

# **Conditions for Off-exchange Trades on the greenmarket Exchange (Off-orderbook)**

## **(Off-orderbook Conditions)**

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**Bayerische Börse AG**

The English version is for information purposes only.  
The German version shall be legally binding.

## Contents

Section 1	Scope of application, Off-orderbook trades
Section 2	Preconditions for participation
Section 3	Approved products
Section 4	Entry of Off-orderbook trades
Section 5	Trade confirmation
Section 6	Settlement of Off-orderbook trades
Section 7	Amendments to these Conditions
Section 8	Applicable law, place of performance, place of jurisdiction

Bayerische Börse AG is the operator of the greenmarket Exchange. In order to include trades in emission allowances (spot and futures markets) concluded off-exchange (Off-orderbook) in settlement of the greenmarket Exchange Bayerische Börse AG releases the following conditions:

### **Section 1 Scope of application, Off-orderbook trades**

- (1) Companies that are admitted as market participants to participation in spot trading and futures trading respectively of emission allowances on the greenmarket Exchange (participants) have the possibility to enter Off-orderbook trades into the GlobalVision<sup>®</sup> trading system in accordance with the following conditions and to participate in settlement for these trades in the market segment greenmarket.
- (2) An Off-orderbook trade within the meaning of these conditions exists when two parties have agreed on the purchase and/or sale of one of the products admitted for Off-orderbook settlement pursuant to section 3 of these Conditions and the characteristics of the trade correspond to the appropriate product specifications for this product according to the Conditions for Trading on the greenmarket Exchange (On-orderbook).
- (3) In the case of Off-orderbook trades SIX x-clear AG enters into the concluded trade by way of novation (i.e. by terminating the current contract between the market participant and entering in new contracts each between SIX x-clear AG and the seller and between SIX x-clear AG and the buyer and, in case of Non-Clearing-Members (NCM), between the relevant General-Clearing-Member (GCM).

### **Section 2 Preconditions for participation**

- (1) Use of the settlement facility for Off-orderbook trades is based on the precondition that the participant is admitted as a market participant of the greenmarket Exchange and proper settlement is ensured. Proper settlement is deemed to be ensured, if the participant is either in possession of a clearing license by SIX x-clear AG (Individual-Clearing-Member (ICM) or General-Clearing-Member (GCM), respectively) or, where it is not entitled to clearing, if it executes trades as Non-Clearing-Members (NCM) through a General-Clearing-Member (GCM) of SIX x-clear AG and settles trades through a settlement institution pursuant to section 32(2) of the Exchange Regulations.
- (2) The Management Body of the greenmarket Exchange can exclude a participant from use of the settlement facility for Off-orderbook trades if the participant does not comply with its obligations arising under these Conditions or if the preconditions for participation were not fulfilled or have ceased to exist. In

such case, the participant shall not be entitled to any reimbursement of costs, expenses or other disadvantages.

### **Section 3 Approved products**

Settlement of Off-orderbook trades has been approved for all products admitted to the greenmarket Exchange. The Management Body of the greenmarket Exchange may temporarily or permanently exclude products from settlement of Off-orderbook trades by way of a respective announcement.

### **Section 4 Entry of Off-orderbook trades**

- (1) Participant trades can be entered into the trading system by the buyer or the seller through the input mask provided for Off-orderbook trades. The relevant counterparty has to confirm the Off-orderbook trade within 60 minutes after entry of the trade. If the trade has not been confirmed in time, the Management Body of the greenmarket Exchange may cancel the trade.
- (2) The entry of Off-orderbook trades into the trading system is only possible during the entry times designated by the Management Body of the greenmarket Exchange.
- (3) The Management Body of the greenmarket Exchange may disable the entry of Off-orderbook trades in respect of one or more products in the event that such product or products is suspended from trading or where there are clear indications that settlement of Off-orderbook trades is having a disproportionate influence on the settlement of exchange trades.

### **Section 5 Trade confirmation**

- (1) Off-orderbook trades entered into the trading system of the greenmarket Exchange for participation in the settlement of Off-orderbook trades are not anonymous for the parties to the contract.
- (2) After Off-orderbook trades have been entered into the trading system and have been confirmed, the parties to the trade will receive a trade confirmation generated by the trading system. In this confirmation the Off-orderbook trades are expressly specified as Off-orderbook trades since the Off-orderbook trades are not transactions concluded on the exchange.

## **Section 6 Settlement of Off-orderbook trades**

- (1) Unless stated otherwise in the following, Off-orderbook trades participate in the applicable settlement procedure in the same way as the corresponding on-exchange trades concluded in the market segment greenmarket (On-orderbook).
- (2) For Off-orderbook trades which have been entered into the trading system by one party and confirmed by the other party, rules relating to the conclusion of trades and contractual obligations in the Clearing Terms of SIX x-clear AG, each as amended from time to time, and the settlement conditions of the settlement institution pursuant to section 32(2) of the Exchange Regulations, each as amended from time to time, shall apply to the contractual relationship between SIX x-clear AG as Central Counterparty on the one hand and the market participants which participate in the Off-orderbook trade or its clearing members on the other hand, as the case may be.
- (3) Other than in the case of On-orderbook trades (see section 18(2) of the Conditions for Trading on the greenmarket Exchange (On-orderbook), the settlement of Off-orderbook trades will occur on the trading day on which the entry has been confirmed pursuant to section 4(1) sentence 2 (T+0).

## **Section 7 Amendments to these Conditions**

Market participants will be notified at least 10 business days prior to the effective date of any amendments to these Conditions by publication on the website of the greenmarket Exchange and via the trading system.

## **Section 8 Applicable law, place of performance, place of jurisdiction**

- (1) All legal relationships in connection with these Off-orderbook Conditions greenmarket shall be governed by the laws of the Federal Republic of Germany. This shall not apply for legal relationships pursuant to section 1(3), if CCP-Services are provided by SIX x-clear AG; insofar the laws that are declared applicable in the Clearing Terms of SIX x-clear AG, each as amended from time to time, shall be the place of performance.
- (2) The place of performance for all obligations pursuant to these Conditions shall be Munich. This shall not apply for obligations pursuant to section 1(3), if CCP-Services are provided by SIX x-clear AG; insofar the place of performance determined in the Clearing Terms of SIX x-clear AG, each as amended from time to time, shall be the place of performance.
- (3) The exclusive place of jurisdiction for any and all disputes arising under or in connection with these Conditions shall be the courts in Munich. This shall not

apply for disputes in connection with CCP-Services provided by SIX x-clear AG pursuant to section 1(3); insofar the place of jurisdiction shall be determined pursuant to the Clearing Terms of SIX x-clear AG, each as amended from time to time.