

Chapter VIII of the Clearing Conditions of Eurex Clearing AG

Clearing of OTC Interest Rate Derivative Transactions, OTC FX Transactions, OTC XCCY Transactions and OTC NDF Transactions

As of 15.07.2022

AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

Preamble

This Chapter VIII forms an integral part of the Clearing Conditions of Eurex Clearing AG and respective references in other rules or documents to the Clearing Conditions shall also apply to this Chapter VIII.

Chapter I together with this Chapter VIII and all references to other Chapters or Annexes of the Clearing Conditions shall apply to (i) all Clearing Members with a respective Clearing License as well as (ii) ~~Basic Clearing Member~~ ISA Direct Clearing Members (other than ISA Direct Indemnified Clearing Members) with a respective ~~Basic Clearing Member Clearing License~~ ISA Direct Clearing License and their Clearing Agents (other than Indemnifying Clearing Agents) (in each case, if applicable).

[...]

Part 1 General Provisions

[...]

- (2) In addition to the offering of the Clearing of OTC Interest Rate Derivative Transactions, OTC Currency Transactions and OTC NDF Transactions under this Chapter VIII, Eurex Clearing AG offers the clearing of Interest Rate Derivative Transactions (as defined in Chapter I Number 1.1.5 of the FCM Regulations (as defined in Chapter I Part 1 Number 6)) to FCM Clearing Members (as defined in Chapter I Part 1 Number 6). If an Original OTC Transaction (as defined in Chapter I Part 1 Number 1.2.2) that is an interest rate derivative transaction or an Original Swap Transaction (as defined in Chapter I Number 1.3.3 of the FCM Regulations), in each case concluded between a Clearing Member (or, as relevant, an ~~Basic Clearing Member~~ ISA Direct Clearing Member or a DC With System Access/Basic DC) and an FCM Clearing Member or an FCM Client (as defined in Chapter I Number 1.1.9 of the FCM Regulations) is accepted for inclusion into the clearing procedures of Eurex Clearing AG, an OTC Interest Rate Derivative Transaction

between Eurex Clearing AG and the relevant Clearing Member in accordance with the Clearing Conditions (and subject to this Part 1 and Part 2) and an Interest Rate Derivative Transaction with corresponding terms between Eurex Clearing AG and an FCM Clearing Member (subject to and in accordance with the FCM Clearing Conditions) will be created at the same time by way of novation.

- (3) In addition to this Chapter VIII, (i) the provisions of Chapter I, including in particular the Elementary Clearing Model Provisions, the ISA Provisions and the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions (other than the ISA Direct Indemnified Provisions) shall apply to the Clearing of OTC Interest Rate Derivative Transactions, (ii) the provisions of Chapter I, including in particular the Elementary Clearing Model Provisions, and the ISA Provisions (but excluding Subpart D of the Elementary Clearing Model Provisions, Number 14 of the ISA Provisions and the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions) shall apply to the Clearing of OTC Currency Transactions and (iii) the provisions of Chapter I, including in particular the Elementary Clearing Model Provisions and the ISA Provisions (but excluding the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions), shall apply to the Clearing of OTC NDF Transactions, unless – in case of (i) - (iii) – otherwise provided hereinafter.

[...]

1.1 Clearing License

1.1.1 Granting of the Clearing License

[...]

- (A) an Interest Rate Derivatives Clearing License (as defined in Part 2 Number 2.1.3), as regulated in more detail in the respective Clearing Agreement, will be exclusively issued as a

[...]

- (iii) ~~Basic Clearing Member Clearing License~~ ISA Direct Clearing License which entitles its holder to clear Own Transactions; and

[...]

[...]

1.2 Conclusion of Transactions

OTC Interest Rate Derivative Transactions, OTC Currency Transactions and OTC NDF Transactions pursuant to this Chapter VIII are concluded by way of novation. The following provisions apply to the novation of an Original OTC Transaction if at least one counterparty of such Original OTC Transaction is a Clearing Member, ~~Basic Clearing Member~~ ISA Direct Clearing Member or a party having designated a Clearing Member for purposes of the Clearing. If an FCM Clearing Member or an FCM Client of an FCM Clearing Member acts as the counterparty of an Original OTC Transaction, for purposes

of this Chapter VIII, the term “Original OTC Transaction” means, when used in relation to such FCM Clearing Member, an Original Swap Transaction as defined in Chapter I Number 1.1.1 of the FCM Regulations, and a Swap Transaction (as defined in Chapter I Part 1 Number 6) means either an FCM Own Transaction or an FCM Client Transaction (as defined in Chapter I Number 1.3.2 (2) of the FCM Regulations). The provisions of this Number 1.2 also apply in connection with certain post-trade events, as further specified in Number 1.2.6.

1.2.1 Novation of Original OTC Transactions

[...]

