

› eex group

«KNOW YOUR
CUSTOMER»
Questionnaire

30.01.2024
Leipzig

Release 011

- only required as scan -

According to regulatory requirements, European Energy Exchange AG, EPEX SPOT and European Commodity Clearing AG (hereafter "the **EEX Group**") are obliged to implement measures against money laundering, financing of terrorist activities and fraud (e.g. VAT tax fraud). A main element of these measures is the identification of customers and the background of their transactions. To fulfil this obligation, EEX Group uses this Know Your Customer Questionnaire ("**KYC Questionnaire**"). Submitting a completed/filled out version of this KYC Questionnaire is one of the prerequisites to conclude the admission process to one or more entities of the EEX Group. Please be aware that, depending on the information provided within the KYC Questionnaire and related documents, further information and/or additional documents may be requested.

As part of the admission process, EEX Group collects confidential business information ("**Confidential Information**")¹. EEX Group agrees and commits not to disclose nor to disseminate Confidential Information to a third party except to EEX Group entities, Shareholders and entities or other institutions directly involved in performing the duties and responsibilities of EEX Group (such as, for instance, clearing institutions or supervisory and regulatory authorities). Therefore, by filling out the KYC Questionnaire, the applicant hereby expressly authorizes EEX Group entities to share with each other collected Confidential Information. In such case, EEX Group remains responsible for ensuring the confidentiality of the Confidential Information shared and acknowledges that in case of a breach of this obligation of confidentiality, the applicant shall be entitled to claim compensation from the EEX Group entity which is in breach of its confidentiality obligation for any direct financial damage resulting from such a breach. This compensation obligation is limited to a cap of ten thousand Euros (10.000 €), all damages included except in the event of gross negligence or intentional breach, in which cases the compensation obligation shall be uncapped.

As part of the admission process, EEX Group also receives and/or collects and processes personal data from/of traders, employees or any other representative of the applicant ("**Data Subject**"). This includes among others their contact details (name, email and postal address, phone number) and connection details ("**Personal Data**"²) received, collected and/or processed:

- i) either directly by submission of such information to EEX Group by the Data Subject. Any detail related to the processing of such Personal Data, including the rights of Data Subjects, is available on demand; or
- ii) indirectly via the applicant. In such a case, the applicant warrants that the collection and processing of Personal Data by it, including the transfer itself by it to EEX Group, has been and, up to the moment of the transfer, will continue to be carried out in accordance with all applicable Data Privacy Regulation³.

Therefore, the applicant hereby expressly authorizes each EEX Group entity to share this Personal Data with other EEX Group entities, for the purpose of admission processes coordination within EEX Group. The applicant herewith confirms that the applicant has obtained any consents from the Data Subject to the extent required by law.

The applicant also agrees that if the EEX Group is held liable by a Data Subject for any breach of the Data Privacy Regulation due to the processing of Personal Data under ii), it will indemnify EEX Group for any cost, charge, damages, expenses or loss it has incurred.

¹ - Confidential information refers to any information whether or not marked as confidential, including, but not limited to, documents, data, processes, reports, records, financial information, customer information and contents of the discussions/negotiations with EEX Group, etc., directly or indirectly related to the process of application as a member of EEX Group markets, provided or which access has been given to EEX Group in writing, electronically or in any other form whatsoever in the framework of the process of application, with the exception of information which has come into the public domain through no fault or negligence of EEX Group

² - "Personal Data" and "Data Subject" shall have the same meaning as in the General Data Protection Regulation (Regulation (EU) 2016/679) on the protection of individuals with regard to the processing of Personal Data and on the free movement of such data ("GDPR");

³ - "Data Privacy Regulation" refers to the GDPR and any other applicable national data privacy law

Mandatory supporting documents

Please provide the following documents (translated into English, French or German):

1. Latest Commercial Registry extract (not older than 3 months);
2. Financial statement audited if available, incl. balance sheet and P&L from the last fiscal year. For newly founded companies: If no financial statement is available yet, we kindly require a business plan including the following:
 - a) Financial plan for the next 3 years
 - b) The company's goal and concept to achieve it
 - c) Background on personnel (focus: board of directors & traders)
 - d) How the company is funded
 - e) Information about profit transfer agreement, if applicable

If available, please include a web link to (audited) annual reports:

1. Company profile

To analyze your application, please answer the following questions thoroughly and completely (questions must be answered **for the applicant company only** – not for its group or shareholders).

