



Trading Conditions

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1 Table of Contents

1	Table of Contents	2
2	General Provisions.....	4
	§ 1 Scope of Application; Types of Trades	4
	§ 2 Exchange Days, Trading Hours, Business Hours and Settlement Days.....	4
	§ 3 Products	4
	§ 4 Binding Nature of Transactions	5
	§ 5 Delivery and Acceptance Periods.....	5
	§ 6 Settlement and Fulfilment of Transactions	5
	§ 7 Contractual Relationships.....	5
	§ 8 Pre-arranged Trades and Cross Trades	6
	§ 9 Cancellation of Trades and Orders.....	7
	§ 10 Objections against Transactions.....	7
	§ 11 Provisions regarding Access	7
	§ 12 Transmission of Orders	8
	§ 13 Trading on Behalf of the Exchange Participants (Trading on Behalf).....	8
	§ 14 Technical Problems within the Trading Systems of EEX.....	8
	§ 15 Technical Disruptions concerning a Trading Participant	9
3	Provisions for Trading on the Spot Markets of EEX	10
	§ 16 Scope of Application.....	10
	§ 17 Products, Forms of Trading and Trading Systems	10
	§ 18 Types of Orders.....	10
	§ 19 Trade Limits.....	10
	3.1 Special Provisions for Continuous Trading within the ComXerv Trading System.....	11
	§ 20 Orders	11
	§ 21 Recording and Administration of Orders	11
	§ 22 Execution of Orders.....	12
	3.2 Special Provisions for Continuous Trading within the Trayport® ETS SM Trading System.....	12
	§ 23 Types of Orders.....	12
	§ 24 Recording and Administration of Orders	13
	§ 25 Execution of Orders.....	14
	3.3 Special Provisions for Primary Auctions of Emission Rights in Accordance with the Provisions of the Commission Regulation (EU) No. 1031/2010*.....	14
	§ 26 General Regulations.....	14
	§ 27 Execution of Auctions	14
	§ 28 Auction Calendar.....	15
	§ 29 Bidders and Order Types.....	15
	§ 30 Pricing and Execution of Orders, Cancellation	16
	§ 31 Measures by the Management Board of the Exchange	16
4	Provisions for Trading on the Derivatives Markets of EEX	17
	4.1 General Regulations.....	17
	§ 32 Scope of Application.....	17

§ 33 Products, Form of Trading and Trading Systems.....	17
§ 34 Orders	17
4.2 Special Provisions regarding Continuous Trading within the Trading System T7	18
§ 35 Trading Hours and Trading Phases	18
§ 36 Types of Orders.....	18
§ 37 Quotes.....	19
§ 38 Pre-Trade Limits.....	19
§ 39 Combined Instruments	20
§ 40 Execution of Orders.....	20
§ 41 Execution of Market Orders	22
§ 42 Execution of Limit Orders	23
§ 43 Execution of Stop Orders by means of Future Contracts	23
4.3 Special Provisions regarding Continuous Trading within the Trayport® ETS SM Trading System	23
§ 44 Trading Time and Trading Phases.....	23
§ 45 Types of Orders.....	24
§ 46 Execution of Orders.....	25
4.4 Special Provisions regarding the Primary Auction of Emission Rights	25
§ 47 General Regulations.....	25
§ 48 Exchange Times and Trading Phases	25
§ 49 Tradable Products	26
§ 50 Order Types, Recording and Administration of Orders	26
§ 51 Pricing and Execution of Orders in the Primary Auction.....	26
§ 52 Measures by the Management Board of the Exchange	27
4.5 Position Account-Keeping for the Exchange Participants	27
§ 53 Position Administration	27
5 Final Provisions.....	29
§ 54 Place of Performance	29
§ 55 Effective Date	29

2 General Provisions

§ 1 Scope of Application; Types of Trades

- (1) The following trading conditions shall govern all Spot and Derivatives transactions, which are concluded or registered on the partial markets of the European Energy Exchange (EEX).
- (2) In case reference is made to EEX in these provisions, this shall comprise all partial markets of EEX.
- (3) The products of EEX are traded in the closed auction, in the open auction or in continuous trading with and without open auctions.

§ 2 Exchange Days, Trading Hours, Business Hours and Settlement Days

- (1) Trading on EEX shall generally take place from Monday to Friday.
- (2) Trading hours are those times during which the products on the sub-markets of EEX can be traded. Trading is also permitted on days which are not exchange trading days provided this was announced by the Management Board of the Exchange in due time. The Management Board of the Exchange can specify with regard to individual products that these are not tradeable on all exchange trading days.
- (3) Exchange trading days may be ascertained differently according to product and sub-market. The Management Board of the Exchange publishes for all products the list of holidays, respectively, which are not exchange trading days, in the annex to the Contract Specifications. Furthermore, it announces the trading times for the single products which can be traded on EEX.
- (4) The business hours are from 7:30 am until 06:00 pm on every Exchange Day of EEX.
- (5) Settlement Days are the days on which financial and/or physical settlement of the transaction on EEX is effected by European Commodity Clearing AG (ECC AG) (ECC business days). ECC AG publishes a list of days from Monday to Friday which are not ECC business days.

§ 3 Products

- (1) Products are contracts which have been admitted to spot or derivatives trading on EEX by the Management Board of the Exchange.
- (2) The contracts, which are admitted to spot or derivatives trading on EEX, are stipulated in the contract specifications attached to these trading conditions.
- (3) The latest version of the contract specifications appended to these trading conditions is an integral part of these and, hence, forms the basis for all business carried out on EEX.

§ 4 Binding Nature of Transactions

With regard to an exchange participant or trade registration participant all those transactions shall be binding which are brought about by means of his input devices or by means of his allotted technical access (Member ID) and accordingly on his behalf and on his account.

§ 5 Delivery and Acceptance Periods

The delivery and acceptance periods resulting from transactions concluded on the partial markets of EEX are fixed periods within the meaning of Art. 376 HGB [German Commercial Code], in particular, with the result that a right to resign from the transaction and to demand compensation on grounds of non-performance in the event of culpable non-compliance with the deadline arises from a non-compliance with said deadline.

§ 6 Settlement and Fulfilment of Transactions

The trades concluded or registered by the EEX exchange participants are fulfilled financially or physically in accordance with the respective provisions in the contract specifications. Fulfilment, settlement and securitisation of the transactions concluded or registered on EEX (clearing) are provided by ECC AG in its capacity as the clearing house (CCP). Clearing of all transactions concluded or registered on EEX shall exclusively be effected according to the Clearing Conditions of ECC AG in the version effective at the time of the provision of the service in accordance with the more detailed provisions in § 7.