- (2) Whenever the trade record of an Original OTC Transaction, including, as the case may be, a Credit Limit Token (as defined in Sub-Paragraph (b) (ii) below), is transmitted to Eurex Clearing AG via an ATS (such record, including, as the case may be, a Credit Limit Token, hereinafter referred to as a “**Trade Record**”); and
- (a) (x) with respect to an OTC Interest Rate Derivative Transaction, the parties to the related Original OTC Transaction are Clearing Members or ~~Basic Clearing Member~~ SA Direct Clearing Members, each holding the relevant Interest Rate Derivatives Clearing License or an FCM Clearing Member holding an FCM IRS License or (y) with respect to an OTC FX Transaction, an OTC XCCY Transaction or an OTC NDF Transaction, the parties to the related Original OTC Transaction are Clearing Members, each holding the relevant OTC Currency Products Clearing License; or
- (b) with respect to (x) an OTC Interest Rate Derivative Transaction, only if any party to the Original OTC Transaction is neither a Clearing Member nor an ~~Basic Clearing Member~~ SA Direct Clearing Member, in each case holding the relevant Interest Rate Derivatives Clearing License, neither an FCM Clearing Member holding an FCM IRS License nor an FCM Client, and (y) an OTC FX Transaction, an OTC XCCY Transaction or an OTC NDF Transaction, only if any party to the related Original OTC Transaction is not a Clearing Member holding the relevant OTC Currency Products Clearing License; according to such Trade Record, a Clearing Member holding the relevant Interest Rate Derivatives Clearing License or the relevant OTC Currency Products Clearing License, respectively, has been designated as a Clearing Member for such party with respect to the relevant Original OTC Transaction, and
- [...]
- (c) Eurex Clearing AG accepts such Original OTC Transaction for inclusion in the Clearing Procedures by making an OTC Trade Novation Report available to the Clearing Member or, if applicable, the ~~Basic Clearing Member~~ SA Direct Clearing Member electronically via its system,

CCP Transactions will be concluded

[...]

- (ii) in case of an ~~an Basic Clearing Member Transaction~~ ISA Direct Transaction, in accordance with Chapter I Part 6 Subpart A Number 1.2 (3)~~3~~,

[...]

[...]

- (3) Any acceptance of the Original OTC Transaction by Eurex Clearing AG for inclusion in the Clearing and the related novation pursuant to Chapter I Part 1 Number 1.2.2 (2) or, in case of an ~~an Basic Clearing Member Transaction~~ ISA Direct Transaction, Chapter I Part 6 Subpart A Number 1.2 (3), as applicable, will be subject to the novation criteria pursuant to Number 1.2.3 and will be based on the Trade Record including, as the case may be, the Credit Limit Token, provided by the ATS on behalf of the parties to the Original OTC Transaction. Eurex Clearing AG relies on the accuracy of the data set out in the Trade Record, including, as the case may be, the Credit Limit Token and is neither able nor obliged to verify whether the Trade Record received properly reflects the terms of the Original OTC Transaction entered into by the relevant parties, nor whether the respective Clearing Member – as indicated in the Credit Limit Token submitted to Eurex Clearing AG via the ATS – has actually approved that it will act as a Clearing Member for the respective party with respect to such Original OTC Transaction and any novated CCP Transaction and clear such transactions.
- (4) Under the CCP Transactions created upon novation, the relevant Clearing Member or, if applicable, the relevant ~~Basic Clearing Member~~ ISA Direct Clearing Member has, in economic terms, the same economic role (e.g. as floating rate payer or as fixed rate payer, respectively) as such Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (in case of Own Transactions), or the relevant DC With System Access/Basic DC (in case of DC-Related Transactions) or Undisclosed Direct Client (in case of UDC-Related Transactions) of the Clearing Member had under the Original OTC Transaction (in the case of STM Interest Rate Derivative Transactions, subject to the amendments pursuant to Part 2 Number 2.1.4 (3), in the case of STM FX Transactions, subject to the amendments pursuant to Part 3 Number 3.1.4 (3), in the case of STM XCCY Transactions, subject to the amendments pursuant to Part 4 Number 4.1.4 (3)) and, in the case of STM NDF Transactions, subject to the amendments pursuant to Part 5 Number 5.1.4 Paragraph (3).

[...]

- (7) For the purposes of this Chapter VIII,

[...]

- (b) “**CCP Transaction**” means any OTC Interest Rate Derivative Transaction, OTC FX Transaction, OTC XCCY Transaction or OTC NDF Transaction (i) between Eurex Clearing AG and the relevant Clearing Member created pursuant to Chapter I Part 1 Number 1.2.2 (2) or (ii) -between Eurex Clearing AG and the relevant ~~Basic Clearing Member~~ ISA Direct Clearing Member created pursuant to Chapter I Part 6 Subpart A Number 1.2~~3~~ (32).

[...]

