

part of eex group



# Trade Registration Rules

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## § 1 Scope of Regulation

- (1) As part of exchange trading, the European Energy Exchange provides its trading participants ("Participants") with a "Trade Registration Functionality" subject to the conditions listed herein below.
- (2) Trade Registration is the conclusion of exchange trades by means of the registration within the trading systems of EEX by mutual consent (registered Trade). In this context, unless an auction according to Sect. 12 takes place, the entry into the EEX trading systems by the participant initiating the registration as specified in more detail in Sections 5 to 7a constitutes an offer for the conclusion of the trade, while the confirmation by the other participants constitutes the acceptance of the trade. Otherwise, registered transactions are concluded as exchange trades in accordance with the provisions of Sect. 12.
- (3) The registration of trades on EEX is permissible if these trades are approved for such registration, if the subject of these trades corresponds to the respective EEX contract specifications for these products, if the price agreed is permissible as an entry price, the entry lies within the Trade Limits and if registration is carried out subject to these conditions. The provisions contained in the Exchange Rules and the Trading Conditions regarding Trading Limits shall apply mutatis mutandis. Trade registration on EEX for transactions already concluded off-exchange is not permitted.

## § 2 Preconditions for Participation

- (1) The use of the Trade Registration functionality requires the admission as Exchange Participant or the recognition as Non-Trading Broker or Third Party Trading Venue in accordance with the more detailed provisions of the Exchange Rules.
- (2) Admission as a trading participant can be limited to the registration of trades as a part of exchange trading. Participation in order book trading on EEX is not permitted on this basis since this is subject to the provisions of trading participants that are also admitted to order book trading. The admission regarding the use of the Trade Registration functionality can be limited to the Spot Market or the Derivatives Market for individual participants and with regard to individual products or product groups.
- (3) The participant may authorize its clients to confirm the registration of a trade pursuant to Sect. 6 paragraph 1 or Sect. 7 paragraph 1 and Sect. 7a on its behalf. The authorization shall only be valid if it is given in writing by means of the form provided by EEX.
- (4) Without prejudice to Sect. 25 of the Exchange Rules, EEX can bar any participant from using the Trade Registration functionality if the said participant does not fulfil his obligations arising under these Trade Registration Rules or in case the preconditions for such participation were not fulfilled or in case said preconditions have ceased to be fulfilled later on. In such a case, no claims regarding the reimbursement of costs, expenses or other disadvantages arise to the participant.

### § 3 Trading Broker, Non-Trading Broker, and Third Party Trading Venue

- (1) Trading Brokers are trading participants of EEX within the meaning of Sect. 17 para. 1 of the Exchange Rules operating as brokers that do not only enter trades into the trading system on behalf and in the name (authorised spokesperson or communicating messenger) of participants but that can also conclude own positions on account of a third party which they can then give up to the respective ECC position account of their clients (Give-ups).
- (2) Non-Trading Brokers and Third Party Trading Venues are not trading participants of EEX within the meaning of Sect. 17 para. 1 of the Exchange Rules and they cannot open their own positions. As a result, they cannot carry out Give-ups. Non-Trading Brokers and Third Party Trading Venues only enter trades into the trading system on behalf and in the name (authorised spokesperson or communicating messenger) of participants. The use of the Trade Registration functionality by Non-Trading Brokers and Third Party Trading Venues is based on the precondition that they are recognised as provided for in more detail in the Exchange Rules.
- (3) Entries by the Trading Broker, the Non-Trading Broker, and the Third Party Trading Venues into the respective ECC position account are subject to the Clearing Conditions of ECC.
- (4) If a Participant objects to an entry which a Trading Broker, a Non-Trading Broker, or a Third Party Trading Venue has made on his behalf, the Management Board of the Exchange can cancel the registered transaction with effect for both parties in accordance with the more detailed provisions of Sections 9 and 10 of the Trading Conditions.