§ 7 Contractual Relationships

- (1) The transactions on the Spot Market of EEX shall only be concluded between the ECC AG and an exchange participant. The integration of the clearing members of ECC AG into the settlement of the trades concluded shall depend on the provisions of the current version of the Clearing Conditions of the ECC AG.
- (2) The transactions on the Derivatives Markets of EEX shall only be concluded between ECC AG and an institution which holds a clearing license (general clearing member or direct clearing member). In case an exchange participant is not authorized to carry out clearing itself (non-clearing member) transactions shall only be concluded by means of the clearing member, via whom the participant settles his transactions on EEX. If an order entered into a trading system of EEX is matched with another order, a transaction is concluded between the non-clearing member and the clearing member and, at the same time, a corresponding transaction is concluded between the clearing member and ECC AG. If, in accordance with the trading conditions, performance by delivery is necessary, from the time a contract has to be delivered only the exchange participant is obliged to take or make delivery pursuant to section 3.4.2 of the Clearing Conditions.
- (3) The provisions of this article concerning exchange participants shall apply accordingly to enterprises or institutions that have been admitted as auctioneers.

§ 8 Pre-arranged Trades and Cross Trades

- (1) Transactions which are to be concluded according to a prior arrangement between two exchange participants by entering consecutive orders in continuous trading which could be executed against each other (Pre-arranged trades) are not permitted unless the requirements of Paragraphs (4) or (5) are fulfilled.
- (2) Entering of opposite orders by a single exchange participant with respect to the same product which could be matched with each other in the trading system for continuous trading so that a transaction is effected (cross trades), is not permitted in case the exchange participant knowingly acts for its own account or for the account of a customer on both the bid and ask side unless the requirements of Paragraph (4) or (5) are fulfilled. This does not apply to the submission of orders as part of a quote.
- (3) An Exchange Participant may submit a written description of his internal and external links to the IT system of the Exchange to the Market Surveillance of EEX on the basis of which it will decide whether the Exchange Participant acted knowingly within the meaning of Paragraph 2.
- (4) A cross trade or a pre-arranged trade is admissible to be entered into the trading system T7 if the purchaser, prior to entering his order or quote, enters a cross request into the trading system. The purchaser and the seller must enter the cross trade or pre-arranged trade at the earliest after five seconds and at the latest after 65 seconds after having entered the cross request into the trading system. The order or quote must comply with the announced number of contracts.
- (5) A cross trade or a pre-arranged trade is admissible to be entered into the trading systems ComXerv and Trayport[®] ETSSM, if
 - the exchange participant has been activated within the trading system accordingly after prior notification,
 - the buyer has informed Market Supervision about his intention to enter a cross trade or a pre-arranged trade prior to the entry of his order by means of the hotline +49-341-2156-335 and
 - the price of the cross trade or the pre-arranged trade is not suited to send misleading signals into the market.

The purchaser and the seller may enter the order precipitating the cross trade or the pre-arranged trade only after Market Supervision has published the cross request in the trading system. The respective orders must be entered into the trading system at the earliest after five seconds and at the latest after 65 seconds after the cross request has been published. All decisions by Market Supervision with regards to the admissibility of the cross trades or pre-arranged trades are final and binding.

- (6) Paragraphs (1) and (2) shall apply accordingly to other kinds of conduct which constitute a circumvention of the regulation. Such other kinds of conduct within the meaning of this paragraph shall include, in particular, the misuse of quotes.

§ 9 Cancellation of Trades and Orders

The Management Board of the Exchange shall be entitled to cancel trades or orders ex officio provided this is required in order to ensure proper trading on the exchange or in order to safeguard the correctness of the settlement of exchange transactions.

§ 10 Objections against Transactions

- (1) Objections against a transaction which has been concluded in the order book can only be asserted with reference to errors in the corresponding trading system of EEX or to bad mistakes which can be recognised objectively during entering of volumes or prices. The detailed provisions shall be specified by the Management Board of the Exchange. Moreover, the Management Board of the Exchange can specify that objections are excluded with regard to certain products or determine other rights, such as i.e. withdrawal rights.
- (2) Objections may be raised additionally against transactions that are based on entries which have not been conducted by the exchange participant or the trade registration participant itself with the reason that the entries have not been conducted or transmitted according to his allowance or without his mandate. Further provisions are stipulated within the Trade Registration Rules.
- (3) Objections shall be raised towards the Management Board of the Exchange in writing or in text form forthwith. By means of raising said objection the cancellation of the trade by the Management Board of the Exchange shall be requested. The Management Board of the Exchange shall decide on requests regarding the cancellation of a trade immediately and at the latest within 24 hours. The expenses incurred by EEX on account of the cancellation and reversed transaction shall be refunded by the exchange participant requesting the cancellation, unless such cancellation is entirely based on an error within the corresponding trading system. Claims to damages on the part of EEX AG or of the clearing institutions included towards the exchange participant upon whose request the transaction was cancelled shall not be affected by this.

§ 11 Provisions regarding Access

- (1) Every exchange participant shall be responsible for controlling access to his input devices and other EDP devices which are connected to the trading systems of EEX.
- (2) The exchange participants are obliged to take effective precautions against any improper use of their entire EDP which is connected to EEX and to monitor access to the corresponding devices continuously.
- (3) Every exchange trader receives individual access authorisations to the trading systems. He is not permitted to forward these individual access authorisations to any other person and he is obliged to take effective precautions against any improper use of his individual access authorizations. This paragraph shall apply accordingly for persons who make entries into the systems for a Trade Registration Participant.

§ 12 Transmission of Orders

- (1) Exchange participants shall transfer entries for order book trading (entering, modifications and deletion of orders) to then respective trading systems of EEX from their input units by means of electronic data transmission. The use of the Trade registration Functionality of the trading systems of EEX shall be carried out according to the provisions stipulated within the Trade Registration Rules.
- (2) Only admitted exchange traders are permitted to submit entries to the trading systems; entries made to register trades in accordance with the more detailed provisions of the Trade Registration Rules shall be exempt from this.
- (3) The Management Board of the Exchange may permit other ways of transmitting the entry, modification and deletion of orders into the systems of EEX. In this case, it shall inform the exchange participants in due manner.