- (f) **“OTC Trade Daily Summary Report”** means a report that lists events occurring after the original novation which will be made available to the Clearing Members or ~~Basic Clearing Member~~ ISA Direct Clearing Members holding an Interest Rate Derivatives Clearing License and/or to the Clearing Members holding an OTC Currency Products Clearing License electronically via Eurex Clearing AG's system on each Business Day. The last OTC Trade Daily Summary Report will be made available at or around 11 p.m. (Frankfurt am Main time).

[...]

1.2.2 Legal Effectiveness of the Novation

The novation becomes legally effective at the point in time when Eurex Clearing AG accepts the relevant Original OTC Transaction for Clearing by making the relevant OTC Trade Novation Report available to the relevant Clearing Member or, if applicable, to the relevant ~~Basic Clearing Member~~ ISA Direct Clearing Member electronically via Eurex Clearing AG's system.

1.2.3 Novation Criteria

(1) [...]

1. A Trade Record of the Original OTC Transaction must be transmitted to the system of Eurex Clearing AG via an ATS and the Original OTC Transaction was
 - (i) entered into between two parties, each of which is a Clearing Member, an ~~Basic Clearing Member~~ ISA Direct Clearing Member or an FCM Clearing Member as provided for in Number 1.2.1 (2) (a), in each case holding the relevant OTC Clearing License or the relevant FCM IRS License, as applicable, on the basis of the specifications made in such Trade Record, or
 - (ii) (a) with respect to any party to the Original OTC Transaction that is neither a Clearing Member, an ~~Basic Clearing Member~~ ISA Direct Clearing Member, an FCM Clearing Member nor an FCM Client, accepted by the relevant Clearing Member(s) holding the relevant OTC Clearing License, as provided for in Number 1.2.1 (2) (b) (i) or Number 1.2.1 (2) (b) (ii), or

[...]

2. The Trade Record must specify in respect of the relevant Original OTC Transaction (i) that it is to be cleared by Eurex Clearing AG as well as (ii) (A) if any party of the Original OTC Transaction is a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member which does not hold the relevant OTC Clearing License, the Clearing Member holding the relevant OTC Clearing License selected by such party, (B) if any party of the Original OTC Transaction is an ~~Basic Clearing Member~~ ISA Direct Clearing Member, the Clearing Agent of

such ~~Basic Clearing Member~~ ISA Direct Clearing Member or (C) if one party of the Original OTC Transaction is an FCM Client, the relevant FCM Clearing Member holding the relevant FCM IRS License;

3. (i) The Trade Record is transmitted to Eurex Clearing AG in a format which allows Eurex Clearing AG to import the relevant data in its system, as communicated by Eurex Clearing AG to Clearing Members or ~~Basic Clearing Member~~ ISA Direct Clearing Members that hold an OTC Clearing License and (ii) no information required with respect to the terms of the relevant OTC Interest Rate Derivative Transaction, OTC FX Transaction, OTC XCCY Transaction or OTC NDF Transaction as set out in Part 2, Part 3, Part 4 or Part 5, respectively, is missing;

[...]

5. ~~No Basic Clearing Member Termination Date~~ ISA Direct Clearing Member Termination Date has occurred with respect to an ~~Basic Clearing Member~~ ISA Direct Clearing Member in respect of which the novated Original OTC Transaction is to be cleared;

[...]

8. The Clearing Member(s) and, if applicable, the ~~Basic Clearing Member~~ ISA Direct Clearing Member(s) that shall be a party to the OTC Transaction resulting from the novation of the Original OTC Transaction and, if applicable, the FCM Clearing Member(s) that shall be a party to the Swap Transaction resulting from the novation of the relevant Original OTC Transaction must have delivered Eligible Margin Assets (with respect to an FCM Clearing Member, as defined in the FCM Regulations) to Eurex Clearing AG, in the case of OTC Interest Rate Derivative Transactions, as required pursuant to Chapter I Part 1 Number 3, the Elementary Clearing Model Provisions, the ISA Provisions, the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions, and, in the case of Interest Rate Derivative Transactions (as defined in the FCM Regulations), as required pursuant to relevant provisions in the FCM Regulations, and, in the case of OTC FX Transactions, OTC XCCY Transactions and OTC NDF Transactions, as required pursuant to Chapter I Part 1 Number 3, the Elementary Clearing Model Provisions and the ISA Provisions, in each case to cover the calculated risks resulting from all Transactions (or, in respect of an FCM Clearing Member, the Swap Transaction) and the CCP Transaction to be created;
9. The Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, as applicable, must have complied with the scheduled intraday margin calls as further set out below and if applicable:

- (a) If Eurex Clearing AG determines that the aggregate value of the Eligible Margin Assets actually delivered to Eurex Clearing AG by the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, as relevant, is insufficient to provide the cover required in order to fulfil the margin requirements (as set forth in Part 2 Number 2.1.7, Part 3

Number 3.1.7, Part 4 Number 4.1.7 and Part 5 Number 5.1.7, as applicable) also taking into account all CCP Transactions arising pursuant to Part 2 Numbers 2.5, 2.6 and 2.7, Part 3 Numbers 3.7 and 3.8, Part 4 Numbers 4.8 and 4.9 and Part 5 Numbers 5.3 and 5.4 (any such shortfall of Eligible Margin Assets, the "**Shortfall Margin Requirement**"), Eurex Clearing AG will require the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, as the case may be, to provide additional Eligible Margin Assets intra-day in an amount up to the Shortfall Margin Requirement (such amount, the "**Shortfall Margin Amount**") in accordance with the following provisions.