### § 4 Approved Products

- (1) On principle and with the exception of Spot Market products in Natural Gas, EEX offers the Trade Registration functionality for all EEX Spot and Derivatives Market products.
- (2) The Management Board of the Exchange determines the products for which the use of the Trade Registration functionality is offered and communicates this decision.
- (3) Furthermore, the Management Board of the Exchange determines the contract specifications for the products which cannot be traded in the order book of the Spot and Derivatives Markets of EEX at the same time. The Trade Registration contract specifications form part of these Trade Registration Rules.
- (4) The contract specifications for Trade Registration products may be amended by the Management Board of the Exchange provided that no open positions of the Exchange Participants are affected. Notwithstanding Article 6 Paragraph 2 of the Trading Conditions, Contract Specifications for Trade Registration of derivatives market products whose tradability on EEX is at least 4 calendar years may also be amended for existing open positions if the concerns of the holders of open positions have been adequately considered and the amendments have been announced with a notice period of at least 6 months prior to their entry into force.
- (5) The Management Board of the Exchange can include further contracts in the Trade Registration functionality or temporarily or permanently exclude contracts from it, which were included previously, in the future.

- (6) The Exchange Council shall be informed of the inclusion of products in the Trade Registration functionality and of the permanent exclusion of products.

## **§ 5 General Provisions regarding Registration**

- (1) The trades are registered in the system via specified functionalities in the respective trading systems of EEX. EEX can also permit other systems for registration.
- (2) The Management Board of the Exchange specifies the entry times approved for the respective products; in the case of the products traded on the exchange, these, at least, correspond to the trading times announced for these. It can expand and limit these if this is required or sensible for technical or operational reasons.
- (3) Trades may only be entered in compliance with the rules and regulations of the exchange and, in particular, the corresponding contract specifications; settlement and collateralisation of the trades or positions are exclusively effected in accordance with the ECC Clearing Conditions in their respectively valid version.
- (4) Trades can be registered in own, customer and market maker position accounts.
- (5) Trades can be registered either manually in accordance with the more detailed provisions of the following stipulations or automatically under consideration of the technical systems used for the respective entries and their conditions. In the event of conflicts between these terms and conditions and the rules and regulations of EEX and ECC, the rules and regulations of EEX and ECC shall take precedence.
- (6) If entries or registered trades do not comply with the requirements referred to or if a participant does not fulfil the other conditions for participation, EEX can cancel these trades with effect for both sides.

## **§ 6 Registration of Trades at the Spot Market**

- (1) Both the seller and the buyer can initiate the registration of trades at the Spot Market by entering these. The entry of the trade has to be confirmed by the other party on the same exchange day or before expiry of the respective contract, otherwise the entry by the other party will be cancelled in the trading system at the end of this exchange day.
- (2) When entering the offer for the conclusion of a registered trade into the trading systems, the buyer has to enter at least the following data:
  - the contract traded,
  - the purchase and sale information
  - the number of contracts,
  - the price of the contract,
  - the position account, and
  - the participant identification of the counterparty.

The other party accepts the offer for the registration of a transaction by bindingly confirming the data entered into the trading system by the counterparty as being binding.

- (3) Upon its conclusion the registered trade becomes binding for both parties. In case of an error or of any other wrong entry, the registered trade can only be changed by an informal and consensual request by both parties to such a degree that the trade created by the cancellation corresponds to the trade which would have been created without the trade which has to be cancelled until the expiry of the respective contract or the end of the exchange trading day concerned. If a trading participant cannot enter that correction, the entry will be made by EEX by means of entering a corresponding offsetting transaction.