§ 13 Trading on Behalf of the Exchange Participants (Trading on Behalf)

- (1) In particular in the event of technical malfunctions or other obstacles to access to the trading systems on the part of a trading participant, the Management Board of the Exchange can make entries in the trading systems on his behalf and in accordance with specific instructions and for said party (trading on behalf). Trading-on-behalf orders may only be issued by a licensed exchange trader of the trading participant concerned. For participation in primary auctions of emission rights the Management Board of the Exchange may permit other registered persons to submit orders. EEX checks the legitimation for submitting orders by the active user login. Orders can be issued via phone, in text form (fax, e-mail) or in writing. Orders placed via phone shall be confirmed at least in text form forthwith; orders in text form shall be promptly confirmed via phone.
- (2) EEX shall only be liable for cases of damage which a trading participant sustains in the context of trading on behalf, in particular, on account of incorrect entries in as far as premeditation or gross negligence on the part of its bodies or vicarious bodies can be proven. In this case, however, the liability of EEX shall be limited to the amount of the damage typical of the contract which was foreseeable upon the conclusion of the contract. EEX is entitled to refuse orders for trading on behalf without having to give reasons.

§ 14 Technical Problems within the Trading Systems of EEX

- (1) Upon the occurrence of technical problems or if it is evident for further technical development, the Management Board of the Exchange, or third parties mandated by the Management Board of the Exchange, may temporarily interrupt access to the trading systems of EEX or trading on EEX for individual or all exchange participants in part or entirely. As far as the Management Board of the Exchange deems necessary, it can take suitable measures in order to ensure that trading is possible. The measures taken by the Management Board of the Exchange in accordance with sentences 1 and 2 are binding for all exchange participants.

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- (2) Exchange participants affected by technical problems of the EEX trading system shall be notified of such measures to the extent possible pursuant to paragraph (1) through the system or, in the event of a system failure, per fax or in another suitable manner.
 - (3) Should individual exchange participants not be able to participate in trading on EEX because of technical disruptions, the corresponding trading system of EEX shall remain available to the other exchange participants, unless the Management Board of the Exchange of the exchange decides that measures in terms of paragraph (1) sentence 2 are necessary to ensure that trading is possible.

§ 15 Technical Disruptions concerning a Trading Participant

- (1) Each exchange participant must be reachable at any time during the business hours.
- (2) During the business hours the exchange participant shall promptly notify the Management Board of the Exchange if the entry or the receipt of data is totally or partly impossible as a result of disruptions of its operations or governmental action. Upon request, the Management Board of the Exchange may cancel orders entered by such exchange participants; otherwise, section 14 paragraph 3 shall apply accordingly.
- (3) The exchange participant must immediately notify the Management Board of the Exchange of any failure of his telephone system or of any other problem which makes communication by telephone impossible.

3 Provisions for Trading on the Spot Markets of EEX

§ 16 Scope of Application

The rules below shall apply to all transactions which are concluded or registered on the EEX Spot Markets.

§ 17 Products, Forms of Trading and Trading Systems

- (1) On the EEX Spot Markets products can be traded in closed or open auctions and in continuous trading.
- (2) Continuous trading takes place within the trading systems ComXerv and Trayport[®] ETSSM with trading of products in natural gas taking place in Trayport[®] ETSSM and secondary trading in emission allowances being effected in ComXerv.
- (3) Primary auctions of emission rights (EU emission allowances and others) are carried out on the ComXerv Auction System.

§ 18 Types of Orders

- (1) Orders are buy and/or sell orders of exchange participants on the EEX Spot Markets.
- (2) Orders may also be entered as quotes. A quote is the technical possibility to generate a limited buy and a limited sell order of a contract in the system. Orders, generated through quotes, reach execution, according to the terms of their execution, independently of other, simultaneously generated orders. They may, however, as quote be changed as single orders or collectively changed for a Product, or cancelled, as well as entirely taken out of trading.
- (3) In auction trading, orders can also be referred to as bids.
- (4) Orders are only valid for the trading system into which they are entered. Transmission into another trading system or the order book of another trading system is not effected.
- (5) In as far as orders cannot be executed or deleted immediately after they are entered into the trading systems in accordance with their execution conditions, they are saved in electronic order books.
- (6) Executable orders in the order book are carried out through order execution in accordance with the rules valid for the respective trading phase.
- (7) Orders in the order book can be modified or deleted at any time. All orders of one trading participant in the order book can be deleted by EEX at the trading participant's request. Modifications of an order which concern the price or increase in the number of contracts are considered a new order and, as a result, they are given a new position in the chronological order in the order book.

§ 19 Trade Limits

- (1) Every trading participant is assigned trade limits in accordance with the provisions of ECC AG on the basis of the risk assessment carried out by the supporting clearing members.

A trade limit is a limit established through a monetary amount within which the trading participant can buy contracts in continuous trading on the Spot Markets of EEX between two ECC business days. Sales not settled yet are taken into account with regard to the trade limit.

- (2) Trading participants must not enter buy orders which would cause their trade limits to be exceeded.

3.1 Special Provisions for Continuous Trading within the ComXerv Trading System

§ 20 Orders

- (1) Orders may only be entered as Limit Orders into the trading system. Limit Orders are buy or sell orders which are subject to a price limit and which can only be executed for this price or better. When they are entered into a trading system of the EEX Spot Markets, the orders must contain the following data:

- buy/sell offer (bid/ask);
- products;
- number of contracts;
- price limit.

Orders must be entered as proprietary orders or as customer orders. Further details shall be determined by the Management Board of the Exchange.

- (2) The Management Board of the Exchange shall determine the minimum number of contracts (minimum trading size) for each product. Only orders above the respective minimum trading size or integral multiples thereof are eligible for trading and may be executed.
- (3) Orders may be provided with one of the following specifications for execution:
 - immediate execution in full or cancellation of the order (Fill or kill);
 - immediate execution of the order to the extent possible and cancellation of the unexecuted part (Immediate-or-cancel);
 - a Limit Order entered into a trading system of the EEX Spot Markets with a specific overall quantity, but put in the order book only successively with a specific part of the volume at the fixed price limit (Iceberg).
- (4) In the case of orders subject to the execution condition "Iceberg", the Management Board of the Exchange shall determine the minimum overall quantity of such order and the minimum peak quantity which, on the basis of such order, shall be entered in the order book for the individual product.

§ 21 Recording and Administration of Orders

- (1) All entered orders shall be marked with a time stamp and a transaction identification number. Orders that do not meet the minimum requirements will be rejected. The exchange participant shall be informed of the recording of orders by the trading system.

- (2) For each tradable product, an order book shall be kept in which all orders shall be ranked and administered according to price and date of entry. Amendments to an order shall result in a new chronological ranking in the order book when these concern the price or other terms of the order, particularly an increase in the lot size, which can have a detrimental effect on the ability of other orders to be executed.
- (3) Individual Orders in the order book can be amended or cancelled at all times. All orders of an exchange participant may be cancelled by the Management Board of the Exchange upon application by such exchange participant.
- (4) In addition, existing orders shall be cancelled if a contract (delivery day or delivery period) is no longer tradable.

