

Chapter II of the Clearing Conditions of Eurex Clearing AG

Transactions Concluded at Eurex Deutschland

(Eurex Exchange)

As of 10.10.2022

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

Part 2 Clearing of Futures Contracts

[...]

2.1 General Provisions

[...]

2.1.2 Daily Settlement Price

[...]

- (2) Eurex Clearing AG determines the daily settlement price according to the true market conditions of the respective contract and under consideration of its risk assessment in its reasonable discretion (*billiges Ermessen*).

[...]

(c) Exceptions

The following exceptions shall apply:

[...]

(ff) The daily settlement price for

- ~~FX Futures Contracts,~~
- Index Dividend Futures Contracts, and
- Volatility Index Futures Contracts

shall be determined according to the procedures described in lit. (a) No. 1.-2. ~~In the case that~~ if no daily settlement price can be determined according to these procedures, the daily settlement price shall be determined on the basis of the mean bid-ask spread in the orderbook before the Reference Time.

(gg) The daily settlement price for FX Futures Contracts shall be determined according to the procedures described in lit. (a) No. 1.-2. If no daily

settlement price can be determined according to these procedures, the daily settlement price shall be determined based on the theoretical price based on the price of the underlying.

~~(ggh)~~ The daily settlement price for Variance Futures contracts shall be determined according to the specification in Number 1.20.7 of the Eurex Contract Specifications.

[...]

~~(hhi)~~ The daily settlement price for Index Total Return Futures Contracts shall be determined according to Number 2.22.2.

~~(hij)~~ The daily settlement price for Single Stock Dividend Futures Contracts (both for contracts of the current expiry month and further expiry months) shall be determined according to [...]

[...]

2.18 Clearing of FX Futures Contracts

[...]

2.18.1 Payment Procedures

(1) Physically settled FX Futures Contracts

In case of FX Futures Contracts to be fulfilled by physical delivery (Number 1.18.2 (1) of the Eurex Contract Specifications)~~To the extent not provided otherwise~~, all payments shall be settled directly between each Clearing Member and Eurex Clearing AG on the settlement day (Number 1.18.6 (1) of the Eurex Contract Specifications) via the Continuous Linked Settlement system (“**CLS**”) operated by CLS Bank International (“**CLS Bank**”).

~~(2a)~~ Each Clearing Member must maintain an account connection with CLS Bank directly as a CLS settlement member or indirectly via a CLS settlement member (each a “**CLS Account**”). Each Clearing Member is obliged to:

~~(ia)~~ ensure its ability to effect payments in the respective currencies via its CLS Account;

~~(bij)~~ comply with the deadlines and compensation conventions established by its CLS settlement member (if applicable), Eurex Clearing AG and CLS Bank that have been communicated to it;

~~(iie)~~ enter, or arrange with its CLS settlement member to enter, the relevant instructions into the CLS system no later than 23:00 CE(S)T on the Business Day preceding the settlement day.

(3b) If settlement via CLS is not possible for whatever reason (including, but not limited to an unavailability of CLS Bank or the third party service provider through which Eurex Clearing AG connects to CLS), Eurex Clearing AG will instruct the settlement of the affected Eurex Transactions outside CLS (either on a gross or net basis) via the foreign currency accounts of the Clearing Member pursuant to Part 1 Number 1.1.2 (2) with a bank recognised by Eurex Clearing AG ("**Payment Bank**") or via the central bank accounts of the relevant Clearing Members on the settlement day. In this case Number 2.18.4 (1) (b) and (2) (b) shall apply accordingly.

(2) Cash-settled FX Futures Contracts

In case of FX Futures Contracts to be fulfilled in cash (Number 1.18.2 (2) of the Eurex Contract Specifications), to the extent not provided otherwise, all payments shall be made on the Business Day following the final settlement day (Number 1.18.4 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 respective currency of the contract in the account with a payment institution recognised by Eurex Clearing AG (available on the Eurex Clearing Website).