- (b) Eurex Clearing AG shall notify the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member, as applicable, of (A) the Transactions arising pursuant to Part 2 Numbers 2.5, 2.6 and 2.7, Part 3 Numbers 3.7-, Part 4 Numbers 4.8 and 4.9 and Part 5 Numbers 5.3 and 5.4 to be covered by the Shortfall Margin Requirement as well as (B) the Shortfall Margin Amount in both the relevant Preliminary OTC Margin Call Report and OTC Margin Call Report.

[...]

- (c) Eurex Clearing AG will debit the Final Shortfall Margin Amount set forth in an OTC Margin Call Report in the agreed Clearing Currency from the relevant Currency Products Cash Account of the Clearing Member (as defined in Part 3 Number 3.1.3 (4)), relevant ~~Basic Clearing Member Cash Account~~ ISA Direct Cash Account or relevant OTC IRS U.S. Clearing Member Cash Account, as relevant, in accordance with the daily cash clearing procedure pursuant to Chapter I Part 1 Number 1.4.1. If such Clearing Currency can no longer be settled, Eurex Clearing AG shall convert the Final Shortfall Margin Amount in USD at the exchange rate determined by Eurex Clearing AG (as mentioned in the relevant Preliminary OTC Margin Call Report or OTC Margin Call Report).
- (d) The payment made by direct debit of the Final Shortfall Margin Amount determined in the OTC Margin Call Report produced and made available by Eurex Clearing AG at 1 p.m., 3 p.m. and 7 p.m. (each Frankfurt am Main time) shall constitute cover in respect of the Margin to which the margin requirement pursuant to Part 2 Number 2.1.7, Part 3 Number 3.1.7, Part 4 Number 4.1.7 or Part 5 Number 5.1.7, as applicable, relates and accordingly will constitute (i) Proprietary Margin or Omnibus Margin delivered by the Clearing Member pursuant to the Elementary Clearing Model Provisions, (ii) Margin delivered by the Clearing Member pursuant to the ISA Provisions or (iii) ~~Basic Clearing Member Margin~~ ISA Direct Margin delivered by the ~~Basic Clearing Member~~ ISA Direct Clearing Member pursuant to the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions, if applicable. The payment made by direct debit of the Final Shortfall Margin Amount determined in the OTC Margin Call Report produced and made available by Eurex Clearing AG at 10:30 p.m. (Frankfurt am Main time) shall be treated accordingly and shall constitute cover either in respect of

(i) the Proprietary Margin or Omnibus Margin delivered by the Clearing Member pursuant to the Elementary Clearing Model Provisions, (ii) Margin delivered by the Clearing Member pursuant to the ISA Provisions or (iii) the ~~Basic Clearing Member Margin~~ ISA Direct Margin delivered by the ~~Basic Clearing Member~~ ISA Direct Clearing Member pursuant to the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions, if applicable.

[...]

(f) The margin call pursuant to this Number 1.2.3 (10) applies in addition to the Margin Calls pursuant to Chapter I Part 1 Number 3.3, Part 2 Subpart A Number 4.2, Part 4 Number 6.2 and Part 6 Subpart A Number 7.3, as applicable;

[...]

1.2.4 Special Provisions with respect to the Conclusion of CCP Transactions

- (1) If (A) in the case of OTC Interest Rate Derivative Transactions, the Clearing Member or, if applicable, the ~~Basic Clearing Member~~ ISA Direct Clearing Member holds an Interest Rate Derivatives Clearing License or (B) in the case of OTC Currency Transactions or OTC NDF Transactions, the Clearing Member holds an OTC Currency Products Clearing License, the Clearing Member or, if applicable, the ~~Basic Clearing Member~~ ISA Direct Clearing Member (i) authorises Eurex Clearing AG to capture and maintain records vis-à-vis the respective ATS, and (ii) confirms that it has appointed the relevant ATS to receive trade communications and generate and send trade communications to Eurex Clearing AG for the Clearing Member or, if applicable, the ~~Basic Clearing Member~~ ISA Direct Clearing Member. Eurex Clearing AG may rely on such trade communications.
- (2) The Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, as the case may be, agrees that upon acceptance of an Original OTC Transaction for inclusion in the Clearing by Eurex Clearing AG based on a Trade Record of an Original OTC Transaction (including, as the case may be, a Credit Limit Token) submitted by the ATS to Eurex Clearing AG on behalf of the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member pursuant to Number 1.2.1, a Transaction will be concluded between Eurex Clearing AG and the Clearing Member on terms based on the Trade Record pursuant to Number 1.2.1 in conjunction with Number 1.2.2 (2) of the General Clearing Provisions or between Eurex Clearing AG and the ~~Basic Clearing Member~~ ISA Direct Clearing Member on terms based on the Trade Record pursuant to Number 1.2.1 in conjunction with Number 1.3 (2) of the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions. The Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, as the case may be, agrees to be legally bound by each such Transaction and acknowledges that no further specific agreement to be legally bound shall be required to be given by the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, as the case may be, at the time of the conclusion of such Transaction.