§ 22 Execution of Orders

- (1) During continuous trading, orders entered that can be executed with one another shall be matched up and the transactions shall be concluded. The trading system ranks the orders initially according to price. The highest sell limit and/or the lowest buy limit shall be ranked first; if the price is the same, the chronological order of entry is decisive (price-time priority).
- (2) If incoming orders cannot be executed or can only be executed in part, they shall be transferred into the Order Book, unless the execution condition provides for immediate cancellation.

3.2 Special Provisions for Continuous Trading within the Tray-port[®] ETSSM Trading System

§ 23 Types of Orders

- (1) Orders may only be entered into the trading system as Limit Orders. Limit Orders are buy or sell orders which are subject to a price limit and which can only be executed for this price or better. When they are entered into a trading system, the orders must contain the following data:
 - buy/sell (bid/ask),
 - product,
 - number of contracts and
 - price limit.

The bid or ask limit of an order must not correspond to or exceed the limit of an opposite order available in the trading system. Orders with such a limit are not accepted by the trading system.

- (2) The Management Board of the Exchange shall determine the minimum number of contracts (minimum trading size) for each product. Only orders above the respective minimum trading size or integral multiples thereof are eligible for trading and may be executed.
- (3) Orders may be provided with one of the following specifications for execution:

- immediate full execution or deletion of an entered order with specification of a price limit (market-to-limit) or entry of the order volume only (must-be-filled);
 - complete execution of the order only (all-or-none);
 - as a Limit Order entered into a trading system of the EEX Spot Markets with a specific overall quantity, but put in the order book only successively with a specific part of the volume at the fixed price limit (Iceberg).
- (4) In the case of orders subject to the execution condition “Iceberg”, the Management Board of the Exchange shall determine the minimum overall quantity of such order and the minimum peak quantity which, on the basis of such order, shall be entered in the order book for the individual product.
- (5) If this is provided for with regard to certain products or product combinations, combined orders can also be entered. A combined order consists of two limit orders regarding the purchase and sale of the same number of contracts of various products or market areas entered at the same time (product spread). Combined orders must be provided with a price specification which corresponds to the spread between the bid and ask price of both individual orders. As a result of combined orders so-called implied orders can be displayed within the system for the product on which the combined orders are based. Implied orders are not orders within the meaning of the Trading Conditions and, for this reason, they cannot be executed.

The Management Board of the Exchange determines the possible combined orders. It can also permit combined orders with order books of other exchanges provided entering of orders is only permitted for trading participants that are licensed to trade on both exchanges and provided compliance with the execution conditions is safeguarded.

§ 24 Recording and Administration of Orders

- (1) All entered orders shall be marked with a time stamp and a transaction identification number. Orders that do not meet the minimum requirements will be rejected. The exchange participant shall be informed of the recording of orders by the trading system.
- (2) For each tradable product, an Order Book shall be kept in which all orders shall be ranked and administered according to price and date of entry. Amendments of an order shall result in a new chronological ranking in the Order Book when these concern the price or other terms of the order and, in particular, in the case of an increase in the lot size, which can have a detrimental effect on the ability of other orders to be executed. Combined orders are not kept in separate order books and are executed with the orders in the order books of the respective products or executed with matching opposite combined orders.
- (3) Orders in the order book can be amended or deleted at any time. All orders by an exchange participant can be deleted by the Management Board of the Exchange upon an application to this end by the exchange participant concerned.
- (4) Existing orders are deleted if a contract (delivery day or delivery period) is no longer tradable.

§ 25 Execution of Orders

- (1) An order which has been entered into the trading system is executed by clicking the order. Clicking constitutes the entry of an opposite order. Both the execution price and the volume are determined by the existing order; partial execution shall be possible.
- (2) If incoming orders cannot be executed or if such cannot be executed in their entirety, they are transferred to the order book unless the execution conditions provide immediate cancellation of such.

3.3 Special Provisions for Primary Auctions of Emission Rights in Accordance with the Provisions of the Commission Regulation (EU) No. 1031/2010*

* Articles referred to below in this section without further reference are articles of the Commission Regulation (EU) No. 1031/2010 (Auction Regulation).

§ 26 General Regulations

- (1) Primary auction of emission rights is effected as an element of exchange trading of EEX.
- (2) In addition to the rules and regulations of EEX, the respectively valid national or European statutory bases are applicable to the respective auctions.
- (3) EEX is the exchange carrying out the primary auction of emission allowances.
- (4) The respectively competent national or European institution or a third party commissioned by it (auctioneer) shall provide the emission rights to be auctioned off. Trading participants other than the auctioneer are not entitled to conclude sales transactions in the framework of the primary auction.

§ 27 Execution of Auctions

- (1) Exchange trading for the primary auction of emission rights takes place by means of single-round, closed and uniform price auctions.
- (2) The auction will follow the format required in the EU Auctioning Regulation and comply with the respective contracts between EEX and those institutions which appointed or selected EEX as the respective auction platform. An auctioneer's participation in a primary auction shall be excluded unless the emission rights to be auctioned have been submitted to the corresponding auction delivery account of ECC Lux at the Union registry by, at the latest, 10:00 CET two days before the auction in accordance with the valid auction table.
- (3) The call phase (bidding window) and the pricing phase are the trading phases for the auction.
- (4) EEX will obtain and take the utmost account of the Commission's opinion with regard to auctions according to Art. 26 and of the opinion of the competent national authority of the respective Member State with regard to auctions according to Art. 30.

§ 28 Auction Calendar

- (1) EEX determines and publishes the auction calendars for auctions as per Art. 26 and for auctions as per Art. 30 in compliance with Art. 8 and per product to be auctioned (EUA and EU-AA) in accordance with the more detailed provisions of Art. 11 and 13 on the basis of the annual auction volumes.
- (2) The timing and frequency of auctions are determined in accordance with the more detailed provisions in Art. 8.
- (3) EEX shall adjust the respective auction calendar in the cases as per Art. 14 (1).
- (4) Provided the Emission Allowances have been transferred to the respective ECC Lux Auction Delivery Account in accordance with Art. 46, the Auction Calendar in its respectively valid version shall determine the volume which will be auctioned off at the next auction.
- (5) The Auction Calendar shall comprise, at least, the following information:
 - a. auction dates and times, including the duration of the call phase (bidding window)
 - b. volumes to be auctioned (including disclosure of the amounts per auctioneer) and
 - c. the auctioned product.

