

Eurex Clearing Circular 082/18

Consultation on amendments to Special Provisions regarding the change of legally binding language version of the Clearing Conditions and related documents

Summary

This circular contains information on proposed amendments to the legal framework of Eurex Clearing AG.

Eurex Clearing provides clearing services to a global client base and serves financial markets with a strong international focus. In order to increase transparency and form a common legal basis for the global client base it is intended to provide the legal framework of Eurex Clearing in English only.

The English language version of the Clearing Conditions of Eurex Clearing AG (Clearing Conditions) and any related documents forming part of the Clearing Conditions (including Price List, etc.) shall become the sole and legally binding version. The German language version of the Clearing Conditions and any related documents forming part thereof will no longer be provided, following the planned effective date of such amendments on **26 November 2018**.

The planned amendments fall within the scope of Special Provisions of the Clearing Conditions and are subject to a consultation process (Consultation).

Such Consultation will commence on **28 September 2018** and shall end on **27 October 2018** at midnight (Consultation Period).

Attachments:

1. Updated sections of the Clearing Conditions and related documents forming part thereof (including Price List etc.)
2. Form for appointment of individuals entitled to submit comments

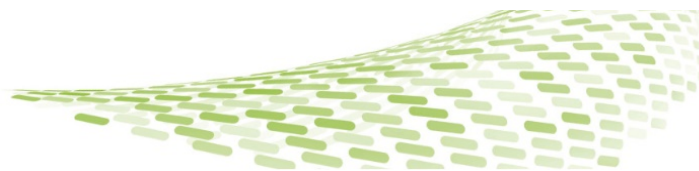
Date: 28 September 2018

Recipients: All Clearing Members, Non-Clearing Members, Registered Customers and Basic Clearing Members of Eurex Clearing AG

Authorized by: Heike Eckert

Target group:
All departments

Contact:
Your Group Client Key Account Manager
Clearing, clearing.services-admission@eurexclearing.com



Consultation on amendments to Special Provisions regarding the change of legally binding language version of the Clearing Conditions and related documents

This circular contains information on proposed amendments to the legal framework of Eurex Clearing AG.

Eurex Clearing provides clearing services to a global client base and serves financial markets with a strong international focus. In order to increase transparency and form a common legal basis for the global client base it is intended to provide the legal framework of Eurex Clearing in English only.

The English language version of the Clearing Conditions of Eurex Clearing AG (Clearing Conditions) and any related documents forming part of the Clearing Conditions (including Price List, etc.) shall become the sole and legally binding version. The German language version of the Clearing Conditions and any related documents forming part thereof will no longer be provided, following the planned effective date of such amendments on 26 November 2018. The proposed amendments to the Clearing Conditions and related documents forming part of the Clearing Conditions (including Price List etc.) are attached to this circular (see Attachment 1).

The planned amendments fall within the scope of Special Provisions of the Clearing Conditions of Eurex Clearing AG (Clearing Conditions) and are subject to a consultation process (Consultation):

Such Consultation will commence on 28 September 2018 and shall end on 27 October 2018 at midnight (Consultation Period).

Eurex Clearing herewith invites all Affected Customers to submit comments on the proposed amendments of Special Provisions (see amended sections in Attachment 1 of this circular) within the Consultation Period.

Such Consultation period will be immediately followed by a Regular Notification Period of 15 Business Days, after which the proposed changes will come into effect on 26 November 2018, provided that in total no more than two Affected Customers request a Prolonged Notification Period (three months).

If Eurex Clearing receives a request for a Prolonged Notification Period from more than two Affected Customers during the Consultation, Eurex Clearing will notify all affected parties promptly in an additional electronic circular.

During the Consultation period, comments on proposed changes or amendments shall be submitted through a web-based commenting service provided by Eurex Clearing only. Any Affected Customer intending to submit comments shall appoint one or more individuals for the Consultation who may submit comments on behalf of the respective Affected Customer using the form in Attachment 2 to this circular. The form has to be duly signed and returned to Eurex Clearing via e-mail to SpecialProvisions@eurexclearing.com, in order to obtain a User ID and Password together with a link for accessing the web-based commenting service.

To the extent that Eurex Clearing decides to implement any comments of Affected Customers, the so-amended version will be published again applying the initial notification period, i.e. either the Regular Notification Period or the Prolonged Notification Period, as applicable. When the amendments come into effect, they will be available for download on the Eurex Clearing website www.eurexclearing.com under the following link:

Resources > Rules and Regulations

Terms used and not otherwise defined in this circular shall have the meanings ascribed to them in the Clearing Conditions.