Each Clearing Member and ~~Basic Clearing Member~~ ISA Direct Clearing Member acknowledges that if a Swap Transaction shall result from the novation of the Original OTC Transaction, Eurex Clearing AG will determine its acceptance of the Original OTC Transaction for inclusion in the Clearing for the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member in conjunction with its determination whether to accept the Original OTC Transaction for inclusion in the clearing for the relevant FCM Clearing Member pursuant to the FCM Regulations.

- (3) The Clearing Member and the ~~Basic Clearing Member~~ ISA Direct Clearing Member should check without undue delay all notices and reports received from Eurex Clearing AG with regard to the correct conclusion of Transactions and inform Eurex Clearing AG of any mistakes, errors, omissions, deviations or irregularities in such notice or report in accordance with Chapter I Part 1 Number 4.6.
- (4) The Clearing Member and the ~~Basic Clearing Member~~ ISA Direct Clearing Member acknowledge that Eurex Clearing AG does not assume any liability vis-à-vis them

[...]

1.2.5 Daily Novation Process

[...]

- (4) If an Original OTC Transaction has been accepted for Clearing, an OTC Trade Novation Report will be made available to the relevant Clearing Member or to the relevant ~~Basic Clearing Member~~ ISA Direct Clearing Member electronically via Eurex Clearing AG's system. The last OTC Trade Novation Report will be made available at or around 11:00 p.m. (Frankfurt am Main time). Such last OTC Trade Novation Report summarizes all novations of the respective Business Day.

[...]

- (6) A Clearing Member, a DC With System Access or an ~~Basic Clearing Member~~ ISA Direct Clearing Member may subsequently cancel the submission with respect to any CCP Transaction intended to be transferred pursuant to Part 2 Number 2.7, Part 3 Number 3.8, Part 4 Number 4.9 or Part 5 Number 5.4 or to be terminated pursuant to Part 2 Number 2.8, Part 3 Number 3.9, Part 4 Number 4.10 or Part 5 Number 5.5, provided that (i) the cancellation request is entered by the Clearing Member, the DC With System Access or the ~~Basic Clearing Member~~ ISA Direct Clearing Member into the system of, and received by, Eurex Clearing AG, and (ii) each of the responsible Clearing Member, in case the request is entered by a DC With System Access and the other Clearing Member, ~~Basic Clearing Member~~ ISA Direct Clearing Member or FCM Clearing Member that is involved in such transfer or termination has given its prior consent in the system of Eurex Clearing AG to such cancellation.

[...]

1.2.7 Specific Provisions with respect to the Novation of CCP Transactions resulting out of a CCP Portfolio Switch

- (1) A Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or Clearing Agent acting on behalf of the ~~Basic Clearing Member~~ ISA Direct Clearing Member) may, by giving notice to Eurex Clearing AG, request for a novation of a certain set of Original OTC Transactions on portfolio level to support a transfer of transactions from another central counterparty to Eurex Clearing AG. The Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or Clearing Agent acting on behalf of the ~~Basic Clearing Member~~ ISA Direct Clearing Member) needs to provide a list of the transactions forming a portfolio (an “**Original OTC Transactions Switch Portfolio**”). Each request shall be supplemented by a corresponding request of the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or Clearing Agent acting on behalf of the ~~Basic Clearing Member~~ ISA Direct Clearing Member) which will be Eurex Clearing AG’s counterparty for the mirroring CCP Transactions (or Swap Transactions, as the case may be) as of the novation. Eurex Clearing may accept the request(s) by notifying the Clearing Member(s) and/or ~~or Basic Clearing Member~~ ISA Direct Clearing Member(s) (or Clearing Agent(s) acting on behalf of the ~~Basic Clearing Member~~ ISA Direct Clearing Member(s)) accordingly.

[...]