§ 29 Bidders and Order Types

- (1) Buy orders can only be entered by Exchange Participants who are admitted and entitled to bid in a primary auction in accordance with Chapter IV of the Auction Regulation (Eligibility).
- (2) Entering, deletion or modification of orders is only admissible during the call phase.
- (3) Orders have to be entered into the trading system or by using trading on behalf, § 13 applies mutatis mutandis. To ensure proper handling of orders submitted through trading on behalf, these orders may only be submitted up until 10 minutes before the end of the call phase.
- (4) Bidding Orders can only be entered into the trading system as limit orders. Limit orders are buy orders with a price limit which can only be carried out at this price or at a better price. Upon entering into the trading system the limited buy orders have to comprise the following information:
 - Buy (bid),
 - Price limit specified to two decimal points,
 - Product and
 - Number of contracts (at a minimum lot size of 500 or a multiple thereof).

Upon entering into the system orders have to be marked as own orders or customer orders. In case the trading participant enters a customer order, the identity of the customer has to be named in the customer field provided by the trading system or on the written order. It is the sole responsibility of the trading participant to ensure the eligibility of the customer in accordance with the Auction Regulation (Chapter 4).

- (5) All orders which are still valid at the end of the call phase are binding. The Management Board of the Exchange may withdraw that order after the end of the bidding window but be-

fore the auction clearing price has been determined - upon request of the trading participant - in case a genuine mistake has been made in the submission of the order.

§ 30 Pricing and Execution of Orders, Cancellation

- (1) A potential execution price is not displayed during the call phase ("black box auction").
- (2) After the end of the call phase pricing is carried out as uniform pricing in the auction by means that all successful bidders will pay the same auction clearing price.
- (3) The limit price of the order at which the sum of the volumes bid matches or exceeds the volume of allowances auctioned shall be the auction clearing price: The orders are sorted according to the height of the price limit and the quantities specified are added up. Where the price limit of several orders is the same, these orders will be sorted through a random selection according to an algorithm determined by EEX before the auction. The price which is identical with the price limit of the orders at which the added-up buy orders reach or exceed the quantities offered on the sell side.
- (4) Orders not carried out are deleted after the auction.
- (5) The trading participants are informed of the prices established in the auctions as well as of the execution of their orders by the trading system. Said information contains all essential trading and transaction data.
- (6) Not later than 15 minutes after the end of the call phase, EEX will publish the following information about the auction on its website
 - a. the volume of the allowances auctioned;
 - b. the auction clearing price in euros;
 - c. the total value of the auction and

the distribution of the revenues between the Member States, in the case of auctions of EEX pursuant to Article 26(1) or (2).

- (7) If the amount of bidding orders does not meet the offer of EU emission allowances a price determination does not take place and the respective auction will be cancelled. The same applies if the estimated auction price does not reflect the orderly market value (reference price procedure as per Art. 7 (6))) and the other cases as foreseen in Art. 9.

§ 31 Measures by the Management Board of the Exchange

- (1) In order to maintain an orderly situation on the market, especially in case of incorrect entries or other events affecting proper pricing the Management Board of the Exchange can take adequate measures in accordance with the Auctioning Regulation for a proper price calculation or cancel an auction.
- (2) In case an auction is not held on an auction date due to technical reasons or an insufficient bidding volume or in case an auction carried out is cancelled by the Management Board of the Exchange, the volumes to be auctioned will be allocated to the following auctions in accordance with Art 7 (8), 9 or 14.
- (3) Trading participants interfering with the proper course of the auction can be excluded from participation therein.

4 Provisions for Trading on the Derivatives Markets of EEX

4.1 General Regulations

§ 32 Scope of Application

The provisions herein below apply to all derivatives transactions which are concluded or registered on the Derivatives Markets of EEX.

§ 33 Products, Form of Trading and Trading Systems

- (1) On the EEX Derivatives Markets, products can be traded in closed or open auctions and in continuous trading.
- (2) On the EEX Derivatives Markets, continuous trading is carried out via the trading systems T7 and Trayport[®] ETSSM with trading in products regarding power, coal, guarantees of origin and secondary trading in products regarding emission rights being carried out on T7 and trading in natural gas products taking place on Trayport[®] ETSSM.
- (3) Primary auctions of emission rights are carried out on T7.
- (4) The beginning and the end of the trading hours for the individual products are determined by the Management Board of the Exchange.

§ 34 Orders

- (1) Orders are buy and/or sell orders of exchange participants on the EEX Derivatives Markets.
 - (2) In auction trading, orders can also be referred to as bids.
 - (3) Depending on the form of trading, orders can be entered into the respective trading system in the form of:
 - Unlimited orders (Market Orders);
 - Limited orders (Limit Orders).
- Market orders are bid or ask orders which are entered without a price limit and are to be executed at the next price determined by the EEX trading system. Limit orders are bid and ask orders which are entered with a price limit and which are executed at this price limit or better.
- (4) Orders are only valid for the trading system into which they have been entered. A transfer to another trading system or to the order book of another trading system is not effected.
 - (5) In as far as orders are not executed or deleted after their entry into the trading systems in accordance with the execution conditions, they are saved in electronic order books.
 - (6) Executable orders in the order book are executed in accordance with the rules regarding the execution of orders which are valid for the respective trading phase.

- (7) Orders in the order book can be amended or deleted at any time. All orders by an exchange participant in the order book can be deleted by EEX upon the exchange participant's request. Amendments of an order which concern the price or in the case of an increase in the number of contracts are considered a new order with the consequence that these are given a new chronological rank in the order book.

4.2 Special Provisions regarding Continuous Trading within the Trading System T7

§ 35 Trading Hours and Trading Phases

- (1) The trading hours for derivatives trading are made up of the three successive periods:
- Pre-Trading Period
 - Trading Period and
 - Post-Trading Period.
- (2) Orders and quotes can be entered into the trading systems during the Pre-Trading Period.
- (3) An opening auction is carried out upon the start of the trading phase; afterwards, the contracts are traded continuously. The Trading Period expires with the lapse of time. It can be interrupted for the execution of auctions according to the rules and directions of the exchange.
- (4) After the end of the Trading Period, the trading systems are available to exchange participants for the entering and querying of data.

§ 36 Types of Orders

- (1) The following orders may be entered into the trading system by the exchange participants:
- market orders,
 - limit orders,
 - stop orders,
 - limit orders with stop limit (OCO orders).

Stop orders are bid or ask orders, of a certain number of Futures contracts, which have a certain price specification (stop limit). After the price limit is reached, the stop orders are executed like other incoming market orders.

OCO orders combine the characteristics of limit orders and stop orders within a single order. If they are executable on the basis of the execution limit, an order is executed in its entirety or in part like a limit order. Any residual volume which might still remain is still subject to the execution rules of the OCO order. If the order is executable on the basis of the price which triggers the stop, the OCO order which is in the order book until the stop is triggered, it is converted into a market order in its entirety and included in continuous trading as such.