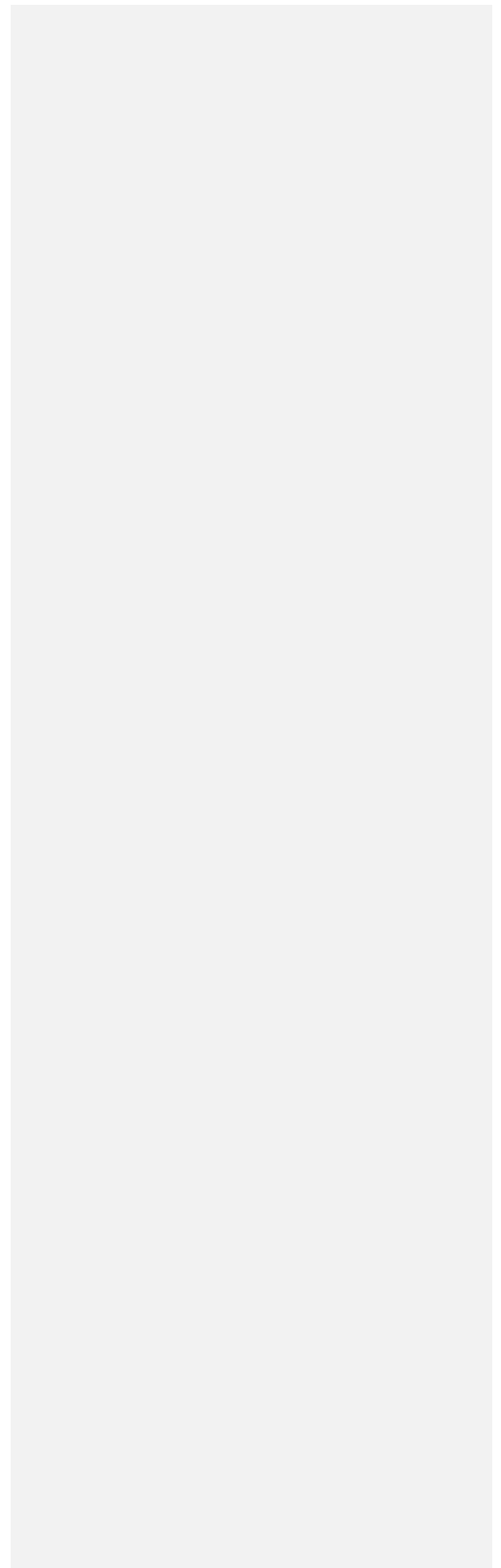
If you have any questions or need further information please contact your Group Client Key Account Manager Clearing, clearing.services-admission@eurexclearing.com.

28 September 2018

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED

DELETIONS ARE CROSSED OUT



Clearing Conditions of Eurex Clearing AG	Eurex04e
	As of 26.11.2018
Chapter I Part 1	

Chapter I of the Clearing Conditions of Eurex Clearing AG

General Provisions

As of 26.11.2018

	Eurex04e
Clearing Conditions of Eurex Clearing AG	As of 26.11.2018
Chapter I Part 1	

[...]

Part 1 General Clearing Provisions

[...]

16 Publication and Notices

[...]

16.2 All notices to be given between Eurex Clearing AG and a Clearing Member or a Non-Clearing Member, Registered Customer or Basic Clearing Member shall be given in such form and at such address as agreed and/or notified from time to time by the relevant party. Notices may be given in the German or in the English language. Unless otherwise specified in these Clearing Conditions notices by Clearing Members, Non-Clearing Members, Registered Customers or Basic Clearing Members may be made by telefax or e-mail. If Eurex Clearing AG has published forms, such forms must be used. Forms published by Eurex Clearing AG in the English language only must be used in such language.

Gelöscht: Upon written request by a Clearing Member, Non-Clearing Member, Registered Customer or Basic Clearing Member all notices from Eurex Clearing AG (except for automated reports and electronic circulars) to such requesting party shall be given in the German and in the English language or one of these languages.

[...]

17 Miscellaneous

17.1 Governing law; Place of jurisdiction

17.1.1 Unless provided otherwise, the rights and obligations arising out of, and in connection with, these Clearing Conditions shall be governed by the substantive laws (*Sachrecht*), excluding German private international law, of Germany.

Only the English language version of these Clearing Conditions (including any document that is stated to form part of the Clearing Conditions) is legally binding. A German language version is no longer provided.

