

part of eex group



Application for Admission as DCP Clearing Member

22.01.2024
Leipzig

Ref. DCP01
Release 008

Preliminary remark

With this application form you can apply for admission as a DCP Clearing Member (DCP CM) at European Commodity Clearing AG (ECC) according to the Clearing Conditions of ECC. DCP CMs are companies which maintain a Direct Clearing Participant (DCP) Clearing Licence and are exclusively authorised to clear own Spot Market transactions. Further details regarding the legal relationship between the parties are provided in the Clearing Conditions of ECC.

Admission involves the following steps:

1. Please fill in the application form (DCP01) for admission as a DCP CM.
2. Send the application form for licensing as a DCP to: memberreadiness@ecc.de
3. ECC shall decide on the application as DCP CM and will inform the applicant with regard to this.

Application

We hereby apply for admission as a DCP CM according to the Clearing Conditions of ECC. The legal bases of admission as a DCP CM and participation in clearing are established in:

- This application (DCP01),
- The Clearing Conditions of ECC,
- The price list of ECC.

By signing this application, we confirm that we are familiar with the above mentioned rules and regulations and that we acknowledge and observe them. The most current version of the documents can be downloaded from the ECC website at www.ecc.de.

In order to settle their transactions, DCP CM shall use dedicated accounts maintained by their corporate bank which already concluded a suitable bilateral agreement with the ECC approved Settlement Bank ("Connected Bank Account").

The applicant acknowledges that with the submission of this application costs may occur on the side of ECC for setting up the Connected Bank Account at the respective Settlement Bank. After the submission of this application document ECC may charge the fees of the Settlement Bank for setting up the Connected Bank Account (€ 2.500) to the applicant in case the application for the admission as a DCP Clearing Member is withdrawn by the applicant as these fees are not refundable.

Applicant

Name of Company and Company Register	
Name of the company according to company register	Legal status
Company register no.	Place of registration
Tax number	Sales tax identification number
Address of the applicant	
Country	Street and house number
Post code	Town
Correspondence Address (if different)	
Country	Street and house number
Post code	Town

General contact persons

Mr/ Ms	Surname	First Name	Phone	E-Mail

Invoicing contacts

These contacts will be setup as user for the ECC Member Area and receive in the course of the electronic invoice dispatching invoices and credit notes electronically in form of a download link send via email.

It is mandatory to name at least one E-mail address.

	Surname	First Name	E-Mail
1	Invoicing 1	Contact Report	
2	Invoicing 2	Contact Report	

Emergency procedure and Default contacts

These persons are authorised to issue legally binding statements on behalf of the applicant in cases of emergency. These contacts are required for default management purposes according to the clearing conditions.

It is mandatory to name at least one E-mail address.

Mr/ Ms	Surname	First Name	Phone	E-Mail

Persons Entitled to Sign

Name of the company according to the company register / <i>Firmenbezeichnung laut Handelsregister</i>	Applicable for the ticked business partners / <i>Maßgeblich für die angekreuzten Geschäftspartner</i>
	European Commodity Clearing AG European Energy Exchange AG EPEX SPOT SE

The following persons are authorized representatives and are authorized to sign in all contractual matters and business operations in respect of the companies ticked above. Please at least fill in the signees of this form according to page 9.

N°	Name	First Name / Vorname	Email	Signature Specimen	Entitled to sign alone / <i>Einzeln unterschrifts- berechtigt</i>	Joint signature ¹ / <i>unterschrifts- berechtigt mit²</i>
1						
2						
3						
4						
5						
6						
7						

To be filled by EEX Group	<p><i>This document has been checked and signed by an authorized staff from EEX Group:</i></p> <p>Date: _____ Name: _____</p>
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¹ Only allowed to sign together with N° / *Unterschriftsberechtigt nur gemeinsam mit N°*

Connected Bank Account (if applicable)

Please contact direct.clearing@ecc.de to find out if your preferred corporate bank is already 'connected' to a Forwarding-Bank and is able to receive "Request for Transfer" instructions (MT101 messages) initiated by ECC from the Forwarding-Bank.

As a DCP Clearing Member we intend to open an account at one of the following corporate banks, ECC shall verify if these institutions already qualify as Connected-Banks:

	1. Account at Connected Bank	2. Account at Connected Bank
Bank Name		
Swift/BIC Code		
Currency		

We hereby declare that:

- ✓ we acknowledge and agree that our above mentioned banks as Connected-Banks – upon "Request for Transfer" instructions (MT101 messages) initiated by ECC and forwarded by the Forwarding-Bank to the Connected-Bank – will execute payment orders and dispose of the balance of our account at the Connected-Bank resulting in credit entries on ECC Forwarding-Bank accounts in order to discharge our obligations to ECC. We hereby authorise the Connected-Bank to execute such payment orders upon receipt of a MT101 message in any amount in our name and on our behalf (Power of Attorney),
- ✓ we acknowledge and agree that without the consent of ECC we will not initiate a revocation, recall or repayment request towards our bank as Connected-Bank or any other action that leads to a reversal or contestation of any or all parts of a credit entry into a Forwarding-Bank account of ECC following a respective MT101 message initiated by ECC,
- ✓ we will duly sign and return a copy of the 'Form of Connected Bank Member Confirmation Letter' to ECC.