1	Company name (according to the Commercial Registry)	
2	<i>In case different, company name in local language</i>	
3	Address of registration according to Commercial Registry	
4	<i>In case different, address and country of the trading desk/trading office</i>	
5	<i>In case different, address and country of the invoiced entity</i>	
6	Phone (switchboard)	
7	Website	
8	Date of incorporation	
9	Number of employees	
10	Managing Directors <i>(if not already listed in the Commercial Registry excerpt)</i>	
11	Describe the main business of the company. Specify the sectors in which the company is mainly active.	

2. Identity

2.1 Please state the type of company:

Main business related to power / natural gas:

- ☐ **Regulated utility (gas/power)**
 - ✓ energy company that engages in the generation and sales of energy
 - ✓ operates energy grids
 - ✓ production capacity is more than 5MW
- ☐ **Aggregator**
 - ✓ acts on behalf of a group of customers
 - ✓ manages a "pool" of supply and/or demand energy positions
- ☐ **Municipal and regional supplier**
 - ✓ buys power or gas for end-consumers of power or gas
- ☐ **Trading company**
 - ✓ buys and sells power or gas
 - ✓ does not usually get involved in the owning of the good
- ☐ **Regulated TSO**
 - ✓ Transmission System Operators (TSO) and/or
 - ✓ storage operators
- ☐ **Large commercial energy consumer**
 - ✓ final user of power or gas
 - ✓ large-scale consumer / utilizer of power / natural gas
 - ✓ > 100.000 kWh p.a.
- ☐ **Natural gas extraction, LNG production, oil / biogas or green gas production**

Does your company own or operate the physical assets related to your business?

- ☐ Yes ☐ No

Main business in selected special industries:

- ☐ **Agricultural producer / cooperation / wholesale agent**
- ☐ **Sawmill, pulp or paper producer**
- ☐ **Airline or aviation services**
- ☐ **Maritime transport services (bulk, LNG, container, fuel)**

Does your company own or operate the physical assets related to your business (e.g. ships, factories, airplanes, etc.)?

- ☐ Yes ☐ No

Main business in other general industries:

- ☐ **Regulated Banking industry**
- ☐ **Regulated financial services provider**
- ☐ **Investment Fund**
- ☐ **Regulated Credit institution**
- ☐ **“Monetary Financial Institution” according to the European Central Bank**

Please provide the following supplementary information in the table below:

Name of the supervisory authority	Web link database of supervisory authority
Registered since	ID; Identifier

- ☐ **Multiple commodities trading company (if not a financial service provider):**

☐ unregulated ☐ regulated, please provide the following supplementary information:

Name of the supervisory authority	Web link database of supervisory authority
Registered since	ID; Identifier

- ☐ **Other business group**

Please describe the current main business of your company (company group):

2.2 Which category does your company belong to? (multiple answers possible)

☐ **Majority (> 50%) of shares publicly- / state- / municipally owned**
or 100% subsidiary of such a company

☐ **Exchange-listed / exchange-traded corporation**
or 100% subsidiary of such a company

Name of the Exchange (abbreviation): _____

☐ Regulated market segment (please hand in proof)

☐ Unregulated market segment (free float)

Is the majority of shares (directly or indirectly) owned by a private wealth management trust or wealth management fund?

☐ Yes ☐ No

Is the majority of shares (directly or indirectly) issued as bearer shares?