Gelöscht: German

In these Clearing Conditions (including any document that is stated to form part of the Clearing Conditions) terms used in the English language shall:

- (i) if accompanied by a German language term, have the meaning attributed to such German language term in accordance with the relevant German law concepts; and
- (ii) if not accompanied by a German language term, unless otherwise provided or unless the context requires otherwise, have the meaning of, and be interpreted in accordance with, German law and the corresponding German law concepts.

Any reference to the Clearing Conditions of Eurex Clearing AG (or to the *Clearing-Bedingungen der Eurex Clearing AG*) in any other document incorporating the Clearing Conditions of Eurex Clearing AG (or the *Clearing-Bedingungen der Eurex Clearing AG*), stated to form part thereof or of any Clearing Agreement or otherwise referring thereto shall only be a reference to these Clearing Conditions in their binding English language version (as amended from time to time). Any reference in these Clearing Conditions to any document, rulebook, rules or terms of an entity other than Eurex Clearing AG in a particular language version shall remain unaffected.

	Eurex04e
Clearing Conditions of Eurex Clearing AG	As of 26.11.2018
Chapter I Part 1	

[...]

Appendix 1 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

between Eurex Clearing AG and a Clearing Member

As of 26.11.2018

[...]

3. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 2 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

with a Non-Clearing Member and/or Registered Customer for the
Elementary Clearing Model

As of 26.11.2018

[...]

2. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 3 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

with a Non-Clearing Member and/or Registered Customer for the Individual Clearing Model under Eurex Clearing AG Documentation

As of 26.11.2018

[...]

2. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 4 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

with a Non-Clearing Member and/or Registered Customer for the Individual Clearing Model under Client Clearing Documentation

As of 26.11.2018

[...]

2. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), save for provisions governing the creation, novation, cancellation of, or any other amendment to Transactions between the Clearing Member and the ICM Client, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 5 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

for the Clearing of GC Pooling Repo Transactions with the Holder
of a Specific Repo License

As of 26.11.2018

[...]

3. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 6 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

for the Clearing of Securities Lending Transactions with the Holder of
a Specific Lender License

As of 26.11.2018

[...]

2. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 7 to the Clearing Conditions of Eurex Clearing AG:

Pledge Agreement

relating to pledges of Eligible Margin Assets in the form of Securities

As of 26.11.2018

[...]

1 Clearing Conditions

This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), as amended from time to time. The Clearing Conditions may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

Gelöscht: in their German version

[...]

Schedule 1

Pledges relating to Securities in Luxembourg Accounts

[...]

10 Rights, Waivers and Determinations

10.1 Ambiguity

- (a) Where there is any ambiguity or conflict between the rights conferred by law and those conferred by or pursuant to the Clearing Conditions and the Clearing Agreement (including this Schedule), the corresponding terms of the Clearing Conditions and of the Clearing Agreement (including this Schedule) shall prevail.

Gelöscht: in their binding German version

[...]

Appendix 10 to the Clearing Conditions of Eurex Clearing AG:

Clearing Agreement

with a Clearing Agent
and a Basic Clearing Member

As of 26.11.2018

[...]

2. This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")), the Price List for Eurex Clearing AG and the General Terms and Conditions to the Agreement on Technical Connection to the Clearing EDP of Eurex Clearing AG (the "**General Terms and Conditions to the Connection Agreement**"), in each case as amended from time to time. The Clearing Conditions, the Price List for Eurex Clearing AG and the General Terms and Conditions to the Connection Agreement may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

Appendix 11 to the Clearing Conditions of Eurex Clearing AG:

Pledge Agreement

relating to pledges of Eligible Margin Assets in order to provide Basic Clearing Member Margin in the form of Securities

As of 26.11.2018

[...]

1 Clearing Conditions

This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "Referenced Conditions"), as amended from time to time. The Clearing Conditions may be viewed and printed out (in one or more files) via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

Gelöscht: in their German version

[...]

Schedule 1 – Pledges relating to Basic Clearing Member Margin in Luxembourg Securities Accounts held by the Basic Clearing Member (Bilateral Version)

[...]

11 Rights, Waivers and Determinations

11.1 Ambiguity

- (a) Where there is any ambiguity or conflict between the rights conferred by law and those conferred by or pursuant to the Basic Clearing Member Clearing Agreement, the Clearing Conditions or the Agreement (including this Schedule 1), the corresponding terms of the Basic Clearing Member Clearing Agreement, the Clearing Conditions and of the Agreement to which this Schedule is attached (including this Schedule 1) shall prevail.

Gelöscht: (in each case in their binding German version)

[...]