## **§ 7 Registration of Derivatives Market Transactions within the Trading System T7**

- (1) Only the buyer can initiate the registration of a Derivatives Market transaction within the trading system T7, which is used as a trading system by EEX, by entering the trade. The seller of the trade has to confirm the data entered by the buyer forthwith, however, within the trading day of the entry in the trading system T7.
- (2) Upon entering the offer for the conclusion of a registered trade, the buyer has to enter the following data into the trading system T7:
- the futures contract (underlying security and maturity) and/or the option (underlying security, type of option (call/put), maturity, basic price),
  - the number of contracts,
  - the price of the contract,
  - the open/close indicator,
  - the position account, and
  - the seller's participant identification.
- (3) The seller accepts the buyer's offer for the registration of a trade (confirmation) by entering the following data into the trading system T7:
- the transaction number,
  - the open/ close indicator, and
  - the position account.
- (4) After the conclusion of the trade by offer and its acceptance in the trading system T7, the trade may only in case of an error or of any other wrong entry be changed to such a degree that the trade created by the cancellation corresponds to the trade which would have been created without the trade which has to be cancelled by means of an informal and consensual request by both parties until the end of the post-trading phase on the exchange trading day concerned. If a trading participant cannot enter a corresponding offsetting transaction, the entry will be made by EEX.
- (5) Section 43 of the Exchange Rules (Pre-Trade Controls) does not apply.

## **§ 7a Registration of Derivatives Market Transactions in Natural Gas Products via the Interface Web OTC**

Section 7 above applies mutatis mutandis for the registration of Derivatives Market transactions in Natural Gas products via the interface Web OTC, provided that the registration has to be initiated by the seller and accepted by the buyer. The Management Board of the Exchange determines and announces the products for which transactions may also be registered via the interface Web OTC.

## **§ 8 Registration of Transactions by Trading Brokers and Non-Trading Brokers**

- (1) Offer and acceptance thereof to conclude Derivatives Market or Spot Market transactions can be entered into the trading system T7 for registration by Trading Brokers (with the exception of Derivatives Market transactions in Natural Gas products) or Non-Trading Brokers. Trading Brokers and Non-Trading Brokers are obliged to get authorisation to this end from their respective clients in advance. Trading Brokers and Non-Trading Brokers guarantee towards EEX and the clearing house as well as towards the trading participants that every entry made by them was commissioned by their clients and carried out in accordance with their specifications.
- (2) A Derivatives Market transaction can be registered within the trading system T7 by:
  - Entering the offer for the conclusion of a registered transaction into the trading system and accepting the offer in the trading system by confirming it. Afterwards, the positions are given up to the respective ECC position accounts of the buyer and seller (Give-Up Trades). As a result, registration is effected as a self-dealing transaction of the Trading Broker.
  - The Trading Broker entering the offer for the conclusion of a registered trade into the trading systems on behalf of the buyer and by the seller accepting this offer by confirming it within the trading system. As a result, registration is effected as a transaction between the Trading Broker and the seller with a subsequent Give-up of the position of the Trading Broker to the buyer's ECC position account (Buyer-only Trade).
  - The buyer entering the offer for the conclusion of a registered transaction into the trading systems and by the Trading Broker accepting this offer by confirming it in the trading system on behalf of the seller. This means the registration is effected as a transaction between the buyer and Trading Broker with a subsequent Give-Up of the position of the Trading Broker to the seller's ECC position account (Seller-only Trade).
  - Trading Broker or Non-Trading Broker entering the transaction into the trading system on behalf and in the name (authorised spokesperson or communicating messenger) of the buyer and the seller and by the buyer and seller subsequently approving the transaction in the trading system (Direct Trade).
- (3) A Spot Market Trade may be registered exclusively as Direct Trade.

- (4) The provisions of section 13 of the Trading Conditions (Trading on Behalf) shall apply for the registration of trades by Trading Broker and Non-Trading Broker mutatis mutandis.

