

› eex group

Participation Form to
the MiFID II/MiFIR
Reporting Agreement

Effective as of

01.07.2024

Leipzig

Ref. 0001A

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1. Participant and Contact Details

Participant	
Company Name & Form	Registered Country
Legal Entity Identifier (LEI) ¹	Email Address ²

Ultimate Parent	
Company Name & Form <u>OR</u> Natural Person	Legal Entity Identifier (LEI) OR National ID ³
Email Address ⁴	Parent of Collective Investment Scheme Status ⁵ <input type="checkbox"/> TRUE <input type="checkbox"/> FALSE

¹ Only LEIs with entity status 'active' are accepted. For further information regarding the issuance of LEIs, please consult the webpage of the Regulatory Oversight Committee (ROC) of the Global Legal Entity Identifier System (GLEIS) at www.leiroc.org.

² This email is used for the population of field <Email address of position holder> in the Position Draft Reports.

³ The MiFID II position reporting requires the population of the field <Ultimate parent entity ID>. The population will either be done with the Legal Entity Identifier (LEI) for legal entities or the <National_ID> for natural persons that own more than 50% of the company shares. National IDs can only be accepted in the format specified in Article 6 and in Annex II of [Delegated Regulation \(EU\) 2017/590](#) with the respective two-letter country code as prefix. Only LEIs with entity status "active" are accepted. In the event that the Participant has no parent company the ultimate parent attributes must be populated with the information of the Participant.

⁴ This email is used for the population of the field <Email address of ultimate parent entity> in position reports and will be used for any correspondence in relation to aggregated positions by national regulatory authorities.

⁵ The purpose of this field is to report on whether the position holder is a collective investment undertaking that makes investment decisions independently from its parent as set out by Article 4(2) of [Commission Delegated Regulation \(EU\) 2022/1302](#). The term 'collective investment undertaking' is equivalent with the position holder category 'investment fund'. Only Participants that fall under the category 'investment fund' must select between 'true' and 'false'. All other Participants must select 'false' as the status does not apply while the attribute must not be left empty.

- 'TRUE' - the position holder is a collective investment undertaking that makes independent investment decisions.

- 'FALSE' - the position holder is not a collective investment undertaking that makes independent investment decisions.

Contact Person	
Name/Department	Street/POB
Postcode, City & Country	Telephone
Email Address	

Invoice Recipient	
Name/Department	Street/POB
Postcode, City & Country	Telephone
Email Address	

IT Representative ⁶	
Email Address	Telephone

⁶ Contact details of the Participant's IT are used to provide technical instructions and login credentials for the Reporting Services SFTP server.

2. Reporting Details

Regulatory Status:

- Investment Firm⁷
- Third-Country Firm⁸
- Non-Investment Firm

Business Activity (multiple answers possible):

- Proprietary Trading
- Client Business
- Market Access Provider

Branch Country:

Participants must confirm whether there are company branches of the Participant that are located in a country different to the main office of the Participant, and that are responsible for the market registration and/or investment decisions, execution decisions, and/or receive orders from clients.⁹

- TRUE
- FALSE

Categorisation:

Please specify the category applicable to the nature of your firm's main business pursuant to Article 58 paragraph 4 of MiFID II in conjunction with the requirements set out in Implementing Regulation (EU) 2017/1093 for Commitment of Traders reports (COT), considering any applicable authorisation:

- Investment Firm or Credit Institution
- Investment Fund
- Other Financial Institution
- Commercial Undertaking¹⁰

⁷ 'Investment Firm' definition according to [Article 4](#) paragraph 1 number (1) of MiFID II: "[...] any legal person whose regular occupation or business is the provision of one or more investment services to third parties and/or the performance of one or more investment activities on a professional basis. [...]"

⁸ 'Third-Country Firm' definition according to [Article 4](#) paragraph 1 number (57) of MiFID II: "[...] a firm that would be a credit institution providing investment services or performing investment activities or an investment firm if its head office or registered office were located within the Union".

⁹ The definition of each attribute is provided in [Annex 1](#) Table 2 of the Regulatory Technical Standard (RTS 22). Please consider the fields 8, 17, 37, 58, and 60.

¹⁰ ESMA demands that only for the purpose of this exercise third-country firms must imagine themselves being an EU entity and then classify themselves accordingly.

Participants must confirm whether they fulfill the category “Operators with compliance obligations under Directive 2003/87/EC”¹¹.

- TRUE FALSE

Risk Reducing Indicator:

Please specify the default value for the risk reducing indicator¹² for all transactions and positions that shall be used by EEX AG if no other information is being provided:

For position reporting:

- TRUE (risk reducing) for all draft positions of all position accounts¹³.
- FALSE (non-risk reducing) for all draft positions of all position accounts.
- TRUE (risk reducing) for all draft positions of P1 account and FALSE (non-risk reducing) for all draft positions of all other accounts.
- TRUE (risk reducing) for all draft positions of P2 account and FALSE (non-risk reducing) for all draft positions of all other accounts.