Schedule 2 – Pledges relating to Basic Clearing Member Margin in Luxembourg Securities Accounts held by the Third Party Pledge Holder (Triparty Version)¹

[...]

12 Rights, Waivers and Determinations

12.1 Ambiguity

- (a) Where there is any ambiguity or conflict between the rights conferred by law and those conferred by or pursuant to the Basic Clearing Member Clearing Agreement, the Clearing Conditions or the Agreement (including this Schedule 2), the corresponding terms of the Basic Clearing Member Clearing Agreement, the Clearing Conditions and of the Agreement to which this Schedule is attached (including this Schedule 2) shall prevail.

Gelöscht: (in each case in their binding German version)

[...]

Appendix 13 to the Clearing Conditions of Eurex Clearing AG:

FX Swap Line Agreement

between Eurex Clearing AG and a Clearing Member

As of 26.11.2018

[...]

2. *Incorporation of Clearing Conditions.* This Agreement incorporates by reference the Clearing Conditions (including all rules and conditions which are incorporated by reference therein (the "**Referenced Conditions**")) ~~as amended from time to time~~. The Clearing Conditions may be viewed and printed out via internet on the website www.eurexclearing.com. The Referenced Conditions may be obtained from Eurex Clearing AG upon request.

[...]

Gelöscht: in their German version

	Eurex04e
	As of 26.11.2018
DEFAULT MANAGEMENT COMMITTEE RULES	eurex04.02

DEFAULT MANAGEMENT COMMITTEE RULES

[...]

8 Governing Law; Place of Jurisdiction

8.1 Unless provided otherwise, the rights and obligations arising out of, and in connection with, these DMC Rules shall be governed by the substantive laws (*Sachrecht*), excluding German private international law, of the Federal Republic of Germany. Only the English language version of these DMC Rules is legally binding. A German language version is no longer provided.

Gelöscht: German

[...]

	Eurex Clearing AG
	As of 26.11.2018
DEFAULT MANGEMENT AUCTION RULES	

DEFAULT MANAGEMENT AUCTION RULES

[...]

12 Miscellaneous

12.1 Governing law; Place of jurisdiction

12.1.1 The rights and obligations arising out of, and in connection with, the DM Auction Rules shall be governed by the substantive laws (*Sachrecht*), excluding German private international law of the Federal Republic of Germany. Only the English language version of the DM Auction Rules is legally binding. A German language version is no longer provided.

Gelöscht: Except in relation to FCM Clearing Members, o

Gelöscht: German

[...]

Statutes for the FIC Board Advisory Committee	Eurex Clearing AG
	As of 26.11.2018
	eurex04.06

STATUTES FOR THE FIC BOARD ADVISORY COMMITTEE

[...]

§ 15 Governing Law; Place of Jurisdiction

- (1) Unless provided otherwise, the rights and obligations arising out of, and in connection with, these Statutes shall be governed by the substantive laws (*Sachrecht*), excluding German private international law, of the Federal Republic of Germany. Only the English language version of these Statutes is legally binding. A German language version is no longer provided.

Gelöscht: German

[...]

	eurex04-7
	As of 26.11.2018
Auction Terms of Eurex Clearing AG	

[...]

10. Final provisions

[...]

(2) The English version shall be decisive for these Auction Terms' interpretation. A German language version is no longer provided.

[...]

Gelöscht: German
Gelöscht: The English version is for information purposes only. In case of deviations between the German and the English version, only the German version shall apply.

Disciplinary Procedures Rules	Eurex Clearing AG
	As of 26.11.2018
	eurex04.09

**EUREX CLEARING AG
DISCIPLINARY PROCEDURES RULES**

[...]

Chapter III – Miscellaneous

[...]

4 Governing Law

- (1) Unless provided otherwise, the rights and obligations arising out of, and in connection with, these Disciplinary Procedures Rules shall be governed by the substantive laws (*Sachrecht*), excluding German private international law, of the Federal Republic of Germany. Only the English language version of these Disciplinary Procedures Rules is legally binding. A German language version is no longer provided.

Gelöscht: German

[...]

	Eurex04e
	As of 26.11.2018
DISPUTE RESOLUTION RULES	

DISPUTE RESOLUTION RULES

[...]

Part 4: Miscellaneous Provisions

[...]

21 Governing Law; Place of Jurisdiction; Binding Version

[...]

21.4 Only the English language version of these Dispute Resolution Rules is legally binding. A German language version is no longer provided.

Gelöscht: German

[...]

