

Chapter I of the Clearing Conditions of Eurex Clearing AG

# General Provisions

As of 13.06.2023

\*\*\*\*\*

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

\*\*\*\*\*

[...]

## Part 1 General Clearing Provisions

### 1 General Rules

[...]

#### **1.16 Limitations regarding the Clearing of Repo Transactions by U.S. Clearing Members**

In relation to Repo Transactions, the U.S. Clearing Member represents and warrants by way of an independent guarantee and irrespective of fault (*selbständiges, verschuldensunabhängiges Garantieversprechen*) to Eurex Clearing AG that it will not clear Repo Transactions relating to a underlying security which the U.S. Securities and Exchange Commission (“**SEC**”) considers to be a “U.S. security” for purposes of Section 17A of the U.S. Securities Exchange Act of 1934 in accordance with any applicable U.S. law or decisions, orders or publications by the SEC.

##### **1.17~~6~~ FIC Board Advisory Committee**

1.17~~6~~.1 Eurex Clearing AG will establish a FIC board advisory committee (the “**FIC Board Advisory Committee**”) for the purpose of consulting with and making recommendations to the executive boards of Eurex Clearing AG, Eurex Frankfurt AG and Eurex Repo GmbH (together the “**Eurex Group**”) with respect to the FIC Matters (as defined in Number 1.15~~6~~.2), provided that this would not constitute a breach of law, a breach of an order of a court of a competent jurisdiction or of an applicable governmental, quasi-governmental or regulatory body.

1.17~~6~~.2 [...]

1.17~~6~~.3 [...]

## 2 Clearing Members

[...]

### 2.5 **Specific provisions and additional continuing obligations for U.S. Clearing Members with respect to Eurex Transactions**

An applicant legally organised and with its principal place of business in the United States of America (or any state thereof) intending to clear Eurex Transactions needs to comply with the following additional requirements: For applicants legally organised and with their principal place of business in the United States of America (or any state thereof), the general prerequisites for Clearing Licenses set out in Number 2.1.2 Paragraphs (2) to (8) shall apply accordingly if not stated otherwise below. In addition, the following provisions set out in this Number 2.5 shall also apply with respect to such applicants.

For the avoidance of doubt, this Number 2.5 does not apply to OTC IRS U.S. Clearing Members.

#### 2.5.1 **Special prerequisites and provisions for U.S. Clearing Members with respect to Eurex Transactions**

- (1) An applicant legally organised and with its principal place of business in the United States of America (or any state thereof) can only applying for a Clearing Licence for Eurex Transactions as determined from time to time by Eurex Clearing AG. can only clear those Futures Contracts and Options Contracts as specified by Eurex Clearing AG. -Eurex Clearing AG will publish a list of all futures contract transactions and options contract transactions Futures Contracts and Options Contracts which can be cleared through Eurex Clearing AG by U.S. Clearing Members on the Eurex Clearing Website.

[...]

#### 2.5.2 **Additional continuing obligations for U.S. Clearing Members with respect to Eurex Transactions**

[...]

### 2.6 **Specific provisions and additional continuing obligations for U.S. Clearing Members with respect to Repo Transactions**

An applicant legally organised and with its principal place of business in the United States of America (or any state thereof) intending to clear Repo Transactions needs to comply with the following additional requirements:

- (i) An U.S. Clearing Member admitted for trading at Eurex Repo shall provide Eurex Clearing AG – without any further request by Eurex Clearing AG - with a copy of

Form 1042-S, which the U.S. Clearing Member submits to the U.S. Internal Revenue Service, by no later than 15 March of each calendar year.

- (ii) U.S. Clearing Members are only entitled to clear Repo Transactions as Own Transactions.
- (iii) An U.S. Clearing Member shall be a broker-dealer registered with the U.S. Securities and Exchange Commission under Section 15 (b) of the U.S. Securities Exchange Act.

[...]

\*\*\*\*\*