

Chapter II of the Clearing Conditions of Eurex Clearing AG

Transactions Concluded at Eurex Deutschland and Eurex Zürich

(Eurex Exchanges)

As of 28.11.2016

	Eurex04e
Clearing Conditions of Eurex Clearing AG	As of 28.11.2016
	Page 1

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

[...]

Part 2 Clearing of Futures Contracts

[...]

2.16 Clearing of Eurex Daily Futures Contracts on KOSPI 200 Derivatives ~~Options Contracts~~ of the Korea Exchange (KRX)

The following provisions shall apply to the Clearing of transactions in the Eurex Daily Futures contracts on KOSPI 200 Derivatives ~~Options Contracts~~ of the Korea Exchange, Inc. ("KRX"), hereinafter referred to as "Eurex Daily Futures Contracts on KOSPI Derivatives ~~Eurex-KOSPI-Daily Futures Contracts~~", specified in Number 1.1~~5~~6 of the Contract Specifications for Futures Contracts and Options Contracts at Eurex Deutschland and Eurex Zürich.

2.16.1 Payment Procedure

All payments for fulfilment of Eurex Daily Futures Contracts on KOSPI Derivatives ~~Eurex-KOSPI-Daily Futures Contracts~~ shall be made on the Business Day of the Eurex Exchanges following the final settlement day (Number 1.1~~6~~5.4 of the Contract Specifications for Futures Contracts and Options Contracts at Eurex Deutschland and Eurex Zürich). 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 KOSPI Derivatives ~~Eurex-KOSPI-Daily Futures Contracts~~ with a bank recognised by Eurex Clearing AG.

2.16.2 Final Settlement Price

- (1) The final settlement price of Eurex Daily Futures Contracts on KOSPI Derivatives ~~Eurex-KOSPI-Daily Futures Contracts~~ shall be defined by Eurex Clearing AG on a daily basis on the final settlement day (Number 1.1~~5~~6.4 of the Contract Specifications for Futures Contracts and Options Contracts at Eurex Deutschland and Eurex Zürich) of a contract. The final settlement price equals the daily settlement price calculated by KRX for the Mini KOSPI 200 Futures Contracts and KOSPI 200 Options Contracts admitted for trading on KRX on the respective Business Day as of the close of trading on KRX.

	Eurex04e
Clearing Conditions of Eurex Clearing AG	As of 28.11.2016
	Page 2

- (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 of the KOSPI 200 ~~Derivatives Options Contracts~~ admitted to trading on KRX does not take place, Eurex Clearing AG may determine the final settlement price by other means.

2.16.3 Fulfilment of Eurex- ~~KOSPI-Daily Futures Contracts~~ on KOSPI 200 Derivatives by Opening Positions in Mini KOSPI 200 Futures or KOSPI 200 Options Contracts respectively 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 KOSPI Derivatives~~ Eurex-KOSPI-Daily Futures Contracts.
- (2) Open positions in ~~Eurex daily Futures Contracts on KOSPI Derivatives~~ Eurex-KOSPI-Daily Futures Contracts shall be settled by Eurex Clearing AG on the final settlement day (Number 1.1~~56~~.4 of the Contract Specifications for Futures Contracts and Options Contracts on Eurex Deutschland and Eurex Zürich) by a remaining amount which shall be credited to or debited from the from the internal cash account of the Clearing Member pursuant to Chapter I Part 1 Number 4.3. The 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 2.16.2). 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:

The fulfilment of ~~Eurex Daily Futures Contracts on KOSPI Derivatives~~ Eurex-KOSPI-Daily Futures Contracts by opening positions in Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX shall directly be carried out between the Clearing Members on the next Business Day following the conclusion of a Eurex Daily Futures Contract on KOSPI Derivatives Eurex-KOSPI-Daily Futures Contract on the Eurex Exchanges; at the latest, however, 40 minutes before the start of trading on KRX on this Business Day. Eurex Clearing AG offsets the positions in Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts to be opened for fulfilment of Eurex Daily Futures Contracts on Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~Eurex-KOSPI-Daily Futures Contracts~~ on KRX by applying Chapter I Part 1 Number 1.3.1 Paragraphs (1) (b) and (1) (c) *mutatis mutandis* taking into account the following criteria: Clearing Member, Non-Clearing Member or Registered Customer, respectively, 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 KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX which are owed due to expiring Eurex Daily

	Eurex04e
Clearing Conditions of Eurex Clearing AG	As of 28.11.2016
	Page 3

[Futures Contracts on Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#)~~Eurex-KOSPI-Daily-Futures-Contracts~~, 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 KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) 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 KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) on KRX is established.

Each Clearing Member shall – either itself or by commissioning a KRX member – ensure that the opening of positions in [Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) 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. 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. This information shall include the company name of the commissioned KRX member and the company identification (KRX member ID).

2.16.4 Failure to open contracts

- (1) In the event a Clearing Member required to open positions in [Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) on KRX in accordance with Number 2.16.3 Paragraph (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 2.16.3 Paragraph (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, at the latest 30 minutes before opening of exchange trading of KRX on the Business Day of the default, open, respectively enter into, the [Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#), 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 book these [Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#), 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 KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) 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 KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) entered into on KRX.
 - The Clearing Member who has not delivered in due time shall be subject to the aforementioned measures of Eurex Clearing AG. Provided Eurex Clearing AG has arranged to open, respectively enter into, the [Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts](#) on KRX according to the aforementioned regulations, the defaulting Clearing Member is not entitled to

	Eurex04e
Clearing Conditions of Eurex Clearing AG	As of 28.11.2016
	Page 4

effect fulfilment of the Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX owed to the respective other Clearing Member according to Number 2.16.3 Paragraph (3) on the day of introduction of these measures or thereafter. When the ownership of the Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX owed to the respective other Clearing Member is provided by Eurex Clearing AG according to Number 2.16.4 Paragraph (2) in connection with Number 2.16.3 Paragraph (3), the obligations resulting from the original Eurex Daily Futures Contracts on Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts ~~Eurex KOSPI Daily Futures Contracts~~ of the defaulting Clearing Member – such obligations referring to the opening of positions in Mini KOSPI 200 Futures Contracts or KOSPI 200 Options Contracts on KRX – shall expire with debt-discharging effect.

- Eurex Clearing AG 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 ~~Mini KOSPI 200 Futures Contracts or Eurex KOSPI Daily Futures Contracts or the resulting KOSPI 200 Options Contracts on KRX~~ require this.

- (2) The costs arising from the aforementioned measures 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. Possible profits occurring from fulfilment of the obligations of the defaulting Clearing Member by Eurex Clearing AG shall be added to the Dedicated Amounts of Eurex Clearing AG after deduction of all costs incurred by Eurex Clearing AG.
- (3) Furthermore, Eurex Clearing AG shall charge a fee in the amount of EUR 250.00 for each measure implemented according to Paragraph (1).
- (4) The right of Eurex Clearing AG to claim further damages shall remain unaffected.

[...]
