

Chapter II of the Clearing Conditions of Eurex Clearing AG

# Transactions Concluded at Eurex Deutschland

(Eurex Exchange)

As of 14.12.2020

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AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED

DELETIONS ARE CROSSED OUT

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[...]

## Part 1 General Provisions

[...]

### 1.1 Clearing Licenses

[...]

#### 1.1.2 Prerequisites for Clearing Licenses

[...]

(2) The applicant shall meet the following additional requirements:

[...]

- (e) Evidence of direct or indirect access to a derivatives exchange or a clearing house, each as determined by Eurex Clearing AG, for purposes of fulfilling Eurex Transactions, which have been included in the clearing by Eurex Clearing AG and whose fulfilment requires the opening of a position in a specific derivatives contract at the designated exchange or clearing house, respectively, in favour of the counterparty of these transactions. If such evidence is not provided, Eurex Clearing AG will not carry out the Clearing of Eurex Transactions of the respective Clearing Member (including Eurex Transactions relating to its Direct Clients and Indirect Market Participants) in products according to Sentence 1 and will inform the ~~Management Board~~management board (Geschäftsführung) of the Eurex Exchange accordingly. In this case, Chapter I Part 1 Number 1.2.2 ~~does~~shall not apply~~be applicable~~.
- (f) Evidence of its admission to trading at the Eurex Exchange for FX Futures Contracts and/or ~~FX-Options Contracts~~ on FX Futures Contracts. If such evidence is not provided, Eurex Clearing AG will not carry out the Clearing of Eurex Transactions of the respective Clearing Member (including Eurex Transactions relating to its Direct Clients and Indirect Market Participants) in products according to Sentence 1 and will inform the ~~Management Board~~management board (Geschäftsführung) of the Eurex Exchange

accordingly. In this case, Chapter I Part 1 Number 1.2.2 ~~does~~ shall not apply  
applicable.

- (g) Evidence of a Clearing License for OTC Interest Rate Derivative Transactions denominated in Euro. If such evidence is not provided, Eurex Clearing AG will not carry out the clearing of Eurex Transactions in Interest Rate Swap Futures Contracts of the respective Clearing Member ~~and~~ (including Eurex Transactions relating to its Direct Client Clients and Indirect Market Participants) and Eurex Clearing AG will inform the ~~Management Board~~ management board (Geschäftsführung) of the Eurex Exchange accordingly. In this case, Chapter I

[...]

[...]

### 1.3 Internal Accounts

[...]

#### 1.3.2 Account Management

[...]

- (4) All open positions in option series shall automatically be cancelled in the relevant Transaction Accounts of the Clearing Member after the ~~Post-Trading Period~~ post-trading period on the last trading day of the relevant Options Contract. All assigned short positions and all exercised long positions shall be cancelled in the relevant Transaction Account of the Clearing Member after the delivery or payment, as the case may be, has been made in respect of such exercise or assignment, or after the cash settlement has been made in connection with such positions.

[...]

[...]

## Part 2 Clearing of Futures Contracts

[...]

### 2.1 General Provisions

[...]

[...]

#### 2.1.2 Daily Settlement Price

- (1) For each Futures Contract, profits and losses arising out of open positions on any Business Day will be determined at the end of the ~~Post-Trading Period~~ post-trading

period on the basis of the daily settlement price determined pursuant to Paragraph (2) and in accordance with Part 1 Number 1.2 (5), provided that if the determination of the daily settlement price of a Futures Contract pursuant to Paragraph (2) is not possible or if the price so determined does not reflect the true market conditions, Eurex Clearing AG may determine the settlement price at its reasonable discretion (*billiges Ermessen*).

[...]

[...]

#### (4) Reference times

The scheduled reference times for the determination of the daily settlement prices for the respective Futures Contracts are set out in the table below:

Contract	Reference Time (CE(S)T)
[...]	
FX Futures Contracts	<del>17:30</del> 15:00
[...]	
Money Market Futures Contracts ( <del>;</del> FEO1, <del>AND</del> FEU3 and FSO3) FLIC	17:15 18:00
[...]	