## **§ 9 Registration of Transactions through Straight-Through-Processing Systems**

- (1) The registration by the Trading Broker or Non-Trading Broker according to Section 9 can be effected by using Straight-Through-Processing systems (STP systems), which are operated by external system providers, accepted by EEX and integrated into its trading systems. Trading Brokers and Non-Trading Brokers are obliged to obtain authorisation from their respective clients with regard to the use of STP systems for registration.
- (2) The use of STP systems by the buyer, seller, Trading Broker and Non-Trading Broker is effected at their own risk. EEX does not assume any liability for the correctness, completeness and validity of the transactions and declarations transmitted via the STP systems. The external system providers are responsible for the operability of the STP systems. As a result, EEX does not assume any liability for the failure of functionalities of the STP systems.
- (3) All STP systems accepted and integrated by EEX have the following Auto-Confirmation Function: For declarations of intent entered by Trading Brokers the contractual side referring to the Trading Broker will always be automatically approved for registration. Furthermore, entries by Trading Brokers or Non-Trading Brokers in the name of their respective clients will be automatically approved for registration due to the pre-set standard configuration. The above provisions on automatic approvals via the Auto-Confirmation function of the STP systems shall apply mutatis mutandis if the Management Board of the Exchange makes entries into the trading systems for the registration of transactions on behalf of Trading Brokers or Non-Trading Brokers and on the basis of specific instructions (Trading on behalf).
- (4) The pre-set standard configuration can be changed by the participants in the framework of the possibilities permitted by EEX. The configuration caused by the participant becomes effective upon notification of the completed switch and prevails the standard configuration as of this moment. All entries which are not confirmed automatically must be confirmed manually during the periods specified by the system. The Management Board of the Exchange may determine, taking into account the legitimate interests of the trading participants, that a deviation from the standard configuration shall no longer be permissible.
- (5) The buyer, seller, Trading Broker and Non-Trading Broker are obliged to check the registrations and submissions to the ECC clearing system effected using STP systems forthwith, however, no later than until the beginning of the next trading day. Apart from this, the rules in Section 3 paragraph 4 or Section 7 paragraph 4 also apply to trades registered using STP systems.

### **§ 9a Registration of Transactions in EEX Japanese Power Futures**

- (1) During the trading hours of the EEX Japanese Power Futures pursuant to Sects. 7, 8 and 9, transactions in EEX Japanese Power Futures may be registered in the trading system T7 either directly through entry into trading system T7 or through entry into the EEX Japan Power Portal. Outside trading times, registration can only be initiated through entry into the EEX Japan Power

Portal. The Management Board of the Exchange determines and announces the time during which the EEX Japan Power Portal is available.

- (2) Entries into the EEX Japan Power Portal may be made by Trading Brokers or Non-Trading Brokers, such entries not being modifiable after confirmation. In any event, transactions in EEX Japanese Power Futures are concluded only after opening of trading in the trading system T7 and after transfer of the respective entries from the EEX Japan Power Portal pursuant to Sects. 8 and 9.
- (3) Without prejudice to the trading limits set in the trading system T7 pursuant to the Trading Conditions, entries into the EEX Japan Power Portal are only admissible within the separate limits set therein by a Clearing Member. The following trading limits are provided for in the EEX Japan Power Portal:
  - Pre-Opening Limit: The Pre-Opening limit is the maximum amount (gross) of all entries into the EEX Japan Power Portal concerning a Clearing Member. Entries into the EEX Japan Power Portal are only admissible if the Clearing Member has set a Pre-Opening Limit. The Pre-Opening Limit is only applicable to entries made into the EEX Japan Power Portal prior to the beginning of the trading hours of EEX Japanese Power Futures.
  - CM-Client-Limit: The CM-Client-Limit is the maximum amount (gross) of all entries into the EEX Japan Power Portal that are admissible per Non-Clearing Member or per client of the Clearing Member. Entries into the EEX Japan Power Portal are also admissible if no CM-Client-Limit has been set. CM-Client-Limits are applied to all entries that are made into the EEX Japan Power Portal until the end of the trading hours of EEX Japanese Power Futures.

The Management Board of the Exchange determines and announces further modalities in relation to these limits.

Each Clearing Member is responsible for ensuring that limits set in the EEX Japan Power Portal do not conflict with trading limits set in the trading system T7.

## **§ 10 Registration of Transactions by Third Party Trading Venues**

Sections 8 and 9 above apply for the registration of Derivatives Market or Spot Market transactions by Third Party Trading Venues accordingly, provided that Third Party Trading Venues may only enter Direct Trades into the trading systems of EEX. All entries of Third Party Trading Venues STP Systems into the trading systems of EEX will be automatically confirmed for registration.

