

Chapter II of the Clearing Conditions of Eurex Clearing AG

# Transactions Concluded at Eurex Deutschland

(Eurex Exchange)

As of 22.03.2021

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THE CLEARING CONDITIONS WILL BE AMENDED.

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

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[...]

## Part 2 Clearing of Futures Contracts

[...]

[...]

### 2.15 Clearing of Eurex Daily Futures Contracts ~~on~~On KOSPI 200 Derivatives of the Korea Exchange (KRX)

The following provisions shall apply to the Clearing of Eurex Daily Futures Contracts on KOSPI 200 ~~Derivates~~derivatives of the Korea Exchange, Inc., ("**KRX**") as specified in Number 1.14 of the Eurex Contract Specifications ("**Eurex Daily Futures Contracts ~~on~~On KOSPI Derivatives**").

#### 2.15.1 Payment Procedure

To the extent not provided otherwise, all payments shall be made on the Business Day ~~of the Eurex Exchange~~ following the final settlement day (Number 1.14.4 of the Eurex Contract Specifications). All Clearing Members must ensure their ability to effect payments on the due date thereof by having sufficient credit balances in the foreign currency account for South Korean won ("**KRW**") required for settlement of Eurex Daily Futures Contracts ~~on~~On KOSPI Derivatives with a bank recognised by Eurex Clearing AG.

#### 2.15.2 Final Settlement Price

- (1) The final settlement price of Eurex Daily Futures Contracts ~~on~~On KOSPI Derivatives shall be ~~defined~~determined by Eurex Clearing AG on a daily basis on the final settlement day (Number 1.14.4 of the Eurex Contract Specifications) of a contract. The final settlement price equals the daily settlement price ~~calculated~~determined by KRX for the ~~Mini KOSPI 200 Futures Contracts and KOSPI 200 Options Contracts~~ admitted for trading on KRX, respective underlying KOSPI 200 derivatives on the respective Business Day as of the close of trading on KRX.

- (2) In case of extraordinary circumstances, in particular if, due to technical problems, trading is suspended or if, due to other reasons, a price determination by KRX of the respective underlying KOSPI 200 Derivatives admitted to trading on KRX derivatives does not take place, Eurex Clearing AG may determine the final settlement price by other means.

### 2.15.3 Fulfilment of Eurex Daily Futures Contracts on KOSPI 200 Derivatives by Opening Positions in ~~Mini~~ the respective underlying KOSPI 200 Futures or KOSPI 200 Options Contracts, respectively, derivatives on KRX and Cash Settlement

- (1) Eurex Clearing AG is the contracting party for all services in connection with the fulfilment of Eurex Daily Futures Contracts ~~on~~ On KOSPI Derivatives.
- (2) Open positions in Eurex Daily Futures Contracts ~~on~~ On KOSPI Derivatives shall be settled by Eurex Clearing AG on the final settlement day (Number 1.14.4 of the Eurex Contract Specifications) by crediting or debiting a corresponding cash amount to or from a remaining amount which shall be credited to or debited from the internal cash account of the Clearing Member pursuant to Chapter I Part 1 Number 4.3. ~~The~~ Such cash amount shall be calculated on the final settlement day as the difference between the price at which the transaction was concluded and its final settlement price (Number 2.15.2). The buyer is obliged to settle the difference between the agreed price of a contract and the lower final settlement price. The seller is obliged to settle the difference between the agreed price of a contract and the higher final settlement price.
- (3) The following applies in addition to Paragraph (2):

Clearing Members shall be obliged to enter into the corresponding respective underlying KOSPI 200 derivatives on KRX via the KRX system and by opening the respective positions at the KRX clearing house. The necessary actions fulfilment of Eurex Daily Futures Contracts on KOSPI Derivatives by opening positions in Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX shall directly be carried out directly between the Clearing Members on the next Business Day following the conclusion of a Eurex Daily Futures Contract ~~on~~ On KOSPI Derivatives on the Eurex Exchange; at the latest, however, 40 minutes before the start of trading on KRX on ~~this~~ such Business Day. Eurex Clearing AG offsets the positions in ~~Mini~~ the respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives to be opened for fulfilment of Eurex Daily Futures Contracts ~~on~~ On Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts On KOSPI Derivatives on KRX by applying Chapter I Part 1 Number 1.3.1 (1) (b) and (1) (c) *mutatis mutandis*, taking into account the following criteria: Clearing Member, DC Market Participant, DC With System Access and or ~~an~~ Indirect Client Market Participant, commissioned KRX Member and the identification characters of the respective order. The Clearing Members shall be notified of the results of the offset. ~~The obligation to open, respectively enter into, the corresponding Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX is mandatory via the KRX system and by booking the position at the KRX clearing house.~~

With regard to the opening of positions in ~~Mini~~ the respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~ on KRX which are owed due to expiring Eurex Daily Futures Contracts ~~On Mini~~ KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~Derivatives~~, fulfilment takes place at the same time between the respective Clearing Member and Eurex Clearing AG (respectively between Eurex Clearing AG and the respective other Clearing Members), when the ~~KRX Mini~~ respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~ are booked via the KRX system into the KRX clearing house according to Sentence 1 in favour of the respective Clearing Member and ownership of the ~~Mini~~ respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~ on KRX is established.