- (2) The minimum contents of an order are the specifications if the contract is to be bought or sold, the product (Future or Option), the delivery as well as the number of contracts. In the case of Options, the Options type (Call/Put) and strike price are also to be entered.
- (3) Orders must be identified upon their entry as either orders on one's own behalf or on behalf of customer accounts and, for purposes of recording, as opening or closing trades, as long as they are not to be traded as net positions.
- (4) Orders can have the following conditions regarding their validity:
 - only valid on that day (good for day),
 - valid until withdrawn (good till cancelled), or
 - valid until expiry of the specific period (good till date).

Market orders which are entered without validity specification are only valid through the end of the Trading Period of that trading day. To the extent that they were not executed, Market Orders having no validity specification will be deleted after the Trading Period of the relevant trading day from the systems of the exchange.

- (5) Orders may be provided with the following specifications for execution upon their entry:
 - Immediate-or-cancel or
 - One cancels the other.

Immediate-or-cancel orders are executed immediately and to the extent possible with the unexecuted part cancelled.

§ 37 Quotes

- (1) A quote is the technical possibility to generate a limited buy and a limited sell order of a contract in the system. Quotes are also possible with combined instruments.
- (2) Orders, generated through quotes, reach execution, according to the terms of their execution, independently of other, simultaneously generated orders.
- (3) Quotes are shown separately in the system and in the order book. Should they fail to be executed in their entirety or in part, the current holding can be individually changed for single orders or collectively charged for a Product, or cancelled, as well as entirely taken out of trading by the exchange participant for a period of time. All of the exchange participant's quotes can be deleted from the order book by EEX upon the exchange participant's request.
- (4) Whenever a quote contained in the Order Book is amended by a change in price or an increase in the number of units, that quote shall constitute a new entry of all individual orders comprised.
- (5) Quotes are only valid for the day of entry. Each new activation constitutes a new entry.

§ 38 Pre-Trade Limits

- (1) A pre-trade limit is the possibility of limiting orders, which can be entered into the trading systems by an exchange participant and which is provided technologically within the trading

system. Provided a corresponding agreement has been concluded by the clearing member with its non-clearing member, the clearing member of ECC, which provides settlement for said trading participant, is entitled to enter pre-trade limits. Pre-Trade Limits are not possible in trading within the Trayport[®] ETSSM trading system.

- (2) Pre-trade limits can contain the individual restrictions specified herein below or a combination of these:
 - Maximum number of contracts with reference to a product per contract. With regard to this, the following limit is taken into account in accordance with the respective type of order:
 - maximum number of contracts per order (“Maximum Order Quantity”), in as far as such do not refer to combined orders or
 - maximum number of contracts per combined order (“Order Maximum Calendar Spread Quantity”) with reference to certain products.
 - Maximum amount of available total margins or special margins for further trading activities.
- (3) If one of the limits described in paragraph (2) is reached, the system can take measures to stop the forwarding of orders by the exchange participant concerned into the trading systems and, hence, discontinue the matching of such with other orders. Orders which have already been entered into the order books are deleted.
- (4) If certain limits are exceeded, the details shall be determined in an agreement between the Exchange participant and his Clearing Member, further entering or execution of orders can be limited for the duration of the exceedance and existing orders can be deleted.

§ 39 Combined Instruments

- (1) A combined instrument is a combination of various contracts (“leg instruments”) whose execution is interdependent. A combined instrument can comprise individual leg instruments several times. The IT system of the Eurex exchanges supports the following combination types:
 - A time spread is a combined instrument consisting of two contracts of the same futures product which only differ with regard to their maturity (time spread) with one contract being bought and the other contract being sold.

The Management Board of the Exchange can introduce further combined instruments.

- (2) With regard to combined instruments only limit orders can be entered into the system of the Eurex exchanges.
- (3) Orders regarding combined instruments are saved in a specific order book; they can be carried out against corresponding executable orders in the order book of the combined instrument or against orders in the respective leg instruments.

§ 40 Execution of Orders

- (1) During the opening auction of the trading phase transactions are concluded as follows in accordance with the principle of the most executable volume:

During the balancing process, the biggest possible number of executable orders available within the system is matched at the opening price for every option series and every futures contract. If there are no executable matching orders during the opening auction of a contract, the opening auction ends without the determination of an opening price.

- (2) During continuous trading of the trading phase transactions are concluded as follows:

An order is checked for executability with the orders in the order book in line with its validity specification. If an order entered cannot be executed right away, it is entered in the order book in accordance with its price and time priority unless this is precluded by an order restriction.

If the order entered can be executed with matching orders in the order book, these are allocated to each other and matched automatically. In this process, an incoming sell order is matched with the order on the buy side of the order book with the respective highest ask price (best price on the ask side), while an incoming buy order is matched with the respective order on the sell side with the respective lowest bid price (best price of the bid side). If there are several orders with the same best price in the order book which are opposite orders to the incoming and executable order, an allocation procedure as per Paragraph 3 shall be decisive for their sequence in execution.

If, after matching with all best-price orders in the order book which are opposite orders to the side of the incoming order, the order entered is still executable as against the respective next best order book price, matching is continued until the order entered is no longer executable.

An order which after matching at the respective best order book price still has a residual volume which cannot be executed any further is entered into the order book in accordance with its price-time priority provided this is not precluded by an order restriction. Further details regarding matching for certain order types are specified in the rules in section 4.2.

- (3) Best-price orders saved in different order books can be combined so that they correspond to the side opposite the order ("synthetic path"). If the price formed from such a combination of order book sides ("synthetic path") is identical with the best price on the side of the order book which is opposite the incoming order or improves this price, the synthetic path upon the execution against the incoming order can be taken into account. In the event of an improvement in the price, the synthetic path is the best available price and the synthetic path is executed against the incoming order.

Synthetic paths are formed from, at maximum, combinations of three different order book side. In the event of two different best-price synthetic paths whose number of combined order book sides is identical, the synthetic path whose combination of order book sides contains the instrument with the nearest expiry date has a higher priority.

If a synthetic path is executed with a certain quantity as against an incoming order ("allocated path quantity"), this synthetic path is divided into the order book sides generating it and the allocated path quantity is executed against the best-price order contained in the generating order book sides. In the event of several orders contained in one generating order book side, an allocation procedure as per Paragraph 4 shall be decisive for their sequence during execution.

- (4) If there are several orders with the same price on one side in the order book, an allocation procedure shall be decisive for the consideration and allocation of the volume of these orders. The volume to be distributed to the orders with the same price ("volume to be allocated") is specified through an incoming order in continuous trading or through allocated path quantities or through a balancing process in an auction.

In determining the volume allocated to the respective order, the orders contained in the order book are processed at the same price in the chronological sequence of receipt with the order entered first being assigned the highest priority.

