



Announcement of Frankfurter Wertpapierbörse (FWB)

Thirteenth Amendment Ordinance to the Exchange Rules for the Frankfurter Wertpapierbörse

On 17 June 2021, the Exchange Council of the Frankfurter Wertpapierbörse approved the Thirteenth Amendment Ordinance to the Exchange Rules for the Frankfurter Wertpapierbörse.

The Amendment Ordinance shall take effect at the points in time specified in Article 2 of the Amendment Ordinance.

A copy of the Ordinance has been deposited at the reception desk of the trading floor, Börsenplatz 4, 60313 Frankfurt/Main, Germany and is available for inspection during the general opening hours. The Ordinance specified above was laid down on 22 June 2021.

**Thirteenth Amendment Ordinance
to the Exchange Rules for the Frankfurter Wertpapierbörse**

**Article 1 Amendment to the Exchange Rules for the Frankfurter Wertpapierbörse in
the version dated 29 June 2017, last amended by the Amendment Ordinance
dated 09 April 2021**

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED

DELETIONS ARE CROSSED OUT

[...]

§ 1 Definitions

<u>Controlled Enterprise</u>	<u>Controlled Enterprise pursuant to Section 17 of the German Stock Corporation Act (AktG) or a comparable foreign legal system</u>
[...]	
Trading System	Electronic trading system
<u>Controlling Enterprise</u>	<u>Controlling Enterprise pursuant to Section 17 of the German Stock Corporation Act (AktG) or a comparable foreign legal system</u>
[...]	[...]
Binding Quote	Parallel entry of a limited buy order and sell order in the Trading System.
<u>Affiliated Enterprises</u>	<u>Affiliated Enterprises within the meaning of Sections 15 et seq. AktG or a comparable foreign legal system</u>
[...]	

[...]

Section III Visit to the Trading Halls and Exchange Trading

Sub-section 1 Admission to a Visit of the Trading Halls and to Participation in Exchange Trading

[...]

§ 18 Suspension of Company Admission and of Admission to Exchange trading; Deletion of Orders

[...]

(2) If a company consistently and systematically fails to meet its delivery obligations within the meaning of Article 7 Paragraph 9 Subparagraph 1 Sentence 1, Paragraphs 10 to 13 Regulation (EU) No 909/2014 in conjunction with Article 39 Commission Delegated Regulation (EU) 2018/1229, the Management Board may, in consultation with the Exchange Supervisory Authority, instruct the suspension of company admission and to disclose to the public its identity, however, only after the Management Board has given that company the opportunity to submit its observations and after the Exchange Supervisory Authority as well as the supervisory authority of the respective company have been informed in due form. Paragraph 1 Sentence 3 shall apply accordingly.

(23) Notwithstanding the provisions of Paragraph 1 above, the Management Board may instruct that the company admission be suspended for a period of six months at maximum if the required margin as specified in Section III Sub-section 2 is not provided or ceases to exist retroactively. Paragraph 1 Sentence 3 shall apply accordingly.

(34) In case of an instruction under Paragraph 23, the Management Board may, for the period during which the company's admission has been suspended, also order the suspension of the admission to exchange trading of those persons who conclude exchange trades for the company.

- (5) Prior to any measure pursuant to § 18 Paragraph 3 and Paragraph 4, the Management Board shall hear the companies. The hearing may be dispensed with if the circumstances of the individual case do not require it.
- (6) The Management Board may disclose measures imposed pursuant to § 18 Paragraph 3 and Paragraph 4 to the other trading participants, provided that this does not conflict with any overriding interests of the company concerned that are worthy of protection.

Sub-section 2 Collateral

§ 19 Provision of Margin

[...]

- (2) The admitted companies must provide sufficient margin to be able to fulfil at any time the obligations resulting from Exchange Transactions.

[...]

§ 20 Total Risk

- (1) Each admitted company shall immediately provide margin for the total risk from its Exchange Transactions, such risk communicated by the Management Board to Deutsche Börse AG. Deutsche Börse AG holds and administers the collateral as trustee for all companies admitted to trading on FWB. Deutsche Börse AG may only realise or release collateral upon the direction and instruction of the Management Board. The Management Board shall notify the admitted companies of the total risk from their Exchange Transactions at the beginning of each exchange day. Provision of margin pursuant to Clause 1 shall not be provided if the amount of the capital reported by an admitted company pursuant to § 21 is sufficient to cover the total risk or if sufficient security to cover the total risk has already been provided.

[...]

- (3) If an admitted company fails to provide the collateral pursuant to Paragraph 1 in time, the Management Board may order that the defaulting company must

immediately fulfil open exchange transactions. The fulfilment of open transactions shall at least take place in an amount to balance the missing margin.

§ 21 Capital

- (1) Admitted Companies subject to the scope of the German Banking Act may report their core capital to the Management Board. In this case, they ~~companies~~ shall not provide margin unless the total risk exceeds 2% of the core capital.
- (2) Admitted Companies who are not subject to the scope of the German Banking Act may report a nominal capital whose amount is comparable to the core capital. In such case, they ~~companies~~ shall not provide margin unless the total risk exceeds 2% of the nominal capital amount comparable to the core capital.
- (3) The amount of the core capital or the comparable size of the nominal capital shall – upon request – be proven to the Management Board. In order to examine the capital, the Management Board may commission an auditor; the costs shall be borne by the admitted company.

