may not be disclosed to third persons. The person to whom the personal user ID and code has been assigned to must ensure that no third person uses them in order to make entries into the Exchange-EDP.



- (3) Only admitted Exchange traders of the Exchange Participant utilizing the personal user ID and code which has been assigned to them shall be permitted to use the trading system of Eurex Deutschland to transfer orders for conclusion of futures and options transactions.

### **3. Sub-Section Technical Requirements**

#### **§ 57 Software**

- (1) To the extent required for the respective connection variant to the trading system of Eurex Deutschland, Eurex Deutschland shall arrange for the provision of the application software to the Trading Participants. Eurex Deutschland shall specify the respective versions of the operating system software valid at the time and used for the operation of the Participant Front End Installations, including all necessary components. Only the current version of the application software as made available upon instruction of Eurex Deutschland may be used and such software may neither be altered nor be copied without the consent of Eurex Deutschland. The foregoing shall not apply to the production of copies of the application software if such copies are produced solely for data storage purposes. Each Exchange Participant is responsible for the installation of the application software on the components of its Participant Front End Installation.
- (2) If it is intended to connect Third Party Software to a programmable interface of the trading system, it will be required to assign an electronic identifier to this Software before connecting it to the programmable interface, observing Eurex Deutschland's instructions as to the systematic composition of such identifier and the Third Party Software must be registered at Eurex Deutschland.

The Exchange Participants shall ensure that the identifier assigned to Third Party Software will be sent together with each transmission to the trading system, when the registered Third Party Software communicates with the trading system of Eurex Deutschland via the programmable interface. In case the trading system is impaired by the Third Party Software connected to the programmable interface of the trading system, Eurex Deutschland may prohibit the connection of such software with immediate effect.

#### **§ 58 Extent of Use of Data Transmission Equipment**

A Trading Participant may not use for any other purposes the data transmission equipment of the Network of Eurex Deutschland which serves trading and clearing on Eurex Deutschland without the prior written approval of Eurex Deutschland. However, Eurex Deutschland reserves the right to use their data transmission equipment also for trading and clearing on other institutions.

## **4. Sub-Section Technical Emergency**

### **§ 59 Measures upon Technical Problems**

- (1) During technical disruptions, the Management Board of Eurex Deutschland may suspend or restrict access to the trading system for one, several or all Exchange Participants, regardless of whether such problems appear at Eurex Deutschland or at one, several or all Exchange Participants. The Management Board of Eurex Deutschland may resume trading or re-commence after an interruption, even if one or several Exchange Participants still do not have access to the system of Eurex Deutschland, if in the opinion of Management Board of Eurex Deutschland an orderly market continues to exist or is once again possible.
- (2) Exchange Participants are obligated to inform themselves about technical requirements and changes by means of the media made available by Eurex Deutschland. Eurex Deutschland shall, to the extent possible, inform the Exchange Participants without undue delay of any technical problems. In case of technical problems of the trading system of Eurex Deutschland, Exchange Participants are obligated to grant access to their business premises in which Participant Front End Systems are installed to Eurex Deutschland or Third Parties engaged by Eurex Deutschland for problem resolution.
- (3) In the event of the suspension of trading on the basis of technical problems, Eurex Deutschland shall place the trading system on "halt status", so that no more input can be effected by the Exchange Participants in the trading system.
- (4) The resumption of trading after a trading suspension pursuant to the foregoing regulation shall begin with a new Pre-Trading Period pursuant to Sub-Section 1.3 of the Conditions for Trading on Eurex Deutschland. Subsequently, trading will proceed consistently with the general provisions of the Conditions for Trading on Eurex Deutschland.
- (5) Eurex Deutschland shall inform the Exchange Participants without delay of the reduced time of the trading period.
- (6) In the event that the trading system of Eurex Deutschland is non-functional for a long period of time, the Management Board of Eurex Deutschland shall declare a technical emergency and shall determine, if necessary, alternative trading and clearing methods.
- (7) In the event that the Participant Front End System or other EDP system of an Exchange Participant is non-functional or in the event of a partial failure of the Exchange-EDP, the Management Board of Eurex Deutschland may, upon request of the Exchange Participant
  - a) provide information on the relevant Exchange Participant's orders and quotes as well as on transactions concluded by such Exchange Participant,

- b) enter, change and delete orders in the Exchange-EDP, delete quotes in the Exchange-EDP and make other entries in the Exchange-EDP on behalf of such Exchange Participant.

In the case of letter a) above, the Exchange Participant has to verify its identity by means of the active user ID communicated to such Exchange Participant.