Price List of Eurex Clearing AG	Eurex08e
	As of 26.11.2018

Price List of Eurex Clearing AG

[...]

Preamble

[...]

Basic Principles

The English version of the Price List in effect at the respective time is an integral part of the Clearing Conditions. Capitalised terms used, but not defined in this Price List shall have the meaning ascribed to them in the Clearing Conditions, or, if applicable, in the FCM Regulations. However, any reference to a Clearing Member in this Price List shall also include FCM Clearing Members and Basic Clearing Members if not explicitly stated otherwise.

[...]

Gelöscht: German

Provider Connection Agreement
Eurex Clearing AG

26.11.2018

Gelöscht: Betreiber-Anschlussvertrag /

Agreement on the Technical Connection to the
Clearing EDP of Eurex Clearing AG for a
Provider of the Multi-Member-Frontend System
(Provider Connection Agreement)

Gelöscht: Vertrag über die technische Anbindung an die Clearing-EDV der Eurex Clearing AG für einen Multi-Member-Frontend- Betreiber (Betreiber-Anschlussvertrag)¶

between

Gelöscht: zwischen der

Eurex Clearing AG
Mergenthalerallee 61
65760 Eschborn

Gelöscht: ¶

Postadresse / Postal address:
60485 Frankfurt

– hereinafter referred to as "Eurex Clearing" –

Gelöscht: ¶
– nachfolgend „Eurex Clearing“ genannt –

and

Gelöscht: und

Company name

Gelöscht: Unternehmensname

Address

Gelöscht: Anschrift

VAT identification number

Gelöscht: Umsatzsteueridentifikationsnummer

First name, last name of contact person

Gelöscht: Vorname, Name des Ansprechpartners

Phone / Fax number

Gelöscht: Telefon Nummer, Fax Nummer

– hereinafter referred to as "Contractual Party" –

Gelöscht:
– nachfolgend „Vertragspartner“ genannt –

§ 1 This Provider Connection Agreement shall govern any details regarding the technical connection of the Contracting Party, which is a provider of the Multi-Member-Frontend System, to the Clearing EDP, as well as any rights and obligations of Eurex Clearing and of the Contractual Party arising from such Agreement.

Gelöscht: § 1. Dieser Betreiber-Anschlussvertrag regelt die näheren Einzelheiten an die technische Anbindung des Vertragspartners als Multi-Member-Frontend-Betreiber an die Clearing-EDV sowie die diesbezüglichen Rechte und Pflichten der Eurex ClearingEurex Clearing und des Vertragspartners. ¶

**Provider Connection Agreement
Eurex Clearing AG**

26.11.2018

Gelöscht: Betreiber-Anschlussvertrag /

Agreement on the Technical Connection to the Clearing EDP of Eurex Clearing AG for a Provider of the Multi-Member-Frontend System (Provider Connection Agreement)

Gelöscht: Vertrag über die technische Anbindung an die Clearing-EDV der Eurex Clearing AG für einen Multi-Member-Frontend- Betreiber (Betreiber-Anschlussvertrag)¶

The technical connection of the Contractual Party shall enable Clearing Members (General Clearing Members or Direct Clearing Members) and Non Clearing Members as described in the Clearing Conditions of Eurex Clearing as well as third parties, in particular settlement institutes ("Companies"), to connect to the Clearing EDP and/or to render the insourcing of backoffice functions or clearing functions respectively, and/or to render the automated further processing of data for the Companies. Any further requirements for the rendering of services as specified in Clause 2 shall be defined in a separate agreement between the contracting parties.

Gelöscht: Die technische Anbindung des Vertragspartners erfolgt, um Clearing-Mitgliedern (General-Clearing-Mitglieder oder Direct-Clearing-Mitglieder) und Nicht-Clearing-Mitgliedern im Sinne der Clearing-Bedingungen der Eurex Clearing, sowie Dritten, insbesondere Abwicklungsinstituten („Unternehmen“), die Anbindung an die Clearing-EDV zu ermöglichen und/oder um das Insourcing von Backoffice- bzw. Clearingfunktionen und/oder die automatisierte Weiterverarbeitung von Daten für die Unternehmen zu erbringen. Die weiteren Voraussetzungen zur Erbringung der in Satz 2 genannten Dienstleistungen werden von den Vertragsparteien in einer separaten Vereinbarung geregelt.

§ 2 Part of this Provider Connection Agreement are the **General Terms and Conditions to the Provider Connection Agreement** and the **Price List to the Provider Connection Agreement** in their respective current versions. Both such parts of this Agreement are available for inspection and download on the internet at www.eurexclearing.com.