The ~~Management Board~~ management board of Eurex Clearing AG may on a case by case basis determine that a different reference time shall apply for the determination of a daily settlement price, if it so deems appropriate under prevailing circumstances, in particular in case of a closure of the spot market of the underlying of the respective contract prior to the scheduled reference time. Eurex Clearing AG will publish any reference times so determined.

[...]

### 2.3 Clearing of Fixed Income Futures Contracts

[...]

[...]

#### 2.3.4 Fulfilment, Delivery

[...]

- (3) After the end of the ~~Post-Trading-Period~~ post-trading period on the Notice Day, Eurex Clearing AG shall allocate to the Clearing Members with open long positions the bonds notified for delivery, using a selection procedure that ensures the neutrality of the allocation process. The Clearing Members will be informed on the next Business Day as to which bonds were allocated to them and at what tender.

[...]

[...]

## 2.4 Clearing of Index Futures Contracts

[...]

[...]

### 2.4.2 Final Settlement Price

The final settlement price of the Index Futures Contracts will be determined by Eurex Clearing AG (pursuant to Number 1.3.4 of the Eurex Contract Specifications) at the final settlement day of a contract.

- (1) With respect to the DAX<sup>®</sup>, MDAX<sup>®</sup>, Mini-DAX<sup>®</sup>, TecDAX<sup>®</sup> and DivDAX<sup>®</sup> Futures Contracts, the value of the respective index is based on the auction prices calculated by the electronic trading system of the Frankfurter Wertpapierbörse for those securities included in the respective index of an intraday auction determined by the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange.

[...]

- (9) With respect to the ATX<sup>®</sup> Futures Contracts, the value of the respective index is based on the auction prices calculated by the electronic trading system of the Wiener Börse AG for those securities included in the respective index of an intraday auction determined by the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange.

[...]

[...]

### 2.14 Clearing of Futures Contracts on the dividends of Shares

The following provisions shall apply to the Clearing of Futures Contracts ~~in~~ on the dividends of Shares (Single Stock Dividend Futures) specified in Number 1.13 of the Eurex Contract Specifications. Certificates representing shares (depository receipts) shall be handled as shares.

[...]

### 2.14.2 Final Settlement Price

The final settlement price of the Futures Contracts will be determined by Eurex Clearing AG at the final settlement day of a contract. In respect of each Futures Contract and its relevant annual dividend period, the final settlement value will be calculated in accordance with the following formula:

$$\text{Number of Shares (N)} \times \sum_t d_t$$

rounded to four decimal places

Where:

**Number of Shares (N)** means the number of shares relating to the Futures Contracts listed in Annex D of the Eurex Contract Specifications, subject to any subsequent adjustments made.

**t** means each Business Day in the relevant Futures annual dividend period;

**d<sub>t</sub>** means, in respect of the reference shares relating to the Futures Contracts listed and each Business Day in the relevant Futures annual dividend period:

if such a day is an Ex-Dividend date in respect of the reference shares then an amount equal to the Relevant Dividend in relation (pursuant to Number 1.13.9 (1) of the Eurex Contract Specifications) to that Ex-Dividend date in respect of the number of shares relating to the Futures Contracts listed in Annex D of the Eurex Contract Specifications, subject to any subsequent adjustments made; otherwise zero.

[...]

[...]

## 2.22 Clearing of Index Total Return Futures Contracts

[...]

[...]

### 2.22.6 Extraordinary Handling

[...]

In such extraordinary events, the ~~Management Board~~ management board of Eurex Clearing AG may decide to adjust the daily settlement prices or to apply an adjustment, as specified in Number 1.22.9.2 and Number 1.22.10 of the Eurex Contract Specifications, which apply *mutatis mutandis*. The decisions needs to be aligned with the ~~Management Board~~ management board (Geschäftsführung) of the Eurex Exchange.