In the case of letter b) above, in addition to the active user ID, the Exchange Participant must also verify its identity by means of a PIN number.

The Exchange Participant has to ensure that the active user ID and PIN number are only used by an authorised person. Further details are determined by the Management Board.

- (8) Eurex Deutschland may require the Exchange Participants to provide information and submit documents if this is necessary in order to prevent or solve technical problems.

## **5. Sub-Section Special Functions in Trading and in the System**

### **§ 60 Order Routing Systems**

- (1) An Order Routing System is a software used by an Exchange Participant ("ORS Provider") that enables the users ("ORS User") of this software to transmit orders to the trading system of Eurex Deutschland under the user ID of an approved Exchange Trader admitted for the ORS Provider ("Filter Trader"). After making application and receiving approval thereof from the Management Board of Eurex Deutschland, an Exchange Participant is entitled to connect an Order Routing System via a defined interface if the following prerequisites are fulfilled:
1. Before being channelled into the trading system, the orders transmitted via Order Routing System shall pass an electronic filter which is installed in the Participant Front End System, which checks and releases orders for further transmission according to parameters defined by the ORS Provider.
  2. The filter shall be allocated to the Filter Trader who is responsible for the definition of parameters and the control and monitoring of the filter, and whose personal user ID has been submitted by the Exchange Participant to the Management Board of Eurex Deutschland in writing.
  3. An Order Routing System may only be fed with orders for exchange transactions and their deletion. It is not permitted to enter, change and erase quotes as well as to enter Cross Trades and Pre-Arranged Trades and corresponding Trade Requests pursuant to Number 2.6 of the Conditions for Trading at Eurex Deutschland.
  4. [kept free]

5. The ORS Provider has to ensure that all ORS Users of the Order Routing System operated by such ORS Provider have access to the exchange-related statutory provisions. Such access may be ensured in particular by way of providing a website on which the exchange-related statutory provisions can be viewed by the ORS Users. Should the ORS User be a legal person, the ORS Provider has to oblige such ORS User to ensure that the natural persons that use the Order Routing System on behalf of such ORS User are informed about the exchange-related provisions.
  6. The ORS Provider is responsible for the ORS User's compliance with the exchange-related provisions.
- (1a) ORS Users according to this § 60 may be indirect trading participants according to § 2 clause 8 sentence 2 1 alternative of the Exchange Act or Exchange Traders. An Exchange Trader who uses an Order Routing System shall in addition to the personal user ID of the Filter Trader submit its own personal user ID to the trading system of Eurex Deutschland. The Management Board of Eurex Deutschland shall determine further details. Exchange Traders who use an Order-Routing-System are responsible themselves for compliance with the exchange-related provisions. § 60 clause 1 No. 5 and 6 shall not be applicable in this case.
- (2) The forwarding of trading data and information from the EDP system of Eurex Deutschland via an Order Routing System by an Exchange Participant to third parties requires the respective consent of the Management Board of Eurex Deutschland according to § 22 of the Exchange Rules for Eurex Deutschland. The consent of the Management Board of Eurex Deutschland vis-à-vis the Exchange Participant who is operating the respective Order Routing System is deemed to be given, if the relevant Exchange Participant has concluded a respective Market Data Dissemination Agreement with Deutsche Börse Group on the prices of Eurex Deutschland.
- (3) The Management Board of Eurex Deutschland may revoke an authorization for connection of an Order Routing System via a defined interface if
1. the prerequisites for the authorization have not been fulfilled, in particular if the authorization has been granted upon false or incomplete information of the Exchange Participant; or
  2. if the prerequisites of the granting have ceased to apply retroactively; or
  3. if an orderly futures and options trading by way of linkage to the Order Routing System is not or cannot be guaranteed any more.

## **§ 61 Direct Electronic Access**

- (1) An Exchange Participant ("DMA Provider") is entitled, upon request of and after authorization by the Management Board of Eurex Deutschland to grant another person a direct market access via its infrastructure for the transmission of orders

pursuant to § 2 Paragraph 9 sentence 2 1. Alternative of the Exchange Act (“DMA User”) provided that

- a) between the DMA Provider and the DMA User a contract has been concluded which at least contains the requirements within the meaning of Article 22 of the Delegated Regulation (EU) 2017/589 and
- b) the DMA Provider ensures that the DMA User conducts control measures and fulfils its control obligations within the meaning of Article 19 to 23 of the Delegated Regulation (EU) 2017/589.