Gelöscht: ¶

Gelöscht: § 2 . Bestandteil dieses Betreiber-Anschlussvertrags sind die **Allgemeinen Geschäftsbedingungen zum Betreiber-Anschlussvertrag** und das **Preisverzeichnis zum Betreiber-Anschlussvertrag** in ihrer jeweils gültigen Fassung. Beide Vertragsbestandteile können über das Internet unter www.eurexclearing.com eingesehen und heruntergeladen werden.

§ 3 Eurex Clearing shall be authorized to make amendments to this Provider Connection Agreement and/or individual parts thereof at any time under due consideration of the interests of the Contractual Party. For respective amendments, § 12 of the General Terms and Conditions to the Provider Connection Agreement shall apply.

Gelöscht: § 3 . Die Eurex Clearing ist berechtigt, diesen Betreiber-Anschlussvertrag und/oder einzelne Vertragsbestandteile jederzeit unter angemessener Berücksichtigung der Interessen des Vertragspartners zu ändern. Für entsprechende Änderungen gilt § 1 (... [1])

§ 4 This Provider Connection Agreement is subject to the laws of the Federal Republic of Germany. Sole place of jurisdiction shall be Frankfurt am Main. Eurex Clearing shall be authorized to sue the Contractual Party also at its general place of jurisdiction. Only the English language version of this Provider Connection Agreement is binding. A German language version is no longer provided.

Gelöscht: § 4 . Dieser Betreiber-Anschlussvertrag unterliegt dem Recht der Bundesrepublik Deutschland. Ausschließlicher Gerichtsstand ist Frankfurt am Main (... [2])

Gelöscht: T

Gelöscht: German

Gelöscht: wording

Gelöscht: authoritative for its interpretation

§ 5 This Provider Connection Agreement shall exclusively govern the subject matter of the Agreement. Deviating verbal or ancillary

Gelöscht: § 5 . Dieser Betreiber-Anschlussvertrag regelt den Vertragsgegenstand abschließend. Abweichende mündliche Vereinbarungen oder Nebenabreden (... [3])

Provider Connection Agreement
Eurex Clearing AG

26.11.2018

Gelöscht: Betreiber-Anschlussvertrag /

Agreement on the Technical Connection to the Clearing EDP of Eurex Clearing AG for a Provider of the Multi-Member-Frontend System (Provider Connection Agreement)

Gelöscht: Vertrag über die technische Anbindung an die Clearing-EDV der Eurex Clearing AG für einen Multi-Member-Frontend- Betreiber (Betreiber-Anschlussvertrag)[]

agreements between the contracting parties do not exist. Ancillary agreements, modifications and amendments to this Provider Connection Agreement must be made in writing. This also applies to a waiver of the written form requirement.

§ 6 In the event that any individual terms of this Agreement are invalid or become invalid, this shall not affect the validity of the remaining terms of this Agreement. Any invalid contractual provision shall be replaced either by the statutory provision or (in the event of absence of such a rule) by such a provision as the parties would in good faith have admissibly adopted if they had been aware of the invalidity or nullity of the term which it replaces. The same shall apply in so far as it may be determined that the contractual provisions are incomplete.

Gelöscht: § 6 . Sollte eine Bestimmung dieses Betreiber-Anschlussvertrages unwirksam sein oder werden, so wird dadurch die Wirksamkeit der übrigen Bestimmungen nicht berührt. Anstelle der unwirksamen Vertragsbestimmungen tritt entweder die gesetzliche Regelung oder, bei Fehlen einer solchen Vorschrift, eine solche Regelung, die die Vertragsparteien nach Treu und Glauben zulässigerweise getroffen hätten, wenn ihnen die Unwirksamkeit oder Nichtigkeit bekannt gewesen wäre. Gleiches gilt, sofern eine Regelungslücke festgestellt wird.

§ 7 The contracting parties agree that this Provider Connection Agreement supersedes all earlier agreements between the contracting parties in respect of the subject matter of the Agreement.

Gelöscht: § 7 . Die Vertragsparteien sind sich einig, dass dieser Betreiber-Anschlussvertrag alle zeitlich vorhergehenden Vereinbarungen der Vertragsparteien über den Vertragsgegenstand ersetzt.