[...]

**2.25 Clearing of Equity Total Return Futures Contracts**

[...]

[...]

**2.25.2 Daily Settlement Price**

(1) The daily settlement price for Equity Total Return Futures Contracts shall be determined by Eurex Clearing AG based on the Daily Settlement TRF Spread in basis points, according to Number 1.26.8.4 of the Eurex Contract Specifications and in conjunction with the following provisions:

[...]

*Underlying Close (t)* = the official closing price of the underlying share on the primary cash market as listed in Annex G ~~of~~ to the Eurex Contract Specifications

[...]

[...]

**2.25.6 Extraordinary Handling**

[...]

In such extraordinary events, the ~~Management Board~~ management board of Eurex Clearing AG may decide to adjust the daily settlement prices or to apply an adjustment, as specified in Number 1.26.9.2 and Number 1.26.10 of the Eurex Contract Specifications, which apply *mutatis mutandis*. The decisions needs to be aligned with the ~~Management Board~~ management board (Geschäftsführung) of the Eurex Exchange.

**2.26 Clearing of Stock Tracking Futures**

[...]

[...]

**2.26.2 Final Settlement Price**

[...]

Group ID of the Futures contract according to Annex H <del>to</del> <u>of</u> the Eurex Contract Specifications	Relevant Cash Market	ID of the Cash Market
[...]		

[...]

## Part 3 Clearing of Options Contracts

[...]

### 3.1 General Provisions

[...]

- (5) Eurex Clearing AG determines the daily settlement price according to the true market conditions and under consideration of its risk assessment according to the following procedure:

[...]

- The underlying reference price for ~~FX-Options~~ on FX Futures Contracts is the daily settlement price of the corresponding FX Futures Contracts series.

[...]

- (6) In case the determination of the final settlement price of an Options Contract ~~contract~~ in accordance with this Part 3 is not possible or if the price so determined does not reflect the true market conditions, Eurex Clearing AG may determine the final settlement price at its reasonable discretion (*billiges Ermessen*).

[...]

### 3.2 Clearing of Options Contracts on Money Market Futures Contracts

[...]

[...]

#### 3.2.5 Procedure for Exercise of Options

- (1) On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ that exercises a call option, Eurex Clearing AG shall, subsequent to the ~~Post-Trading Period~~ post-trading period on the exercise day of the respective ~~option~~ Options Contract, open a corresponding long position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ and book it to the Transaction Account to which the call option was booked.
- (2) On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ to which the exercise of a call option is assigned, Eurex Clearing AG shall, subsequent to the post-trading period on the exercise day of the respective Options Contract, open a corresponding short position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such



Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ and book it to the Transaction Account to which the call option was booked.

- (3) On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ that exercises a put option, Eurex Clearing AG shall, subsequent to the ~~Post-Trading Period~~ post-trading period on the exercise day of such ~~option~~ Options Contract, open a corresponding short position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ and book it to the Transaction Account to which the put option was booked.
- (4) On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ to which the exercise of a put option is assigned, Eurex Clearing AG shall, subsequent to the post-trading period on the exercise day of the respective Options Contract, open a corresponding long position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~.
- (5) ~~Chapter I Part 1 Number 1.2.2 (1) (b) applies with respect to Disclosed Direct Clients or Indirect Client Market Participants~~ and book it to the Transaction Account to which the put option was booked.

[...]

### 3.3 Clearing of Options Contracts on Fixed Income Futures Contracts

[...]

[...]

#### 3.3.5 Procedure for Exercise of Options

- (1) ~~With respect to~~ On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ that exercises a call option, Eurex Clearing AG shall, subsequent to the ~~Post-Trading Period~~ post-trading period on the exercise day of the respective ~~option~~ Options Contract, open a corresponding long position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction Account to which the call option was booked.
- (2) ~~With respect to~~ On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ to which the exercise of a call option is assigned, Eurex Clearing AG shall, subsequent to the post-trading period on the exercise day of the respective Options Contract, open a corresponding short position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction Account to which the call option was booked.
- (3) ~~With respect to~~ On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ that exercises a put option, Eurex Clearing AG shall, subsequent to the ~~Post-Trading Period~~ post-trading period on the exercise day

of such ~~option~~ Options Contract, open a corresponding short position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction Account to which the put option was booked.