- (5) Market orders are always executed before limit orders. If there are several market orders in the order book, the time of the entry of such shall be decisive for consideration and the allocation of the volume of the market orders.
- (6) EEX shall forthwith inform the exchange participants of the execution of their orders in the trading system. This information shall contain all the essential details of the transaction.
- (7) After matching, the trading system updates the exchange participants' position accounts.

§ 41 Execution of Market Orders

- (1) Market orders for Derivatives contracts that are entered during continuous trading of the Trading Period will only be executed with Limit orders, the prices of which are within a certain range, as determined by the Management Board of the Exchange either above or below the last price at which the Derivatives contract was effected. The last effected Derivatives contract price is the price at which two Limit orders or one Limit Order and one quote were matched for a specific Derivatives contract. If incoming Market orders cannot be executed in full, or at all, they will be transferred into the order book. New incoming Limit orders will be executed with any remaining Market orders if their prices are within the range either above or below the last contract price. If, although the prices of incoming Limit orders are not within such range, they could nevertheless be executed with other Limit orders or quotes contained in the order book, the price at which such Limit orders or quotes could be executed with each other will then be the new last effected Derivatives contract price within the meaning of sentence 2 of this paragraph. Such Limit orders or quotes will be executed with other Market or Limit orders in accordance with the general priority rules set forth in § 40. If no last contract price within the meaning of sentence 2 of this paragraph can be determined on a given trading day, Market orders will not be executed on that day. If a new Derivatives contract is introduced, Market Orders shall only be executed after two Limit Orders, two quotes or one Limit Order and one quote which could be executed with one another have determined the contract price.
- (2) Market Orders for Options contracts that are entered during continuous trading of the Trading Period can be executed with Quotes and orders contained in the order book, which are not more unfavourable than the most unfavourable Quote of an Options series. The Market Orders entered are executed along with existing Market Orders in the order book in the order of best price to the price of the most unfavourable quote. Market Orders which are not, or not fully, executed are thereafter transferred to the order book. Newly entered quotes act as a price measure for the execution of Market Orders with contracts in the order book. Each

Market Order is exercised before a Limit Order. In deviation to clause (1), as long as no quotes are entered, Market Orders can be executed with other Markets Orders or Limit Orders if an entered Limit order can be executed with a Limit Order already entered in the order book. The price, at which the Limit Orders are jointly executed, serves as the execution price for existing Market Orders. These are executed, along with other Market Orders and Limit Orders in accordance with the general priority rules contained in § 35 paragraph (2).

- (3) If a Market Order is still in the Order Book on the following trading day, it will be processed as a Market Order during the Opening Auction of such a trading day.
- (4) Market Orders entered during the Pre-Trading Period or the Post-Trading will be processed during the next opening auction.

§ 42 Execution of Limit Orders

- (1) Unrestricted Limit Orders may be entered during the Pre-trading period, the Opening period, the Trading period or the Post-trading full period. Unrestricted Limit Orders that are not executed immediately shall be entered in the Order Book. If an incoming Limit Order may be executed with an unrestricted Limit Order already in the Order Book, a transaction shall be effected at the price of the order contained in the Order Book.
- (2) Restricted Limit Orders may only be subject to the limitation on execution "immediate or cancel". Restricted Limit Orders may only be entered during the Trading Period. They shall not be entered in the Order Book.
- (3) Limit orders entered without validity specification or limitations on their execution shall be valid only until the end of a given trading day. To the extent that they have not been executed, Limit Orders shall be deleted from the trading systems after the trading day.

§ 43 Execution of Stop Orders by means of Future Contracts

- (1) Stop Orders are only possible on Futures contracts. If, during the course of trading in a respective Futures contract, the price specified for the Stop Order is reached or exceeded, or the price of the Futures contract falls below the specified price, as the case may be, the Stop Orders will, pursuant to an automatic selection process in the chronological order of their entry, be converted into Market orders. These orders will then be executed along with any other incoming Market orders in the order of the times of their conversion into Market orders, in accordance with the general principles for the matching of Market orders for Futures contracts.
- (2) Stop Orders will be entered into a separate Order Book.

4.3 Special Provisions regarding Continuous Trading within the Trayport[®] ETSSM Trading System

§ 44 Trading Time and Trading Phases

The trading time for derivatives transactions comprises the

- trading period

Entries into the trading system are also possible outside the trading phase on principle.

§ 45 Types of Orders

(1) The following orders can be entered into the trading system by the exchange participants:

- limit orders,
- combined orders and
- iceberg orders.

Limit Orders are buy or sell orders which are subject to a price limit. The buy or sell limit must not correspond to or be better than the limit of an opposite order available within the system. Orders with such a limit are not accepted by the system.

A combined order consists of two or more individual orders regarding the same number of contracts which depend on each other in their execution. Combined orders must be provided with a price specification which corresponds to the spread between the bid and ask price of both individual orders or, if applicable, to the addition of the bid or ask prices in the case of options. Combined orders can also refer to the same number of contracts in different products or market areas (Product Spread). As a result of combined orders so-called implied orders for the product underlying the combined order can be displayed within the system. Implied orders are not orders within the meaning of the Trading Conditions and, for this reason, they cannot be executed.

The Management Board of the Exchange determines the possible combined orders. It can also permit the execution of combined orders against order books of other exchanges; however, in this case, orders can only be entered by exchange participants licensed to trade on both exchanges and provided compliance with the execution conditions is ensured.

Iceberg orders are buy and sell orders regarding a certain number of futures contracts which are entered into a trading system with an overall volume but which are only entered into the order book gradually with a certain part of the volume at specified price limits.

(2) The minimum content of an order comprises the information on whether it is a purchase or a sale, on the price, the product (future or option) to which it refers, the maturity and the number of contracts. Moreover, in the case of options, the option type (call or put) and the exercise price have to be specified.

(3) Orders can carry the following validity conditions:

- only valid on that day ("good-for-day"),
- valid until revocation ("good-till-cancelled") and
- valid until expiry of a certain period ("good-till-date").

Orders which are entered without a condition regarding their validity are only valid until the end of the trading phase on that exchange trading day. In as far as such have not been executed by that time, they are automatically deleted within the systems of the exchange.

(4) Orders in the trading system can have one of the following execution conditions:

- immediate full execution or deletion of an entered order with specification of a price limit (market-to-limit) or entry of the order volume only (must-be-filled) and
- complete execution of the order only (all-or-none).