For transaction reporting

- TRUE (risk reducing) for all transactions.
- FALSE (non-risk reducing) for all transactions.

¹¹ This category only applies for positions related to emission allowances and only to Participants categorised as ‘Commercial Undertaking’.

¹² The risk reducing indicator indicates whether a position or transaction is flagged risk-reduced (TRUE) or speculative (FALSE). Positions will be flagged with the selected value of the Agreement. For transactions the value selected in the trading system will have priority over the value of the Agreement. Should the “transaction indicator” be left blank the value of the Agreement will be added. The risk reducing indicator can always be amended for each position and transaction by editing the Draft Reports manually by the Participant for each business day.

¹³ For more information on the position account structure please consult the EUREX webpage.

3. MiFID II/MiFIR Reporting Schemes

MiFID II Position Reports	Data Provision
<p><u>Data Contribution by Trading Participants (Scheme 1)</u></p> <p>Compliance with the requirement to provide EEX AG with the details of the Participant's own positions held through contracts traded as a trading participant on EEX, as well as those of its clients and the clients of those clients by verifying Draft Reports and uploading the relevant Participant Reports on the Reporting Services SFTP server until 02:00 pm CE(S)T on the Business Day following the reportable event.</p>	<input type="checkbox"/>

MiFIR Transaction Reports	Data Provision
<p><u>Data Provision for Investment Firms (Scheme 2)</u></p> <p>Provision of Draft Reports by EEX AG to the Participant on the Reporting Services SFTP server for individual download on the Business Day following the reportable event.</p>	<input type="checkbox"/>
<p><u>Data Contribution by Third-Country Firms OR Non-Investment Firms (Scheme 3)</u></p> <p>Compliance with the requirement as a trading participant of EEX to provide EEX AG with information required under Art. 26 paragraph 3 of MiFIR in conjunction with Delegated Regulation (EU) 2017/590 and the stipulations by EEX by verifying the Draft Reports and uploading the relevant Participant Reports on the Reporting Services SFTP sever until 02:00 pm CE(S)T on the Business Day following the reportable event.</p>	<input type="checkbox"/>

4. Delegation of Upload

Optional: The Participant **delegates the download, amendment and/or upload** of the MiFID II position and/or MiFIR transaction report **to the following entity:**

Service Provider ¹⁴	
Company Name & Form	Name/Department
Telephone	Public IP
Email Address	

¹⁴ The access of service providers to the Reporting Services SFTP server is not limited to data related to MiFID II/MiFIR reporting, but also covers data of REMIT and EMIR reporting. For avoidance of doubt, please note, that the delegation of operational tasks to a service provider does not discharge the Participant from the obligations as written in the General Conditions. Despite the inclusion of a service provider the Participant stays accountable at all times.

5. Conclusion of the Agreement

By submitting this Participation Form, the Participant requests the conclusion of this Agreement with EEX AG pursuant to the provisions stipulated in this Participation Form and the General Conditions to the MiFID II/MiFIR Reporting Agreement. The Agreement shall be concluded on the date the Participant receives the notification of acceptance from EEX AG. EEX AG will accept the request and provide the notification of acceptance without undue delay, provided that this Participation Form is duly completed and signed, and the Participant fulfills the requirements pursuant to this Agreement.

6. Commencement Date of the Agreement

The obligations of the Parties under this Agreement shall commence on the Commencement Date as specified in the General Conditions to the MiFID II/MiFIR Reporting Agreement.

We herewith request the conclusion of this Agreement and accept, recognize, and agree (to)

1. the stipulations in this Participation Form, the General Conditions to the MiFID II/MiFIR Reporting Agreement, which shall – in their respective valid version – be an integral part of this Agreement as well as the List of Services and Prices of EEX AG, as amended from time to time;
2. review and – if required – amend the Draft Report received from EEX AG or create a completed report each Reporting Day in accordance with the respective current requirements of EEX AG;
3. – if applicable – provide for the position reports the required information on the position holder (end client) as defined in the MiFID II/MiFIR Reporting Description;
4. – if applicable – provide for the transaction reports the required information on the investment decision, execution decision, buyer, seller, and branch country codes as defined in the MiFID II/MiFIR Reporting Description;
5. upload the Participant Report on each Reporting Day, as more specifically outlined in the General Conditions to the MiFID II/MiFIR Reporting Agreement;
6. inform EEX AG promptly about any change of the details specified in this Participation Form; and
7. that – upon its conclusion – this Agreement shall replace all prior Agreements between the Parties relating to the MiFID II/MiFIR Reporting.

Place	Company Stamp and Legally Binding Signature(s)
Date	Name(s) of Signatory(-ies) in Block Letters