- (1a) DMA User according to this § 61 are indirect trading participants according to § 2 clause 8 sentence 2 2. Alternative of the Exchange Act.
- (2) The DMA Provider is obliged to immediately notify the Management Board of Eurex Deutschland of any conclusion or termination of or any essential changes to the contract. Upon request by the Management Board of Eurex Deutschland, the DMA Provider must present contracts pursuant to Paragraph 1 and provide information on the DMA User’s conduct of control measures and its outcome pursuant to Paragraph 1. Further supervisory and control rights of the exchange bodies and the exchange supervisory authority under statutory law remain unaffected.
- (3) The DMA Provider is obliged to flag orders and trades which are entered or concluded, respectively, by an DMA User via direct market access pursuant to Paragraph 1. Further details are determined by the Management Board of Eurex Deutschland.
- (4) The forwarding of trading data and information from the electronic trading system of Eurex Deutschland via direct electronic access of an DMA Provider to third parties requires the respective consent of the Management Board of Eurex Deutschland pursuant to § 22 of the Exchange Rules for Eurex Deutschland. The consent of the Management Board of Eurex Deutschland vis-à-vis the DMA Provider who is operating the direct market access is deemed to be provided if the relevant DMA Provider has concluded a respective Market Data Dissemination Agreement with Deutsche Börse AG on the market data of Eurex Deutschland. In case of an additional installation, as the case may be, an installation of electronic eyes and/or third party software, respectively, which comes along with the opening of a direct electronic access with the electronic trading system, this intention shall also be notified unrequested in writing by the Exchange Participant vis-à-vis the Management Board of Eurex Deutschland. The provision of § 62 shall remain unaffected.
- (5) The DMA Provider is responsible for the DMA User’s compliance with the exchange-related provisions. In case of violations against regulations on direct market access, in particular violations against the Exchange Rules or the Conditions for Trading, the Management Board of Eurex Deutschland may suspend or terminate a direct market access pursuant to Paragraph 1.

The Management Board of Eurex Deutschland may, in particular, terminate the direct market access if

1. the prerequisites for the authorization have not been fulfilled, in particular if the authorization has been granted upon false or incomplete information of the Exchange Participant; or
2. if the prerequisites of the granting have ceased to apply retroactively; or
3. if an orderly futures and options trading through direct market access is not or cannot be guaranteed any more.

## **§ 62 Algorithmic Trading**

An Exchange Participant may engage in algorithmic trading pursuant to Article 4 Number 1 (39) of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 in the trading system of Eurex Deutschland, provided that the Exchange Participant continuously ensures that

1. the computer algorithms used for algorithmic trading (“Trading Algorithms”) are installed on hardware which is set up at the trading locations of the Exchange Participant,
2. the Trading Algorithms are parameterized by at least one Exchange Trader acting on behalf of the Exchange Participant and
3. the Trading Algorithms are controlled continuously by at least one Exchange Trader acting on behalf of the Exchange Participant at the trading locations of the Exchange Participant in the course of the trading day and
4. the Trading Algorithms have been tested and the required certifications have been submitted pursuant to § 63.

## **§ 63 Conformance Tests and Verification of Implemented Trading Algorithms**

- (1) Exchange Participants and enterprises that applied for admission are obliged to ensure that their systems interact with the trading system of Eurex Deutschland without any errors prior to the first access to the trading system and after each significant change of their trading systems as well as after each change of the trading system of Eurex Deutschland (Conformance Tests).
- (2) Exchange Participants are obliged, prior to the first access to the trading system of Eurex Deutschland or the introduction or comprehensive update of one of their trading algorithms or strategies, to certify to Eurex Deutschland that the trading algorithms or strategies used have been sufficiently and thoroughly tested in order to prevent them from contributing to or causing the generation of problems concerning the trading conditions.
- (3) Exchange Participants and enterprises that applied for admission are obliged to conduct the Conformance Tests in the testing environment provided by Eurex Deutschland. Nature and scope of the Conformance Tests as well as the terms of

use for a Conformance Test testing environment are defined by the Management Board of Eurex Deutschland in consideration of Article 9 of the Delegated Regulation (EU) 2017/584.

- (4) Eurex Deutschland will provide the report on the results of the Conformance Tests solely to the respective Exchange Participant or enterprise that applied for admission.

## **VI. Section Trading Hours and Determination of Prices**

### **§ 64 Trading Hours and Trading Periods**

Trading in the Electronic Trading System may be realised between 0.00 a.m. and 11 p.m. plus the duration of a possibly to-be-conducted final auction (trading hours).

Trading shall be realised in consecutive periods as defined in the Conditions for Trading at Eurex Deutschland. The commencement and the end of such individual periods shall be determined by the Management Board of Eurex Deutschland for each options or futures contract admitted. Trading Period must be within the trading hours.