Eurex Clearing AG

Gelöscht: Eurex Clearing AG

Frankfurt am Main, Germany, (date)

Gelöscht: Frankfurt am Main, den

Signature

Gelöscht: Unterschrift

Signature

Gelöscht: Unterschrift

Contractual Party

Gelöscht: Vertragspartner

Place, date

Gelöscht: Ort, Datum

Provider Connection Agreement
Eurex Clearing AG

26.11.2018

Gelöscht: Betreiber-Anschlussvertrag /

Agreement on the Technical Connection to the
Clearing EDP of Eurex Clearing AG for a
Provider of the Multi-Member-Frontend System
(Provider Connection Agreement)

Gelöscht: Vertrag über die technische Anbindung an
die Clearing-EDV der Eurex Clearing AG für einen
Multi-Member-Frontend- Betreiber (Betreiber-
Anschlussvertrag)[]

Signature

Gelöscht: Unterschrift

Signature

Gelöscht: Unterschrift

Connection Agreement
Eurex Clearing AG

26.11.2018

Gelöscht: Anschlussvertrag /

	Agreement on the Technical Connection to the Clearing EDP of Eurex Clearing AG (Connection Agreement)
	between
	Eurex Clearing AG
	Mergenthalerallee 61
	65760 Eschborn
	Postal address:
	60485 Frankfurt
	- hereinafter referred to as "Eurex Clearing"
	and
	- hereinafter referred to as "Contractual Party" -
	§ 1 This Connection Agreement governs further details of the technical connection to the Clearing EDP as well as the rights and duties of Eurex Clearing and the Contractual Party.
	§ 2 The General Terms and Conditions of the Connection Agreement and the Price List of the Connection Agreement in their respective current version shall be components of this Connection Agreement. Both components may be viewed and printed out from the Internet at www.eurexclearing.com .

Gelöscht: Vertrag über die technische Anbindung an die Clearing-EDV der Eurex Clearing AG (Anschlussvertrag)

Gelöscht: zwischen der

Gelöscht: Eurex Clearing AG

Gelöscht: Mergenthalerallee 61

Gelöscht: 65760 Eschborn

Gelöscht: Postadresse: .
60485 Frankfurt

Gelöscht: . - nachfolgend „Eurex Clearing“ genannt -

Gelöscht: und

Gelöscht: _____

Gelöscht: _____

Gelöscht:

Gelöscht: _____ -
nachfolgend „Vertragspartner“ genannt -

Gelöscht: § 1 . Dieser Anschlussvertrag regelt die näheren Einzelheiten an die technische Anbindung an die Clearing-EDV sowie die Rechte und Pflichten der Eurex Clearing und dem Vertragspartner.

Gelöscht: § 2 . Bestandteil dieses Anschlussvertrages sind die **Allgemeinen Geschäftsbedingungen des Anschlussvertrags** und das **Preisverzeichnis des Anschlussvertrags** in ihrer jeweils gültigen Fassung. Beide Vertragsbestandteile können über das Internet unter der Adresse www.eurexclearing.com eingesehen und herunter geladen werden. .

Connection Agreement
Eurex Clearing AG

26.11.2018

Gelöscht: Anschlussvertrag /

	<p>§ 3 Eurex Clearing shall be entitled to amend this Connection Agreement and/or individual components of it at any time, paying due consideration to the interests of the Contractual Party. § 15 of the General Terms and Conditions of the Connection Agreement shall govern such amendments.</p>
	<p>§ 4 This Connection Agreement shall be governed by the law of the Federal Republic of Germany. Exclusive place of jurisdiction shall be Frankfurt am Main. Eurex Clearing shall be entitled to take legal action against a Contractual Party also at the Contractual Party's general place of jurisdiction. <u>Only the English language version of this Connection Agreement shall be binding. A German language version is no longer provided.</u></p>
	<p>§ 5 This Connection Agreement shall govern the subject matter exclusively. No differing oral agreements or ancillary agreements between the parties other than those expressly set forth herein exist. Supplementary agreements, changes and amendments shall be made in writing. This also applies to the annulment of the requirement for written form.</p>
	<p>§ 6 In the event that any individual terms of this Connection Agreement should be or become invalid, this shall not affect the validity of the remaining terms hereof. Any invalid contractual provision shall be replaced either by the statutory provision or, in the event of absence of such a rule, such provision as the parties would in good</p>

Gelöscht: § 3 . Die Eurex Clearing ist berechtigt, diesen Anschlussvertrag und/oder einzelne Vertragsbestandteile jederzeit unter angemessener Berücksichtigung der Interessen des Vertragspartners zu ändern. Für entsprechende Änderungen gilt § 15 der Allgemeinen Geschäftsbedingungen des Anschlussvertrages.