(4) ~~With respect to~~ On behalf of the relevant Clearing Member, ~~Disclosed Direct Client or Indirect Client Market Participant~~ to which the exercise of a put option is assigned, Eurex Clearing AG shall, subsequent to the post-trading period on the exercise day of the respective Options Contract, open a corresponding long position in the underlying Futures ~~contract~~ Contract with the stipulated exercise price.

(5) ~~Chapter I Part 1 Number 1.2.2 (1) (b) applies~~ with respect to such Clearing Member and book it to the relevant Disclosed Direct Client or Indirect Client Market Participant Transaction Account to which the put option was booked.

[...]

### 3.4 Clearing of Index Options Contracts

[...]

[...]

#### 3.4.3 Final Settlement Price

(1) With respect to the DAX<sup>®</sup>, MDAX<sup>®</sup>, TecDAX<sup>®</sup> and DivDAX<sup>®</sup> Options Contracts, the value of the respective index is based on the auction prices calculated by the electronic trading system of the Frankfurter Wertpapierbörse for those securities included in the respective index of an intraday auction determined by the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange.

[...]

(9) With respect to the ATX<sup>®</sup> Index Options Contracts, the value of the respective index is based on the auction prices calculated by the electronic trading system of the Wiener Börse AG for those securities included in the respective index of an intraday auction determined by the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange.

[...]

[...]

### 3.8 Clearing of Index Dividend Options Contracts

[...]

[...]

#### 3.8.3 Final Settlement Price

[...]

- (4) If any changes are made in the calculation of an index or its composition or weighting such that the concept of the index or the dividends attributable to it appears to be no longer comparable with the concept that applied when the Options Contract was admitted to trading, the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange may order the termination of trading in such contract as of the Business Day prior to the change in the respective index. Open positions shall be settled in cash upon the termination of trading. The respective final settlement price shall be relevant.

[...]

### 3.8.5 Cash Settlement

[...]

- (2) The cash settlement shall be determined according to the difference between the exercise price of the options series and its final settlement price. The final settlement price shall be determined by the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange on the exercise date of the options series.

[...]

### 3.10 Clearing of Commodity Index Options Contracts

[...]

[...]

#### 3.10.5 Cash Settlement

[...]

- (2) The cash settlement shall be equal to the difference between the exercise price of the option series and its final settlement price. The final settlement price shall be determined by the ~~Management Board~~ management board (*Geschäftsführung*) of the Eurex Exchange on the exercise day of the option series.

[...]

### 3.12 Clearing of ~~FX~~ Options Contracts on FX Futures Contracts

The following provisions shall apply to the Clearing of ~~FX~~ Options on FX Futures Contracts specified in Number 2.12 of the Eurex Contract Specifications.

#### 3.12.1 ~~Delivery and Payment Procedures~~ General Regulations

~~To the extent not provided otherwise, all payments in respect of FX Options Contracts shall be settled directly between each Clearing Member and Eurex Clearing AG on the settlement day (Number 2.12 of the Eurex Contract Specifications) via CLS. Part 2 Number 2.18.1 (2) and (3) shall apply accordingly.~~

The clearing of Options Contracts on FX Futures Contracts is subject to the following rules up to the assignment of the exercised option pursuant to the regulations for the Clearing of Options Contracts, in line with the opening of the futures position pursuant regulations for the Clearing of Futures Contracts.

[...]

