

General Terms and Conditions of Deutsche Börse AG for the Regulated Unofficial Market on the FWB Frankfurt Stock Exchange (Frankfurter Wertpapierbörse)

[...]

**Second Part
General Provisions for the Inclusion of Securities (Open Market)**

§ 9 Inclusion of securities in the Open Market

- (1) Securities which are neither admitted nor included in the Regulated Market of FWB may be included in the Open Market.
- (2) On application of a Participant (§ 2 Paragraph 3), DBAG shall decide upon the inclusion. A claim of the Participant of the inclusion of particular securities does not even exist if the inclusion prerequisites (Paragraph 1, §§ 11 to 13) are fulfilled.
- (3) DBAG determines whether the securities included in the Open Market are traded in the electronic trading system and/or in floor trading and defines the trading currency. It may determine that a security shall be traded in several trading currencies.
- (4) The inclusion of shares in open domestic and foreign investment assets which are formed by way of investment funds or investment stock corporations (fund shares) may exclusively be applied for according to § 20 by specialists who are commissioned with assumption of the specialists' duties for fund shares. In trading of fund shares, the price determination shall exclusively take place in the electronic trading system in the specialist model of Continuous Auction.
- (5) In deviation to § 38 Paragraph 2 Exchange Act, securities issued for public subscription may be included in the Open Market before termination of assignment to the subscribers already.
- (6) The application of inclusion of securities may be refused also if the inclusion prerequisites (Paragraph 1, §§ 11 to 13) are fulfilled, in particular if, in DBAG's view, the prerequisites for an orderly trade or for orderly business transaction are not fulfilled or if the inclusion results in an overreaching of the public or a severe damage of general interests.
- (7) Inclusions shall be published pursuant to § 5.

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Fifth Part
Measures in case of violations, Final Provisions

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§ 27 Data Protection

- (1) In order to fulfil their obligation to monitor the orderly trading and trade settlement, DBAG shall record incoming and outgoing calls on the telephone lines announced via circular. These recordings shall be deleted after expiration of ten years at the latest.
- (2) Data collected pursuant to Paragraph 1 whose nondisclosure is in the interests of the participants or third parties – in particular personnel data as well as operating and business secrets – shall only be used for the purpose named in Paragraph 1 and only if the clarification of facts relevant therefore is not possible or acceptable by other means of finding or evidence. In cases of Clause 1, collected data may be transferred to the authorities named in § 10 Paragraph 1 Clause 3 Stock Exchange Act, provided these authorities need to have knowledge of these data in order to fulfil their obligations.
- (3) The disclosure of data and information of the participant within the scope of these General Terms and Conditions to companies of Deutsche Börse Group (available under <http://www.deutsche-boerse.com>) - in particular for purposes of information and analysis to improve the product portfolio as well as for advertising purposes - will be approved.

[...]

Frankfurt/Main, ~~3-12 May~~ July 2010

Deutsche Börse AG

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