Gelöscht: § 4 . Dieser Anschlussvertrag unterliegt dem Recht der Bundesrepublik Deutschland. Ausschließlicher Gerichtsstand ist Frankfurt am Main. Die Eurex Clearing ist berechtigt, den Vertragspartner auch an seinem allgemeinen Gerichtsstand zu verklagen. Für die Auslegung dieses Vertrages ist der deutsche Wortlaut maßgeblich.

Gelöscht: For interpretation of

Gelöscht: , the German

Gelöscht: wording

Gelöscht: only

Gelöscht: § 5 . Dieser Anschlussvertrag regelt den Vertragsgegenstand abschließend. Abweichende mündliche Vereinbarungen oder Nebenabreden der Vertragsparteien bestehen insoweit nicht. Nebenabreden, Änderungen und Ergänzungen dieses Anschlussvertrages bedürfen der Schriftform. Das gilt auch für die Aufhebung des Schriftformerfordernisses.

Gelöscht: § 6 . Sollte eine Bestimmung dieses Anschlussvertrages unwirksam sein oder werden, so wird hierdurch die Wirksamkeit der übrigen Bestimmungen nicht berührt. Anstelle der unwirksamen Vertragsbestimmungen tritt entweder die gesetzliche Regelung oder, bei Fehlen einer solchen Vorschrift, eine solche Regelung, die die Vertragsparteien nach Treu und Glauben zulässigerweise getroffen hätten, wenn ihnen die Unwirksamkeit oder Nichtigkeit bekannt gewesen wäre. Gleiches gilt, sofern eine Regelungslücke festgestellt wird.

Connection Agreement

26.11.2018

Gelöscht: Anschlussvertrag /

Eurex Clearing AG

	faith have admissibly adopted if they had been aware of the invalidity or nullity of the term which it replaces. The same shall apply in so far as it may be determined that the contractual provisions are incomplete.
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Connection Agreement
Eurex Clearing AG

26.11.2018

Gelöscht: Anschlussvertrag /

	§ 7 The parties agree that this Connection Agreement supersedes all earlier agreements between the parties in respect of the subject matter of the Agreement.
	Eurex Clearing AG
	Frankfurt / Main, _____ (Date)
	Signature
	Signature
	Contractual Party
	Place, Date
	Signature
	Signature

Gelöscht: § 7 . Die Vertragsparteien sind sich einig, dass dieser Anschlussvertrag alle zeitlich vorhergehenden Vereinbarungen der Vertragsparteien über den Vertragsgegenstand ersetzt.

Gelöscht: Eurex Clearing AG

Gelöscht: Frankfurt am Main, den _____

Gelöscht: ¶

Gelöscht: Unterschrift . . .

Gelöscht: ¶

Gelöscht: Unterschrift . . .

Gelöscht: ¶ Vertragspartner

Gelöscht: ¶

Gelöscht: _____

Gelöscht: Ort, Datum

Gelöscht: Unterschrift . . .

Gelöscht: ¶

Gelöscht: Unterschrift . . .

Seite 32: [1] Gelöscht	Any Authorised User	9/20/2018 7:06:00 PM
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§ 3 Die Eurex Clearing ist berechtigt, diesen Betreiber-Anschlussvertrag und/oder einzelne Vertragsbestandteile jederzeit unter angemessener Berücksichtigung der Interessen des Vertragspartners zu ändern. Für entsprechende Änderungen gilt § 12 der Allgemeinen Geschäftsbedingungen des Betreiber-Anschlussvertrags.

Seite 32: [2] Gelöscht	Any Authorised User	9/20/2018 7:06:00 PM
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§ 4 Dieser Betreiber-Anschlussvertrag unterliegt dem Recht der Bundesrepublik Deutschland. Ausschließlicher Gerichtsstand ist Frankfurt am Main. Die Eurex Clearing ist berechtigt, den Vertragspartner auch an seinem allgemeinen Gerichtsstand zu verklagen. Für die Auslegung dieses Betreiber-Anschlussvertrages ist der deutsche Wortlaut maßgeblich.

Seite 32: [3] Gelöscht	Any Authorised User	9/20/2018 7:06:00 PM
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§ 5 Dieser Betreiber-Anschlussvertrag regelt den Vertragsgegenstand abschließend. Abweichende mündliche Vereinbarungen oder Nebenabreden der Vertragsparteien bestehen insoweit nicht. Nebenabreden, Änderungen und Ergänzungen dieses Betreiber-Anschlussvertrages bedürfen der Schriftform. Das gilt auch für die Aufhebung des Schriftformerfordernisses.