☐ Yes ☐ No

☐ **None of the above applies**

2.3 Business purpose with ECC: Please state the purpose of your activities via EEX / ECC's partner exchanges⁴ (if applicable and multiple answers possible):

Purpose	For proprietary account ⁵	For agency account ⁶
Hedging	<input type="checkbox"/>	<input type="checkbox"/>
Speculative trading	<input type="checkbox"/>	<input type="checkbox"/>
Purchase / selling of own (company group) power / natural gas production / storage	<input type="checkbox"/>	<input type="checkbox"/>
Purchase / selling of power / natural gas from supply and delivery contracts (e.g. wholesale trades, supply of final customers, import / export)	<input type="checkbox"/>	<input type="checkbox"/>
Fulfilment of own regulatory requirements (nEHS, EUA, CGFR)	<input type="checkbox"/>	<input type="checkbox"/>
Fulfilment of regulatory requirements of the company group (nEHS, EUA, CGFR)	<input type="checkbox"/>	<input type="checkbox"/>
Other – Please describe:	<input type="checkbox"/>	<input type="checkbox"/>

⁴ <https://www.ecc.de/en/clearing/partner-exchanges-and-products>

⁵ For own trading

⁶ On behalf of and for account of customers

3. Ownership

3.1 Please submit a chart explaining the shareholder/ownership structure of the company, up to and including the Ultimate Parent level as well as the direct and indirect shareholders with a minimum of 10% aggregate ownership or comparable control rights.

The following information is required:

- for legal persons:

- ✓ name of the company,
- ✓ legal form of the company,
- ✓ registration number (if available),
- ✓ address of the headquarter,
- ✓ shares and/or voting rights (in %);

- for natural persons:

- ✓ first name(s) + surname(s),
- ✓ date of birth,
- ✓ citizenship,
- ✓ shares and/or voting rights (in %);

- for foundations / trusts:

- ✓ trustor,
- ✓ trustee,
- ✓ protector (if applicable),
- ✓ member of the foundation's board,
- ✓ beneficiary (group of beneficiaries),
- ✓ shares and/or voting rights (in %);

3.2 Who is/are the beneficial owner/s⁷?

For natural persons:

First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship	Share (in %)

Only applicable for foundations/trusts:

Natural person acting as trustor, trustee, or where applicable as protector:			
First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship

⁷ For details, please refer to [Directive \(EU\) 2015/849](#) and to [GwG \(Geldwäschegesetz / German Money Laundering Act\)](#)

Natural person who is a member of the foundation's board:

First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship

Natural person who has been designated as a beneficiary or group of beneficiaries:

First Name(s)	Surname(s)	DOB (dd.mm.yyyy)	Citizenship

3.3 Has there been any change of the beneficial owner within the last 3 years?
☐ Yes ☐ No

If yes, please provide details about these changes:

3.4 Has your company, its group and/or its management been under investigation (e.g. by tax, financial, competition or energy authorities) within the last three years or is such an investigation currently ongoing?
☐ Yes ☐ No

If yes, please provide details.

3.5 Are there any Politically Exposed Persons (PeP)⁸ among the company's shareholders, beneficial owners or in its management?

☐ Yes

☐ No

If yes, please provide the following information:

First name(s)	Surname(s)	DOB (dd.mm.yyyy)	Reason for PEP status

⁸For details, please refer to Article 3 of [Directive \(EU\) 2015/849](#)

4. Your trading profile and capability to intervene

4.1 Is your company already admitted/registered to at least one Regulated Market/Exchange?

	Market/Exchange	Start date	Type via		
<input type="checkbox"/> Yes			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
			<input type="checkbox"/> Directly Registered	<input type="checkbox"/> CM <input type="checkbox"/> Broker	<input type="checkbox"/> Bank <input type="checkbox"/> other third party
<input type="checkbox"/> No, we are not admitted/registered at any regulated market/exchange.					

4.2 Is your company already trading commodities on other centrally cleared markets?

	Commodity traded (centrally cleared)	Since
<input type="checkbox"/> Yes		
<input type="checkbox"/> No, we are not trading commodities on other centrally cleared markets.		

4.3 Is your company already trading commodities OTC?

	Commodity traded (OTC)	Since
<input type="checkbox"/> Yes		
<input type="checkbox"/> No, we are not trading OTC commodities.		

4.4 In case your company does not have any trading experience (answered “No” for 4.1, 4.2, 4.3), please briefly explain the activities of your company since its incorporation.