2.18.2 Final Settlement Price

(1)- Physically settled FX Futures Contracts

The final settlement price for FX Futures Contracts with the group ID FX01 in Annex J to the Eurex Contract Specifications is determined by Eurex Clearing AG on the final settlement day (Number 1.18.4 of the Eurex Contract Specifications) at 15:00 CE(S)T. The final settlement price corresponds to the volume-weighted average of the prices of all relevant Eurex Transactions executed during the final trading minute, provided that in such period of time more than 5 transactions have been executed. In all other cases, the final settlement price shall be determined on the basis of the average mid-price of the last displayed bid ask spot prices over a one minute interval ending at 15.00 CE(S)T as published by the data service provider designated by Eurex Clearing AG. If a determination of the final settlement price pursuant to the aforementioned rules is not possible or if the calculated price does not reflect the real market situation, Eurex Clearing AG may determine the final settlement price at its reasonable discretion (*billiges Ermessen*).

(2)- Cash-settled FX Futures Contracts

The final settlement price for FX Futures Contracts with the group ID FX02 in Annex J to the Eurex Contract Specifications is determined by Eurex Clearing AG on the final settlement day (Number 1.18.4. of the Eurex Contract Specifications) at 17:00 CE(S)T. The final settlement price corresponds to the WM/Refinitiv Fixing Rate at 17:00 CE(S)T as published by the data service provider designated by Eurex Clearing AG. If a determination of the final settlement price pursuant to the

aforementioned rule is not possible or if the calculated price does not reflect the real market situation, Eurex Clearing AG may determine the final settlement price at its reasonable discretion (*billiges Ermessen*).

The final settlement price for FX Futures Contracts with the group ID FX03 in Annex J to the Eurex Contract Specifications is determined by Eurex Clearing AG on the final settlement day (Number 1.18.4 of the Eurex Contract Specifications) based on the final end-of-month PTAX reference exchange rate for Brazilian reais per U.S. Dollar ("**PTAX Rate**") in respect of the last trading day of the respective expiring contract. If no PTAX Rate is published in respect of that day until the next exchange day following the final settlement day (taking into account any postponements of the final settlement day as set out in Number 1.18.4 of the Eurex Contract Specifications), the final settlement price shall be the daily settlement price determined on the last trading day.

If the Management Board of Eurex Deutschland orders the termination of trading based on Number 1.18.1 of the Eurex Contract Specifications and determines a price of the relevant FX rate, Eurex Clearing AG shall take into account any such determination when determining the final settlement price.

2.18.3 Fulfilment, Delivery

(1) Physically settled FX Futures Contracts

In case of FX Futures Contracts to be fulfilled by physical delivery (Number 1.18.2 (1) of the Eurex Contract Specifications), the fulfilment occurs by way of physical delivery of the relevant currency amounts via CLS as set out in Number 2.18.1 Paragraph 2.

(2) Cash-settled FX Futures Contracts

In case of FX Futures Contracts to be fulfilled by cash settlement (Number 1.18.2 (2) of the Eurex Contract Specifications), open positions from the last trading day of a Futures Contract shall be balanced on the Business Day following the final settlement day by means of a net payment credited to or debited from the internal cash account of the Clearing Member pursuant to Chapter I Part 1 Number 4.3. Such payment shall equal the difference between the final settlement price of such contract and such contract's daily settlement price on the Business Day preceding the last trading day. For positions opened on the last trading day, the booking amount shall equal the difference between the final settlement price and the trading price.

The fulfilment of FX Futures Contracts occurs by way of physical delivery of the relevant currency amounts via CLS as described in Number 2.18.1.

2.18.4 Failure to Pay with respect to physically settled FX Futures Contracts

(1) Scope of application

This Number 2.18.4 is only applicable for FX Futures Contracts to be fulfilled by physical delivery (Number 1.18.2 (1) of the Eurex Contract Specifications) and, for the avoidance of doubt, if no Termination has applied with respect to the defaulting Clearing Member.