- (3) In deviation from Number 1.2.2, the legal effectiveness of the novation of CCP Transactions resulting from an Original OTC Transactions Switch Portfolio will be subject to the following additional condition precedent (*aufschiebende Bedingung*) that all relevant OTC Trade Novation Reports relating to all CCP Transactions resulting from an Original OTC Transactions Switch Portfolio have been made available to the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or Clearing Agent acting on behalf of the ~~Basic Clearing Member~~ ISA Direct Clearing Member). Eurex Clearing AG may, by giving notice thereof (under explicit reference to this provision) to the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or Clearing Agent acting on behalf of the ~~Basic Clearing Member~~ ISA Direct Clearing Member), waive the condition in respect of a certain CCP Transaction or a certain subset of such CCP Transactions (in which case only this/these CCP Transaction(s) included in the notice shall become legally effective, and the CCP Transaction(s) not included in the notice remain pending).

1.3 Transaction Accounts

- (1) With regard to the accounts of the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member Chapter I Part 1 Number 4 together with Part 2 Subpart B Number 2, Subpart C Number 2 or Part 4 Number 3.1, or, in the case of an ~~Basic Clearing Member~~ ISA Direct Clearing Member, together with Chapter I Part 6 Subpart A Number 5 apply in addition to the following provisions.
- (2) In deviation from Chapter I Part 1 Number 4 together with Part 2 Subpart B Number 2, Subpart C Number 2, Part 4 Number 3.1 and Part 6 Subpart A Number 5, Eurex Clearing AG opens and maintains with respect to each Clearing Member the

following transaction accounts in which the Transactions of the Clearing Member to be cleared have to be booked:

[...]

1.4 **Tax Gross-up Obligations of Clearing Members and ~~Basic Clearing Member~~ ISA Direct Clearing Members**

If a Clearing Member or an ~~Basic Clearing Member~~ ISA Direct Clearing Member is obliged by law to deduct or withhold a tax amount or other fiscal charge from a payment which it has to make, it shall pay to Eurex Clearing AG such additional amounts as are necessary to ensure that Eurex Clearing AG receives the full amount to which it would have been entitled at the time of such payment if no deduction or withholding were required. If a Clearing Member or an ~~Basic Clearing Member~~ ISA Direct Clearing Member is obliged to pay such additional amounts pursuant to Sentence 1, the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member shall not be entitled to terminate a CCP Transaction due to such obligation.

[...]

1.6 **US Reporting for Original OTC Transactions (via non-SEF ATS)**

- (1) The relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member having a reporting obligation under Part 45 of the CFTC Regulations acknowledges that Eurex Clearing AG shall, as required under Part 45 of the CFTC Regulations, report to an Approved SDR the details of the Clearing Member's or ~~Basic Clearing Member~~ ISA Direct Clearing Member's Own Transactions and the details of Client-Related Transactions for the Client Transaction Accounts, along with any settlement, modification or termination of such Original OTC Transactions, and, to the extent further required under applicable law, to one or more other trade repositories.

[...]

- (3) If the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member having a reporting obligation under Part 45 of the CFTC Regulations transmits a Trade Record that contains an Original OTC Transaction via an ATS which is not a SEF, the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member must provide Eurex Clearing AG with the unique swap identifier (as that term is used in Part 45 of the CFTC Regulations) for each Original OTC Transaction submitted to Eurex Clearing AG by or on behalf of the Clearing Member, along with the legal entity identifier (as that term is used in Part 45 of the CFTC Regulations) for the swap data repository to which the Original OTC Transaction was reported, when the Original OTC Transaction is submitted or immediately thereafter. The Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member acknowledges that it must provide such information to Eurex Clearing AG so that Eurex Clearing AG may report the termination of the Original OTC Transaction to the relevant swap data repository on a timely basis, in accordance with its obligations under Part 45 of the CFTC Regulations. The relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member has to

ensure that the Original OTC Transaction is legally effectively terminated upon novation.

[...]

1.8 Index-related Provisions

[...]

1.8.1 Index Correction

[...]

- (2) For the avoidance of doubt, if an Index Correction has taken place, Eurex Clearing AG shall automatically reperform any calculations which have been originally based on an index level before the Index Correction. If any payments took place on the basis of a Relevant Index Level before an Index Correction, the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member which has received an excess payment is obliged to repay any excess to Eurex Clearing AG, and Eurex Clearing AG will make a payment to compensate for an underpayment to the respective Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member.

1.8.2 Permanent Index Cessation

[...]

(3) [...]

- (d) If Eurex Clearing AG states in accordance with Chapter I Part 1 Number 16.1 the application of an index as a fallback, then, as of the Index Cessation Date, this index shall be applied as the Successor Index. Before announcing an index as a fallback index, Eurex Clearing AG shall take into account inter alia market practice, recommendations and documents by ISDA, IOSCO and competent authorities. If reasonably possible, Eurex Clearing AG shall consult affected Clearing Members and ~~Basic Clearing Member~~ ISA Direct Clearing Members prior to announcing any Successor Index in accordance with lit. (d).