4.5 Are the traders acting on behalf of your company employed by your company?

☐ Yes ☐ No, employed by _____

☐ No, employed by an affiliated company: _____

4.6 Are there any group / affiliated companies already admitted at ECC?

☐ Yes ☐ No

If yes, please state the company name(s):

5. Prevention of Money Laundering, Terrorist Financing & International Financial Sanctions

For your information: Unless stated differently within the questions itself, all the questions below are supposed to be answered by all institutions.

5.1 For financial institutions only:

If available, please provide your latest version of the “Wolfsberg Financial Crimes Compliance Questionnaire”⁹ and continue with number 6. Otherwise, please answer the questions 5.2 to 5.9.

5.2 Is your company regulated?

☐ Yes ☐ No

If so, please list the law(s)/regulation(s) and the regulatory authority:

Law/Regulation	Name of the Regulatory Authority

5.3 Is a risk-based AML/CTF, KYC, and Fraud Prevention System implemented, which contains a risk analysis, clear responsibility, and ways of reporting, appropriate and effective measures as well as regular controls?

☐ Yes ☐ No

5.4 Are the measures/processes defined by your company to comply with relevant AML-, CTF- and KYC-requirements subject to a review by an independent auditor on a regular basis?

☐ Yes ☐ No

If yes, were any significant findings revealed in the last few audits?

☐ Yes ☐ No

If yes, please state the kind of significant findings and explain how these were mitigated or resolved:

5.5 Does your company maintain/provide accounts to give unknown/anonymous customers access to products that are cleared by ECC? (anonymous accounts, brokerage accounts, trading relationships)?

☐ Yes ☐ No

⁹ <https://www.wolfsberg-principles.com/wolfsbergcb>

5.6 Does your company regularly train the staff members regarding AML?

☐ Yes ☐ No

5.7 Does your company or its group do business in, or receive and/or deliver (directly or indirectly) to countries with insufficient measures to prevent money laundering (high risk countries according to the Commission Delegated Regulation (EU) 2016/1675 or FATF list?

☐ Yes ☐ No

If yes, please state the respective countries:

Is special attention paid on the risk of money laundering evasion and are appropriate measures taken?

☐ Yes ☐ No

5.8 Does your company or its group do business in/with, or receive and/or deliver (directly or indirectly) to:

- countries against which the UN, EU, UK or US have applied comprehensive economic sanctions (embargoes), e.g. Iran, Syria, Libya, Cuba etc.,
- sanctioned entities?

☐ Yes ☐ No

If yes, please state the respective countries and/or entities:

If yes: Can you confirm that you do not intend to process sanctioned funds, transactions or requests through ECC, or its partners?

☐ Yes ☐ No

5.9 In case your company of domiciliation/operational headquarter is not within the EU but your ultimate beneficial owner's country of domiciliation is within the EU, can you confirm that you fully take over and implement all group-wide policies and procedures regarding Directive (EU) 2015/849 Art. 45¹⁰?

☐ Yes ☐ No ☐ N/A

¹⁰ [Directive \(EU\) 2015/849 Art. 45](#)

5.10 In case your company does not trade on own account only (see your answer to question 2.3), is the risk of VAT fraud specifically considered?

☐ Yes ☐ No ☐ N/A

If yes: Have appropriate risk reduction and mitigation measures been defined for the customer acceptance and trading process?

☐ Yes ☐ No ☐ N/A

If yes: Do you check the VAT-ID of your customer(s) on a regular basis?

☐ Yes ☐ No ☐ N/A

6. Signature(s)

We recognize that the companies that are part of the EEX Group are obliged to implement measures against money laundering, financing of terrorist activities and fraud (e.g. VAT tax fraud) and that the information in this questionnaire is used to fulfill regulatory requirements. We authorize the companies that are part of the EEX Group to use the information given in this questionnaire internally and to exchange information in this questionnaire with the partner exchanges within the Group where the applicant is admitted for trading or has applied for admission.

We declare in good faith that all information, answers and documents provided with this questionnaire are exact and authentic. We have omitted no important information that could have an impact on the judgment made about our request for admission. We accept to answer any other question you might have in the future to comply with your legal obligations.

<i>Place</i>	<i>Date</i>	<i>Company stamp and legally binding signature(s) of the company</i>
		<i>Signature(s):</i> <i>Name(s) (in block letters):</i> <hr/>