(2) Procedures in respect of defaulting Clearing Member

~~Unless otherwise stated below, the procedure set out in this Number 2.18.4 only applies in the case that a Clearing Member's failure to settle a Eurex Transaction cannot be attributed to a Termination Event in respect of this Clearing Member. If Eurex Clearing AG determines (initially or at any time during the procedure set out herein) that a Termination Event in respect of the defaulting Clearing Member has occurred, Eurex Clearing AG will instead take measures against the defaulting Clearing Member in accordance with the Termination provisions set out in Chapter I.~~

If a Eurex Transaction cannot be settled within CLS due to the fact that a Clearing Member (i) does not provide sufficient funding on its CLS Account to cover the currency amount payable by it in respect of a Eurex Transaction on the settlement day (as per Number 2.18.1) or (ii) fails to match a corresponding settlement instruction in accordance with the CLS procedures by 23.00 CE(S)T on the Business Day immediately prior to the settlement day (for the purposes of this Number 2.18.4 a "**CLS-Defaulting Clearing Member**"), Eurex Clearing AG shall be entitled to take the following measures:

- (a) Eurex Clearing AG ~~will~~ may instruct the settlement of the Eurex Transaction outside CLS by debiting the outstanding currency amount from the relevant Payment Bank and/or central bank account of the ~~CLS-Defaulting Clearing Member on the settlement day~~. Any currency amounts payable to the ~~CLS-Defaulting Clearing Member in respect of the relevant Eurex Transaction will subsequently be credited subsequently to its relevant Payment Bank account or central bank account on the settlement day~~ as soon as reasonable possible.
- (b) If the Eurex Transaction cannot be settled outside CLS pursuant to lit. (a) due to insufficient funding on the relevant Payment Bank or central bank accounts of the ~~CLS-Defaulting Clearing Member and if Eurex Clearing AG determines that the inability of the defaulting Clearing Member to settle does not amount to a Termination Event (e.g. in the case of technical errors or a temporary general unavailability of the relevant currency), and a settlement of the relevant Eurex Transaction is therefore excluded~~ not possible, Eurex Clearing AG may, on or after the settlement day, enter directly or indirectly into one or more replacement transactions on the FX market in order to obtain the currency amount(s) on a gross or net basis that would have been payable by the ~~CLS-Defaulting Clearing Member if the relevant Eurex Transaction had been fulfilled in accordance to Number 2.18.3 (a "Buy-In")~~. Any costs, losses or

expenses incurred as a result of doing the replacement transactions will be covered by the CLS-D defaulting Clearing Member.

- (c) If a Eurex Transaction has been settled outside CLS pursuant to lit. (a), the CLS-D defaulting Clearing Member shall pay a contractual penalty to Eurex Clearing AG calculated in accordance with Chapter I Part 1 Number 14.2.2. ~~In each case, T~~ the right of Eurex Clearing AG to claim further damages in accordance with (but not limited to) Paragraph ~~(34)~~ shall remain unaffected, provided that any amount received as a contractual penalty shall be deducted from any potential claim for damages based on the same facts.

~~(23)~~ Procedures in respect of non-defaulting Clearing Member

If Eurex Clearing AG takes measures in respect of a Eurex Transaction of a CLS-D defaulting Clearing Member in accordance with Paragraph ~~(24)~~, Eurex Clearing AG may perform the following steps in respect of any corresponding Eurex Transaction with a ~~non-defaulting~~ another Clearing Member:

- (a) Eurex Clearing AG will instruct in CLS the ~~same~~ day settlement of the corresponding Eurex Transaction with the ~~non-defaulting~~ other Clearing Member to whom payment of the outstanding currency amount is due.
- (b) If the same day settlement of the corresponding Eurex Transaction in CLS is not possible (as reasonably determined by Eurex Clearing AG), ~~due to the defaulting Clearing Member's inability to settle as described in Paragraph (1)~~, Eurex Clearing AG may instruct the payment of any currency amounts payable by or to the ~~non-defaulting~~ relevant Clearing Member in respect of the corresponding Eurex Transaction either in CLS on the next possible day or outside CLS via the relevant Payment Bank accounts or central bank accounts of the non-defaulting Clearing Member on the next possible settlement day (as reasonably determined by Eurex Clearing AG).

- ~~(34)~~ The defaulting Clearing Member shall bear all costs and damages incurred by Eurex Clearing AG as a consequence of the measures taken pursuant to this Number 2.18.4.

[...]