§ 46 Execution of Orders

- (1) An order which has been entered into the trading system is executed by clicking the order. Clicking constitutes the entry of an opposite order. Both the execution price and the volume are determined by the existing order; partial execution shall be possible.
- (2) Combined orders can only be entered and executed during the trading phase. They can be executed against the orders books of the individual orders or against opposite combined orders. They are executed so that both parts are executed to the same extent. Unexecuted combined orders carrying the validity conditions “good-till-cancelled” or “good-till-date” are automatically deleted at the end of a trading day.
- (3) EEX shall forthwith inform the exchange participant of the execution of his orders in the trading system. This information shall comprise all essential details of the transaction.
- (4) After matching, the trading system updates the exchange participants’ position accounts.

4.4 Special Provisions regarding the Primary Auction of Emission Rights

§ 47 General Regulations

Unless expressed reference is made to the provisions in section 3, these rules for the auction for the execution of primary auction of emission rights do not apply on the Derivatives Market.

§ 48 Exchange Times and Trading Phases

- (1) The exchange trading for the primary auction of emission rights on the Derivatives Market takes place by means of a closed or open auction.
- (2) The call phase and pricing are the trading phases for the auction. Market balancing is not carried out. Entering, deleting or modifying of orders is only possible during the call phase.
- (3) The exchange publishes an auction calendar, which includes the auctioneer, the auction dates (day and time) as well as the quantity of emission rights to be auctioned during an auction date. Various auctions on behalf of other auctioneers shall not take place on the same auction date.
- (4) In case an auction is not held on an auction date due to technical reasons or a bidding volume which is too low or in case an auction carried out is cancelled by the Management Board of the Exchange, either an alternative additional auction has to be set and carried out or the amount of emission rights will be allocated evenly to the following auctions.

§ 49 Tradable Products

- (1) The Management Board of the Exchange specifies which of the tradeable emission rights futures are used for the primary auction and announces this in the auction calendar. In General, only contracts with maturity in the current calendar year are traded in the primary auction.
- (2) The Management Board of the Exchange is entitled to change the emission rights futures which can be traded in the auction in the course of a calendar year provided it announces this sufficiently in advance.

§ 50 Order Types, Recording and Administration of Orders

- (1) The auctioneer alone is entitled to enter sell orders into the trading system or to conclude sales transactions (single side auction). The auctioneer is not permitted to take part in the auction as a buyer. The more detailed provisions regarding the tasks and competences of the auctioneer are laid down in the legal sources and orders valid for the respective primary auction.
- (2) Orders can only be entered into the trading system as limit orders by trading participants that are not auctioneers. Upon entering into the trading system the limited buy orders have to comprise the following information:
 - Buy (Bid)
 - Price limit
 - Product
 - Maturity
 - Number of contracts

Upon entering into the system orders have to be marked as own orders or customer orders and as opening or closing-out transactions unless they are traded in a position account kept in net terms.

- (3) The Management Board of the Exchange can specify a maximum number of contracts for each individual trading participant (order limit). Only orders up to the order limit are suitable for trading and can be executed.
- (4) § 34 shall apply with regard to recording and administration of the orders. § 38 shall also apply with regard to the auction.

§ 51 Pricing and Execution of Orders in the Primary Auction.

- (1) The trading participants are informed by the Management Board of the Exchange with regard to the times at which an auction begins (introductory call phase); it ends upon the expiry of the applicable time. Trading in emission rights futures will not be suspended for the auction. The exact time of the end of the auction is determined by the trading system. During the call phase, the trading participants can enter, change or delete orders.

- (2) A potential execution price, an executable trade volume as well as the surplus of buy orders (surplus) are not displayed during the call phase (closed auction). In co-ordination with the German Federal Environment Ministry the Management Board of the Exchange is - in co-ordination with the respective auctioneer if applicable - entitled to make deviating provisions, such as, in particular, regarding the display of a potential execution price.
- (3) After the end of the call phase, pricing is carried out as uniform pricing in the auction. The orders are sorted according to the height of the price limit and, in the case of the same price limit, they are sorted according to the chronological sequence of their receipt and the quantities specified are added up. The price which is identical with the price limit of the orders at which the added-up buy orders reach or exceed the quantities offered – also under consideration of sell limits – on the sell side. The remaining residual quantity on the sell side is added to the last successful bid; if more than one bid would have been the last successful bid, the question of which order is to be executed shall be decided randomly. If the demand should not meet the offer of EU emission allowances, price determination does not take place in the respective auction. Orders not executed are deleted after the end of pricing.
- (4) The trading participants are informed of special order book situations, the prices established in the auctions as well as of the execution of their orders by the trading system. The information comprises all essential trading and transaction data.
- (5) In case an auction is not held on an auction date due to technical reasons or to an insufficient bidding volume or in case an auction is cancelled by the Management Board of the Exchange, an alternative auction can be set and carried out or the amount of emission rights be allocated evenly to the following auctions. Such an alternative auction may be carried out on the same day.

§ 52 Measures by the Management Board of the Exchange

- (1) In order to maintain an orderly situation on the market, especially in case of incorrect entries or other events affecting proper pricing the Management Board of the Exchange can take adequate measures for a proper price calculation or cancel or terminate an auction and order a new auction to be held.
- (2) Trading participants interfering with the proper course of the auction can be excluded from participation therein.

4.5 Position Account-Keeping for the Exchange Participants

§ 53 Position Administration

- (1) Transactions concluded on the Derivatives Markets of EEX by trading participants shall be recorded as positions in internal Principal, Agent and Market Maker Position accounts by ECC AG as the CCP according to the ECC clearing conditions.
- (2) Two Principal Position Accounts, one Agent Position Account and two Market Maker Position Accounts shall be maintained for each exchange participant. Additionally, for options an internal premium account shall be maintained for each position account of each exchange

participant. The premium from all exchange traded Options trades shall be booked to the respective Premium account.

- (3) Entries made by the exchange participants in the trading systems of the exchange which occur while entering the order are binding for the exchange participant towards EEX as well as towards the clearing houses included and their clearing members. These include information about the position account and the information whether it concerns an opening or closing trade.
- (4) Entries made by the exchange participants, which occur in connection with the position administration, are only allowed pursuant to the regulations in the respectively applicable clearing conditions and are binding for the exchange participant towards EEX as well as towards the clearing houses included and their clearing members. These include, in particular, opening or closing trade adjustments, closing position adjustments, trade adjustments, entries, which can change the classification of a trade or a position from Agent to Principal or from Principal to Agent position accounts (Trade or Position Transfers including Give up Trades) as well as the separation of trades into various position accounts (Trade Separation).

5 Final Provisions

§ 54 Place of Performance

Leipzig shall be the place of performance for all transactions on EEX governed by these provisions.

§ 55 Effective Date

These Trading Conditions as well as any amendments, thereto shall become effective on the day after their publication, unless a later effective date has been specified by the Exchange Council.

Appendix: Contract specifications