[...]

- (6) Without prejudice to the early termination provisions set out in Part 2 Number 2.8, Part 3 Number 3.9, Part 4 Number 4.10 and Part 5 Number 5.5 and any termination rights a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member may have pursuant to Chapter I, Clearing Members or ~~Basic Clearing Member~~ ISA Direct Clearing Members have no right to terminate transactions due to the occurrence of a Permanent Index Cessation Event.

(7) [...]

Upon request by Eurex Clearing AG, the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member achieving a profit due to the amendment pursuant to sentence 1 is obliged to make a payment to compensate for its profit to

Eurex Clearing AG; and Eurex Clearing AG will then pay an equivalent amount to the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member suffering a loss due to the amendment. Eurex Clearing AG may issue this request in its reasonable discretion (*billiges Ermessen*) and it normally should issue such request if the profit or loss due of one Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member affected by the amendment pursuant to sentence 1 amounts to more than EUR 10,000. For the avoidance of doubt, any economic value and any profit or loss referred to in this Paragraph (7) shall be discounted to present value.

[...]

[...]

1.8.4 Conversion of CCP Transactions in anticipation of a permanent index cessation

- (1) If, with respect to an index which is referenced in the floating rate(s) of a CCP Transaction, (i) a Permanent Index Cessation Event occurs or (ii) Eurex Clearing determines in its reasonable discretion that a Permanent Index Cessation Event is likely to occur, Eurex Clearing AG may amend the affected CCP Transactions as outlined in Paragraph (2) (an “**Index Conversion**”). Eurex Clearing shall announce each Index Conversion in accordance with Chapter I Part 1 Number 16.1 specifying the respective Index Conversion effective date and the details of the Index Conversion at least fifteen (15) Business Days prior to the envisaged Index Conversion effective date. Eurex Clearing AG may postpone the envisaged effective date by publishing an announcement in accordance with Chapter I Part 1 Number 16.1, if a Termination Event with respect to a Clearing Member, a Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an Insolvency Termination Event with respect to a Clearing Member, an Insolvency Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an ~~an Basic Clearing Member Termination Event~~ ISA Direct Clearing Member Termination Event or an ~~an Basic Clearing Member Insolvency Termination Event~~ ISA Direct Clearing Member Insolvency Termination Event and/or a malfunction of Eurex Clearing AG’s IT systems occurs and Eurex Clearing AG deems in its reasonable discretion that such event may have an adverse impact on the proper course of the implementation of the respective Index Conversion.

[...]

- (3) If an Index Conversion materially affects the net present value of the covered CCP Transactions, the Index Conversion shall give rise to an offsetting cash compensation claim from Eurex Clearing against the respective Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or vice versa, as applicable) that is equal but opposite to the change in the net present value of the respective CCP Transaction(s). Such offsetting cash compensation claim shall be due and payable upon determination thereof by Eurex Clearing AG, but no earlier than on the effective date of the Index Conversion.

1.9 Copyright Notices and Disclaimers of Third Parties

[...]

1.9.4 WM/Refinitiv-related Copyright Notice and Disclaimer

The WM/Refinitiv Closing Spot Rates, the WM/Refinitiv Intra-Day Spot Rates, the WM/Refinitiv Closing Forward Rates, the WM/Refinitiv Intra-Day Forward Rates, the WM/Refinitiv Closing Non-Deliverable Forward Rates, and the WM/Refinitiv Intraday Non-Deliverable Forward Rates (and their successors) are provided by Refinitiv Benchmark Services Limited (or its successor). Refinitiv Benchmark Services Limited (or its successor) shall not be liable for any errors in or delays in providing or making available the data contained within this service or for any actions taken in reliance on the same.

[...]

1.11 Currency Succession

To the extent not provided otherwise, the provisions on the effects of an elimination, conversion, redenomination or exchange of currencies (a “**Currency Replacement**”) set forth in Section 2.4 of the 2021 ISDA Definitions apply, except that if, in the reasonable opinion of Eurex Clearing AG, as notified to the Clearing Members and/or ~~Basic Clearing Member~~ ISA Direct Clearing Members in accordance with Chapter I Part 1 Number 16, (i) the use of the relevant Successor Currency will not meet applicable regulatory requirements or (ii) a ratio for converting the Original Currency into the Successor Currency cannot be determined, the provisions regarding the handling of Special Events as set out in Chapter I Part 1 Number 13.3 shall apply.

[...]

Part 2 Clearing of OTC Interest Rate Derivative Transactions

2.1 General Provisions

[...]

2.1.3 Interest Rate Derivative Clearing License

The OTC Clearing License granted for the Clearing of OTC Interest Rate Derivative Transactions (the “**Interest Rate Derivatives Clearing License**”) entitles

[...]