All orders and quotes which have been entered into the EDP system until the end of the trading period determined by the Management Board of Eurex Deutschland and which match with one another are deemed to be executed during the trading period, even if the matching of such orders and quotes should occur at a time after the end of the trading period due to the transactions still to be processed by the EDP system. The Management Board of Eurex Deutschland may change the trading hours and the commencement of the individual periods on any particular exchange day to the extent necessary to maintain orderly trading conditions or for reasons relating to the Eurex Exchange system.

### **§ 65 Determination of the Exchange Price**

Exchange prices shall be determined through the EDP system of Eurex Deutschland. The Trading Surveillance Office of Eurex Deutschland shall ensure that the exchange prices are determined in an orderly manner. No official exchange price determination shall take place.

### **§ 66 Determination of the Opening Price (Principle of Maximizing Executions – Meistausführungsprinzip)**

The opening price shall be determined, as of a time to be determined by the Management Board of Eurex Deutschland, on the basis of both limited orders and market orders and quotes contained in the EDP system of Eurex Deutschland and shall be the price at which the largest possible number of contracts of such orders and quotes may be executed (Principle of Maximizing Executions – Meistausführungsprinzip).



**§ 67      Determination of the Closing Price (Principle of Maximizing Executions – Meistausführungsprinzip)**

A closing price may be determined for certain future transactions by the Management Board of Eurex Deutschland respectively, as of a time to be determined by the Management Board of Eurex Deutschland (Closing Auction) respectively, on the basis of both limited orders and market orders and quotes contained in the trading system of Eurex Deutschland and shall be the price at which the largest possible number of contracts of such orders and quotes may be executed (Principle of Maximizing Executions). The Closing Auction is merely intended to determine the Closing Price; however, it shall not terminate the Trading Period with regard to all products.

## **VII. Section Obligation for Transparency and Reporting**

### **§ 68 Pre-Trading Transparency**

- (1) Eurex Deutschland will publish the entire spectrum of the buying/selling rates as well as the market depth of the trading interest concerning these rates in accordance with the requests for information pursuant to Article 8 of the Regulation (EU) No. 600/2014 and Appendix I of the Delegated Regulation (EU) 2017/583.
- (2) Nature and scope of the publication as well as exceptions to these will be published by the Management Board of Eurex Deutschland.

### **§ 69 Post-Trading Transparency**

- (1) With respect to transactions conducted at Eurex Deutschland, Eurex Deutschland will publish the details mentioned in Appendix II of the Delegated Regulation (EU) 2017/583 pursuant to Article 10 of the Regulation (EU) No. 600/2014 and apply the attributes contained in Appendix II Table 3 of the Delegated Regulation (EU) 2017/583.
- (2) Nature and scope of the publication as well as exceptions to these will be published by the Management Board of Eurex Deutschland.

### **§ 70 Transaction Reporting for Enterprises outside the scope of the Regulation (EU) No. 600/2014**

Where Exchange Participants are not obliged to report transactions pursuant to Article 26 Paragraph 5 of the Regulation (EU) No. 600/2014, Eurex Deutschland shall take on this reporting pursuant to Article 26 Paragraph 5 of the Regulation (EU) No. 600/2014. Upon request by the Management Board of Eurex Deutschland the Exchange Participants shall be obliged to provide the necessary data. The type and manner of the data transfer will be defined by the Management Board of Eurex Deutschland.

### **§ 71 Position Reporting for Commodity Derivatives**

- (1) The Management Board of Eurex Deutschland may request Exchange Participants who conduct transactions in commodity derivatives at Eurex Deutschland pursuant to Article 2 Paragraph 1 No. 30 of the Regulation (EU) No. 600/2014 to provide them with data relating to positions in commodity derivatives on a daily basis. The obligation to provide the data refers to all positions in commodity derivatives held by the Exchange Participant and includes the positions held by the customers of the Exchange Participant and their customers to the end customer, respectively. Where the necessary information for this purpose is not available to the Exchange Participant himself, he shall be obliged to apply appropriate procedures in order to receive such information from his customer.

- (2) The type and manner of this data transfer will be determined by the Management Board of Eurex Deutschland. The Exchange Participant may authorise a third party to transfer the data. Eurex Deutschland shall be notified of such authorisation. Further provisions shall be determined by the Management Board of Eurex Deutschland.