Each Clearing Member shall ensure – either ~~itself directly~~ or by commissioning a KRX member – ~~ensure~~ that the opening of positions in ~~Mini~~ the respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~ at the point in time determined according to Sentence 1 and via the KRX system as well as by booking the position at the KRX clearing house can take place ~~takes place~~. Any such commissioning of a KRX member needs to be notified to ~~Provided that a~~ Clearing Member intends to fulfil the aforementioned obligation by commissioning a KRX member, Eurex Clearing AG shall immediately be notified thereof in writing and ~~and~~ this information shall include the company name of the commissioned KRX member and ~~the its~~ company identification (KRX member ID).

#### 2.15.4 Failure to open contracts

- (1) ~~In the event~~ If a Clearing Member fails to ~~required to~~ open positions in Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~on KRX~~ at the KRX clearing house in accordance with Number 2.15.3 (3) ~~fails to open the Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX owed by it at the point in time defined in Number 2.15.3 (3) and in accordance with the instructions of Eurex Clearing AG~~, Eurex Clearing AG is entitled to take the following measures:
  - ~~Eurex Clearing AG shall~~ can, either directly or via a commissioned KRX member, ~~at the latest 30 minutes before opening of exchange trading of KRX on the Business Day of the default, open,~~ respectively enter into, the missing ~~Mini~~ respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~ on KRX and open the respective position at the KRX clearing house, ~~which are owed, on KRX via the KRX system on its own behalf by commissioning a KRX member and booking the position into the KRX clearing house. In doing so,~~ Eurex Clearing AG shall then book these ~~Mini~~ respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~, for purposes of fulfilment of the obligations of the defaulting Clearing Member, in favour of the respective other Clearing Member at the KRX clearing house and shall thereby grant such Clearing Member the respective rights to the ~~Mini~~ respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~derivatives~~ on KRX. Afterwards, Eurex Clearing AG shall, for purposes of fulfilment of the obligations of the defaulting Clearing Member,

close out the positions in ~~Mini~~the respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives entered into on KRX.

- The Clearing Member, who ~~failed to open positions at the KRX clearing house in accordance with Number 2.15.3 (3), has not delivered in due time~~ shall be subject to the ~~aforementioned~~such measures of Eurex Clearing AG. ~~Provided If~~ Eurex Clearing AG has ~~arranged~~initiated such measures, ~~to open, respectively enter into, the Mini~~respectively underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives on KRX according to the ~~aforementioned~~ regulations, the defaulting Clearing Member is no ~~more~~ + entitled to effect fulfilment of the ~~Mini~~respectively underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives on KRX owed to the respective other Clearing Member according to Number 2.15.3 (3) ~~on the day of introduction of these measures or thereafter~~. When the ownership of the ~~Mini~~respectively underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives on KRX owed to the respective other Clearing Member is provided by Eurex Clearing AG according to Number 2.15.4 (2) in connection with Number 2.15.3 (3), the obligations resulting from the original Eurex Daily Futures Contracts ~~on Mini~~On KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts Derivatives of the defaulting Clearing Member – such obligations referring to the opening of positions in ~~Mini~~the respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives on KRX – shall expire with debt-discharging effect.

- Eurex Clearing shall initiate the measures referred to in Subparagraph (1) at the latest 30 minutes before opening of exchange trading of KRX on such Business Day. When complying with this time frame would cause unreasonable effort or expense for Eurex Clearing or, if required for other reasons based on other periods and/or obligations resulting from the Eurex Daily Futures Contracts On KOSPI 200 Derivatives, Eurex Clearing AG

~~also initiate the measures as a later point in time. may deviate from the above-mentioned period of 30 minutes before opening of exchange trading of KRX on the respective Business Day if, when complying with this period, the aforementioned measures may only be implemented at unreasonable expenses or costs or if other periods or obligations resulting from the original Eurex Daily Futures Contracts on KOSPI 200 Derivatives require this.~~

- (2) The costs arising from the ~~aforementioned~~ measures referred to in Paragraph (1) as well as plus any losses occurring due to fulfilment of obligations of the defaulting Clearing Member by Eurex Clearing AG shall be borne by the defaulting Clearing Member.

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### 2.15.5 Failure to provide settlement information

If Eurex Clearing AG is due to a failure of its systems until the actual opening of exchange trading of KRX on the relevant business day unable to provide the settlement information to KRX, which is necessary for Clearing Members to fulfil Eurex Daily Futures Contracts ~~on~~On KOSPI 200 Derivatives in accordance with Number 2.15.3, the affected Clearing Members will be released from their obligation to open, respectively enter into, the corresponding ~~Mini~~Mini ~~respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts~~respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives via the KRX system. Instead, Eurex Clearing AG will cash settle the open positions in Eurex Daily Futures Contracts ~~on~~On KOSPI Derivatives. The cash settlement will be based on the last index level of the corresponding ~~Mini~~Mini ~~respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts~~respective underlying KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts derivatives at KRX on the business day preceding the business day referred to in Sentence 1. Number 2.15.2 (2) shall apply *mutatis mutandis*. Eurex Clearing AG will inform the affected Clearing Members as soon as reasonably possible about its failure to provide settlement information to KRX.

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