Use of algorithmic trading

The applicant acknowledges that the Clearing Conditions in section 2.1.3 para 5 restrict the use of algo trading mechanisms for DCP Clearing Members.

We hereby declare that we:

will not use an algo trading mechanism.

Use an algo trading mechanism only as described below:

Please use supplementary sheet if this space should not be sufficient.

We hereby declare that we will duly inform ECC regarding any change of our use of algo trading as declared above.

National licenses (for DCP Clearing Members with registered office in the UK only)

Do you hold any of the following licenses?

1. A license granted under section 6(1)(b) or (c) of the Electricity Act 1989 (transmission and distribution licences for electricity);
Yes
No
2. A license granted under section 6 (1) (d) of the Electricity Act 1989 (supply of electricity to premises).
Yes
No
3. A license granted under Article 10(1)(b) or Article 10(1)(bb) of the Electricity (Northern Ireland) Order 1992 (NI 1)
Yes
No
4. A license granted under section 7A (1) (a) or (b) of the Gas Act 1986 (supply of gas to pipes though pipes);
Yes
No
5. A license granted under section 7 of the Gas Act 1986 (transportation of gas)
Yes
No
6. A license granted under Article 8(1)(a) of the Gas (Northern Ireland) Order (conveyance of gas)
Yes
No

These licenses are not obligatory to join ECC AG as Direct Clearing Participant Clearing Member. ECC faces a different legal perspective, of which ECC AG need to be aware.

For DCP Clearing Members holding one of the above licenses ECC has the right to cap the trading limit at its own discretion. Additionally, ECC can limit the accepted collateral to bank guarantees.

The DCP Clearing Member must inform ECC immediately if it obtains one of the above-mentioned licenses at a later stage.

Strategic Company²

We hereby declare that we:

are not considered a strategic company under our applicable local laws.

we are considered a strategic company under the laws as described below:

Please use supplementary sheet if this space should not be sufficient.

We hereby declare that we will duly inform ECC upon any change of our consideration as strategic company as declared above.

Declarations

1. We hereby assure that we will acknowledge and observe the rules and regulations of European Commodity Clearing AG (in particular the Clearing Conditions) in their respectively valid version.
2. We assure that all necessary national and/or international authorizations/ licenses/ and permissions have been obtained in order to take part in clearing by ECC, Leipzig/Germany. We furthermore confirm that the trades transferred to ECC for the purpose of clearing do not violate any applicable laws, regulations, obligations etc.
3. After licensing the applicant will receive a separate invoice for fees, which results from the fee structure referred to in the price list in the respectively valid version. The applicant hereby agrees that all fees incurred in accordance with the price list may be collected from the bank account indicated on the debit order.
4. We assure to promptly inform ECC of any changes to the entries, confirmations and declarations, which have been given to ECC in connection with this application, and to furnish evidence regarding such entries, confirmations and declarations in due time. This shall also apply in case of an insolvency of the applicant.
5. We authorize ECC to render account in the form of credit notes (according to Section 14 of the German VAT Law) for any receivable which result from the physical delivery of commodities.
6. We agree to the publication of our company as a DCP CM.
7. UK DCP Clearing Members only: We hereby assure that we will inform ECC immediately if we should become a holder of a national license as referred to above.

² A strategic company is a company, that is subject to exceptional regulations in case of insolvency / bankruptcy proceedings according to the applicable legal system. The requirement of "exceptional regulations" could be fulfilled in case of (however not limited to) a right of the state of pre-emption regarding the insolvent / bankrupt company, which is not applicable in regular insolvency proceedings in the respective legal system. It is irrelevant if the respective legal system uses a term, that differs from the term / translation of the term "strategic companies" (e.g. "strategically important company").

PRIVACY NOTICE

The undersigned assures that he/she has fully informed the contact persons named in connection with the contract, the exchange membership relationship or other legal relationships about the transfer of their personal data and that he/she has brought to their attention the PRIVACY NOTICE which can be found on our company websites.

On behalf of the **DCP Clearing Member**:

Place	Date	Company stamp and legally binding signature(s)
		<p>Please be aware that the persons signing this DCP01 will be requested to perform video identification as acting person according to the German anti-money laundering act.</p> <p>Name, Surname:</p> <p>Personal business e-mail address:</p> <p>Private address of residence:</p>
		<p>Please be aware that the persons signing this DCP01 will be requested to perform video identification as acting person according to the German anti-money laundering act.</p> <p>Name, Surname:</p> <p>Personal business e-mail address:</p> <p>Private address of residence:</p>