## § 72 Requesting And Saving of Data

- (1) The Management Board of Eurex Deutschland may request Trading Participants to provide them with data, where required for the compliance with the provisions in Article 25 Paragraph 2 of the Regulation (EU) No. 600/2014. Pursuant to Article 25 of the Regulation (EU) No. 600/2014 the data will be saved and used.
- (2) When entering an order into the trading system, the Long Codes assigned to the order shall be replaced by Short Codes. Only one Short Code may be assigned respectively to one Long Code. In substantiated exceptional cases, particularly, in which an Exchange Participant holds several securities accounts for one customer or a Long Code changes due to legal provisions, the Management Board may determine a provision deviating from the preceding sentence 2.
- (3) The Long Code assigned to a Short Code must be reported to Eurex by the end of the trading day following the trading day on which the Short Code was first used ("**Subsequent Day**"). On the Subsequent Day Exchange Participants receive a report on the Short Codes used by them which have not yet been assigned to a Long Code.
- (4) "Short Code" means a unique numeric code which cannot be changed subsequently or intra-day and which a trading participant permanently assigns to a Long Code.
- (5) "Long Code" are the details of orders listed respectively in the third column of Table 2 Section A No. 3 (Client identification code) and No. 4 (Investment decision within firm) and No. 5 (Execution within firm) of the Annex to Delegated Regulation (EU) 2017/580.

## **VIII. Section Final Provisions**

### **§ 73 Amendments to Exchange Rules, Announcements**

- (1) Amendments to Exchange Rules become effective after issuance one day after their announcement, unless the Exchange Council of Eurex Deutschland determines a later point in time.
- (2) Unless a different procedure has been provided in these Exchange Rules, announcements by any of the Exchange Bodies of Eurex Deutschland shall be published for three months through electronic online publication, viewable on the website of Eurex Deutschland under <http://www.eurexchange.com>. The Management Board of Eurex Deutschland may determine other media for announcement.

### **§ 74 Liability**

Eurex Deutschland shall be liable in accordance with the laws of the Federal Republic of Germany.

### **§ 75 Applicable Law and Place of Jurisdiction**

The relationship between Eurex Deutschland and its Exchange Participants and their Exchange Traders shall be ruled by the laws of the Federal Republic of Germany.

**Appendix to § 17 b Order to Trade Ratio**

<b>Product ID</b>	<b>Volume-Based Product Factor</b>
EVAR	1,500.00
OVS2	20.00
OESX	0.80
FESX	0.80
FGBM	0.80
CONF	0.50

<b>Product ID</b>	<b>Transaction-Based Product Factor</b>
OVS2	5.00
OESX	0.80
FESX	0.70
FGBL	0.80
FGBM	0.50
FGBS	0.50
CONF	0.50
FOAT	0.80

Product Type	Grace Factor	Volume-Based Minimum Amount	Volume-Based Base Limit	Quality of the Quoted Spread Quality	Volume-Based MQ Base Factor	Volume-Based SMC Factor
FSTK	0.10	1,000	5,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FINX	0.10	1,000	10,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FVOL	0.10	1,000	10,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OINX	0.10	1,000	1,000,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OFIX	0.10	1,000	25,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OCUR	0.10	1,000	1,000,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FCUR	0.10	1,000	10,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OSTK	0.10	1,000	500,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FBND FINT	0.10	1,000	10,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	

Product Type	Grace Factor	Volume-Based Minimum Amount	Volume-Based Base Limit	Quality of the Quoted Spread Quality	Volume-Based MQ Base Factor	Volume-Based SMC Factor
<b>OFBD OFIT</b>	0.10	1,000	50,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
<b>New Asset Classes</b>	0.10	1,000	1,000,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	

Product Type	Grace Factor	Transaction-Based Minimum Amount	Transaction-Based Base Limit	Quality of the Quoted Spread Quality	Transaction-Based MQ Base Factor	Transaction-Based SMC Factor
FSTK	0.10	1,000	500	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FINX	0.10	1,000	1,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FVOL	0.10	1,000	1,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OINX	0.10	1,000	50,000	0.0	2.00	1.20
				0.2	5.00	
				0.4	10.00	
				0.6	20.00	
OFIX	0.10	1,000	1,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OCUR	0.10	1,000	50,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FCUR	0.10	1,000	2,500	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
OSTK	0.10	1,000	25,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
FBND FINT	0.10	1,000	1,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	



Product Type	Grace Factor	Transaction-Based Minimum Amount	Transaction-Based Base Limit	Quality of the Quoted Spread Quality	Transaction-Based MQ Base Factor	Transaction-Based SMC Factor
<b>OFBD OFIT</b>	0.10	1,000	2,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	
<b>New Asset Classes</b>	0.10	1,000	50,000	0.0	2.00	1.20
				0.2	4.00	
				0.4	6.00	
				0.6	8.00	