## **§ 11 Permitted Entry Price**

- (1) The contract price of a trade which was entered into the EEX trading systems has to lie within a specified interval which is stored in the EEX trading systems (Trade Registration Price Range). The Management Board of the Exchange determines the Trade Registration Price Range or the methodology for its calculation, respectively, and, as a result, the respective admissible entry price.

- (2) If a price outside the Trade Registration Price Range is entered upon the registration of a trade and the entry is not stopped technically, the trade will be cancelled by EEX.
- (3) Unless an auction is held pursuant to Sect. 12, the Management Board of the Exchange may in consent with the clearing house of the Exchange permit the registration of trades outside the Trade Registration Price Range for a certain period of time.

## **§ 12 Special Provisions for Registered Trades with Pre-Trade Transparency Obligations**

- (1) For registered trades for which there are no exemptions, the specific pre-trade transparency requirements of Article 8 MiFIR<sup>1</sup> apply. The following special provisions shall apply to these trades.
- (2) Entries according to Sects. 6, 7 or 7a for the registration of trades will only be accepted by EEX in this case if these entries are made in accordance with Sect. 9 of these Trade Registration Rules or Sect. 13 of the Trading Conditions (Trading on Behalf).
- (3) With the initiating entry according to Sects. 6, 7 or 7a, a volume auction is initiated in accordance with the following provisions:
  - (a) An auction order book is opened in which the initiating entry and (as soon as this has also been entered) the confirmation of the counterparty are entered as bids.
  - (b) These bids are published with the following information and participate in the auction:
    - traded instrument,
    - price,
    - volume.
  - (c) All persons entitled under Sect. 2 to use the trade registration functionality (including the parties of the registered transaction) may participate in the auction at the price entered with the initiating order (auction price) by submitting bids with a volume to be determined by them at the auction price. All bids in the auction may be deleted (in whole or in part) by the respective participants at any time until the end of the auction.
  - (d) All further bids entered during the auction will also be published with information on
    - traded instrument,
    - price, and
    - volume.

All cancellations of bids will also be taken into account in the publication.
  - (e) At the end of the auction, the bids in the auction order book will be executed at the auction price as follows: If the (total) volume on the buy and sell side is identical, all bids will be executed at the auction price. If the volume differs on the buy and sell side, the time priority

<sup>1</sup> Regulation (EU) 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012.

principle is used to determine which bids are not executed (in full or in part). Upon execution of the orders, the respective transactions are concluded with ECC as the central counterparty.

- (4) The Management Board of the Exchange shall announce the registered trades for which pre-trade transparency obligations exist, determine the duration of the volume auctions pursuant to paragraph 3 in compliance with the regulatory requirements and determine the medium for publications within the scope of these auctions.

### **§ 13 Publication and Trade Confirmation**

- (1) Trades, which are registered within the EEX trading systems by the Trade Registration Functionality, are not necessarily anonymous for the respective parties to the contract.
- (2) After the conclusion of a registered trade, the participants receive a trade confirmation, which is generated by the trading system and shows these transactions or positions as being registered trades. Registered trades are also labelled as registered transactions in the reports generated by the clearing systems on a daily basis.

### **§ 14 Announcements**

- (1) Decisions and specifications by the Management Board of the Exchange according to these provisions, including the decision to include new products in the Trade Registration functionality and the stipulations in accordance with Sect. 12, shall be announced to the trading participants.
- (2) The decision to include new products in the Trade Registration functionality is taken by means of the adjustment of the Trade Registration contract specifications, in addition.

### **§ 15 Clearing of Registered Trades**

- (3) Upon the conclusion of a registered trade in the trading systems, the regulations regarding the conclusion of trades and regarding the contractual obligation of the clearing conditions of the ECC or the clearing conditions referred to herein shall apply accordingly with regard to the contractual relationships between ECC AG and the trading participants involved in the registered trade and/or their clearing members.
- (4) In addition, the terms and conditions of the clearing conditions of ECC AG in their respectively valid version shall apply with regard to the settlement and provision of security for the registered trades.

## Annex: Contract Specifications for Trade Registration