### 3.12.3 Final Settlement Price

The final settlement price of an ~~FX-Options contract~~ Contract on FX Futures Contracts shall be determined by Eurex Clearing AG on the final settlement day (Number 2.12.5 of the Eurex Contract Specifications) of the contract on the basis of the daily settlement price of the underlying FX Futures Contract on such day. ~~The final settlement price of the corresponding expiring FX Futures contract shall be relevant for the FX Options contract.~~ In extraordinary circumstances, in particular if trading is interrupted due to technical problems or if the price cannot be determined due to other reasons, Eurex Clearing AG may determine the final settlement price by means of a different procedure at its reasonable discretion (*billiges Ermessen*).

### 3.12.4 Margin Requirements

[...]

- (1) The applicable Margin Type shall be the Premium Margin. In addition to the Premium Margin, the Additional Margin shall apply.
- (2) For purposes of calculating the margin requirement for all option series, the net long positions ~~in FX Options Contracts~~ shall be treated as credit balances.

### 3.12.5 ~~Failure to Pay~~ Procedure for Exercise of Options

- (1) ~~If a Eurex Transaction cannot be settled within CLS due to~~ On behalf of the fact that a relevant Clearing Member (i) does not provide sufficient funding on its CLS that exercises a call option, Eurex Clearing AG shall, subsequent to the post-trading period on the exercise day of the respective Options Contract, open a corresponding long position in the underlying Futures Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction Account to cover the currency amount payable by it in respect which the call option was booked.
- (2) On behalf of the relevant Clearing Member to which the exercise of a call option is assigned, Eurex Transaction-Clearing AG shall, subsequent to the post-trading period on the settlement day (as per Number 3.12.1) or (ii) fails to match exercise day of the respective Options Contract, open a corresponding settlement instruction in accordance with the CLS procedures by 23.00 CE(S)T short position in the underlying Futures Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction Account to which the call option was booked.
- (3) On behalf of the relevant Clearing Member that exercises a put option, Eurex Clearing AG shall, subsequent to the post-trading period on the Business Day immediately prior to the settlement day, and the Clearing Member's failure to settle a

~~Eurex exercise day of such Options Contract, open a corresponding short position in the underlying Futures Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction ~~cannot be attributed~~Account to a Termination Event in respect~~ which the put option was booked.

- (4) ~~On behalf of this~~ the relevant Clearing Member to which the exercise of a put option is assigned, Eurex Clearing AG shall be entitled to take the same measures as set out in Part 2 Number 2.18.4, subsequent to the post-trading period on the exercise day of the respective Options Contract, open a corresponding long position in the underlying Futures Contract with the stipulated exercise price with respect to such Clearing Member and book it to the Transaction Account to which the put option was booked.

~~(2)~~ **3.12.6 Futures Contract Position**

- (1) ~~Unless otherwise provided below, The provisions on contractual penalties, costs and damages set out in of Part 2 Number~~ Numbers 2.18 and 2.1.4 shall apply accordingly for the Futures Contract position opened in accordance with Number 3.12.5.
- (2) ~~The provisions of Number 1.2 and 2.1.2 on the determination of STM Variation Margin for the day at which the Futures Contract position is opened shall not apply. Instead, the determination shall be based on the difference between the exercise price of the exercised and assigned option and the daily settlement price of the underlying Futures Contract on the exercise day. Such difference shall be settled in cash by a credit or debit to the internal cash account pursuant to Chapter I Part 1 Number 4.3 of the Clearing Member.~~

**3.13 Clearing of Options Contracts on Volatility Index Futures Contracts**

[...]

[...]

**3.13.5 Procedure for Exercise of Options**

- (1) With respect to an Exchange Participant that exercises a call option, Eurex Clearing AG shall, subsequent to the ~~Post-Trading Period~~ post-trading period on the exercise day of the respective option, open a corresponding long position in the underlying Futures contract with the stipulated exercise price.

[...]

- (3) With respect to an Exchange Participant that exercises a put option, Eurex Clearing AG shall, subsequent to the ~~Post-Trading Period~~ post-trading period on the exercise day of such option, open a corresponding short position in the underlying Futures contract with the stipulated exercise price.

[...]

[...]

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