§ 22 Margin

- (1) The companies may provide margin by way of bank guarantees pursuant to § 23, cash and/or securities pursuant to § 25 or a declaration by the Controlling Enterprise pursuant to Paragraph 2 below.
- (2) A Controlled Enterprise company may ~~also~~ deposit a declaration of the Controlling Enterprise parent company as margin, stating that the Controlling Enterprise parent company undertakes to be liable against Deutsche Börse AG for the total risk in the amount of 2% of its core capital or the comparable equity capital size pursuant to § 21. Clause 1 only applies if the parent company has not reported its capital itself for collateralization of own Exchange Transactions. § 21 shall apply accordingly.

§ 23 Bank Guarantees

- (1) ~~Each~~ Admitted ~~companies~~ may deposit a bank guarantee in favour of Deutsche Börse AG as security.

[...]

- (3) The Management Board cannot accept a bank guarantee in case the company and the guaranteeing credit institution are Affiliated Enterprises belongs to a group.

[...]

§ 24 Cancelled Cash

~~(1) Companies having a bank account with Clearstream Banking AG may post cash as security on an account of Clearstream Banking AG and may pledge the credit including all interest on this account at Deutsche Börse AG.~~

~~(2) In case of companies having no such bank account with Clearstream Banking AG, Deutsche Börse AG may open in its own name, and for the account of the company, a fiduciary account at Clearstream Banking AG. Such companies may provide margin in cash to that account.~~

[...]

§ 26 **Obligation to Notify on the Part of Admitted Companies**

Each admitted company shall notify the management immediately if as soon as

(i) circumstances arise which reduce the amount of the reported capital,

(ii) it fails to fulfill obligations arising from exchange transactions or if

(iii) securities cannot be provided

[...]

§ 28 **Liquidation of Margin**

If an admitted company does not meet its obligations from exchange trading in their entirety, Deutsche Börse AG shall, upon the direction and instruction of the Management Board, liquidate the margin provided by the admitted company in question. If requested by the Management Board the counterparties of the unfulfilled exchange transactions shall notify the Management Board of their claims against the admitted company and provide respective evidence. Deutsche Börse AG shall return the proceeds from the

liquidation of the collateral to the counterparties upon the direction and instruction of the Management Board. The disbursement shall be made pro rata in accordance with the amount of the proven claims. The Management Board shall decide on the liquidation of collateral at its due discretion.

§ 29 CancelledDefault

~~If a company is in default, the Management Board may order that the defaulting company must immediately fulfil open Exchange Transactions. The fulfilment of open transactions shall at least take place in an amount to balance the missing margin. Default is given if a company does not collateralize the reported total risk in time or does not timely fulfil any other provision according to the obligations under the present rules. Hence it is irrelevant if there is lack of culpability on the part of the company.~~

§ 30 CancelledActions of the Management Board

- ~~(1) Each company shall immediately inform the Management Board in case obligations arising from Exchange Transactions, margin provision or other obligations existing pursuant to these provisions cannot be fulfilled.~~
- ~~(2) Before each action pursuant to § 18 Paragraph 2 and Paragraph 3, the Management Board shall hear the companies. The hearing may not take place if it is deemed not to be necessary according to the circumstances of the individual case.~~
- ~~(3) The Management Board may disclose imposed actions pursuant to § 18 Paragraph 2 and Paragraph 3 to the other Trading Participants, unless major legitimate interests of the concerned companies oppose such disclosure.~~

[...]

Section VII Securities Transactions

[...]

Sub-section 2 Entry of Orders

[...]

§ 76 Execution Conditions, Validity Specifications and Trading Restrictions

(1) In Continuous Trading with Intra-Day Auctions:

[...]

2. Market Orders, Limit Orders, Iceberg-Orders, Volume-Discovery Orders and Orders with the execution condition Immediate-or-Cancel may also be entered during continuous trading and Market and Limit Orders may also be entered during the Trade at Close period in each case with the execution condition Self-Match Prevention (SMP):

[...]

[...]

Article 2 Effectiveness

(1) The amendments specified in Article 1 §18 and §30 shall become effective on 01 February 2022.

(2) The amendments specified in Article 1 §§1, 19, 20, 21, 22, 23, 24, 26, 28, 29 and 76 shall become effective on 28 June 2021.

The foregoing Thirteenth Amendment Ordinance to the Exchange Rules for the Frankfurter Wertpapierbörse is hereby executed. Pursuant to the decision of the Exchange Council of the Frankfurter Wertpapierbörse dated 17 June 2021, the Amendment Ordinance shall become effective on 28 June 2021 and 01 February 2022.

The Hessian Ministry of Economics, Energy, Transport and Housing has given its approval required pursuant to §16 Paragraph 3 of the German Exchange Act (*Börsengesetz*) by letter dated 18 June 2021 (File No: III 7 – 037-d – 02 – 05 – 02 # 018)

The Thirteenth Amendment Ordinance to the Exchange Rules for the Frankfurter Wertpapierbörse shall be announced by notice in the reception area of the trading floor, Börsenplatz 4, 60313 Frankfurt/Main, Germany and by electronic publication on the internet, available on the website of the Frankfurter Wertpapierbörse (<https://www.xetra.com>).

Frankfurt/Main, 22 June 2021

Management Board of the Frankfurter Wertpapierbörse

Dr. Cord Gebhardt

Michael Krogmann