- (iii) the relevant ~~Basic Clearing Member~~ ISA Direct Clearing Member to clear OTC Interest Rate Derivative Transactions that are Own Transactions under the ~~Basic Clearing Model~~ ISA Direct Provisions.

The relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member may elect that the Interest Rate Derivatives Clearing License shall be

restricted to the Clearing of OTC Interest Rate Derivative Transactions in only some or one of the currencies referred to in Number 2.1.3.1.

The holder of an Interest Rate Derivatives Clearing License may additionally clear zero coupon inflation swaps (“**ZCIS**”) if the following requirements are met:

- (a) The relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member has elected whether to clear ZCIS on the indexes HICPxT and FRCPI (EUR inflation), whereas for EUR inflation it is not possible to elect only one of the two inflation indexes but only both together, and/or on the UK-RPI index (GBP inflation); and
- (b) The OTC Clearing License of the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member covers the currencies elected for the clearing of ZCIS.

2.1.3.1 Requirements for the Granting of an Interest Rate Derivatives Clearing License

[...]

- (c) in addition to the cash accounts required pursuant to Chapter I Part 1 Number 2.1.2 (4) (b), if the Interest Rate Derivatives Clearing License of the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member covers OTC Interest Rate Derivative Transactions in USD, a bank cash account in USD;
- (d) if the Interest Rate Derivatives Clearing License of the relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member covers OTC Interest Rate Derivative Transactions in CHF, EUR, GBP, JPY, USD, DKK, NOK, PLN and/or SEK, bank cash account(s) in the relevant currency or currencies; and

[...]

[...]

2.1.5 Novation Criteria and Process Regarding OTC Interest Rate Derivative Transactions

[...]

2.1.5.1 Transaction Type Specific Novation Criteria and Terms for OTC Interest Rate Derivative Transactions

[...]

- (2) Currencies

[...]

Further, the relevant currency must be covered by the Interest Rate Derivatives Clearing License of the relevant Clearing Member or the relevant ~~Basic Clearing Member~~ ISA Direct Clearing Member(s) (and, if the corresponding transaction to

result from the novation is a Swap Transaction, the FCM IRS License of the relevant FCM Clearing Member);

[...]

[...]

2.1.5.2 Documentation of Original OTC Interest Rate Derivative Transactions

[...]

- (3) By entering into the relevant Clearing Agreement, the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, respectively, declares vis-à-vis Eurex Clearing AG that it has access to the 2021 ISDA Definitions including any amendments and/or supplements issued thereto as of the date of such Clearing Agreement. The Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member, respectively, further declares that it will be its own responsibility to obtain any amendments and/or supplements to the 2021 ISDA Definitions (including any successor to the 2021 ISDA Definitions as published by ISDA) which are published after their entering into the relevant Clearing Agreement.

The Clearing Member and the ~~Basic Clearing Member~~ ISA Direct Clearing Member further agree to the passing on to ISDA of their company name and their company address in the context of the delivery to it of the documents referred to in the foregoing paragraph.

2.1.5.3 Bulk Backloading of Original OTC Interest Rate Derivative Transactions

[...]

- (5) At 3:00 p.m. and 5:00 p.m. (each Frankfurt am Main time) on each Business Day Eurex Clearing AG will make available to the Clearing Member and the DC With System Access and the Basic DC (depending on the categorisation of such Basic DC in the systems of Eurex Clearing AG) or the ~~Basic Clearing Member~~ ISA Direct Clearing Member a preliminary report indicating the Bulk Backloaded Original OTC IRD Transactions which have been received for Clearing and which fulfil the novation criteria pursuant to Number 2.1.5.1 and the Margin Requirement as well as any shortage in actually delivered Eligible Margin Assets.

[...]

- (7) For Bulk Backloaded Original OTC IRD Transactions which, on the day of submission, fulfil all novation criteria except for the requirement to provide sufficient Eligible Margin Assets necessary to cover the relevant Margin Requirement, Eurex Clearing AG will debit the shortfall amount set forth in the OTC Margin Call Report produced and made available at 10:30 p.m. (Frankfurt am Main time) in the agreed Clearing Currency from the relevant Clearing Member Cash Account, relevant OTC IRS U.S. Clearing Member Cash Account or ~~Basic Clearing Member Cash Account~~ ISA Direct Cash Account, as relevant, in accordance with the daily cash clearing procedure pursuant to Chapter I Part 1 Number 1.4.1. Such payment made

by direct debit shall constitute cover in respect of the Margin to which the Margin Requirement referred to in the foregoing sentence relates and accordingly will constitute (i) Proprietary Margin or Omnibus Margin delivered by the Clearing Member pursuant to the Elementary Clearing Model Provisions, (ii) Margin delivered by the Clearing Member pursuant to the ISA Provisions or (iii) ~~Basic Clearing Member Margin~~ ISA Direct Margin delivered by the ~~Basic Clearing Member~~ ISA Direct Clearing Member pursuant to the ~~Basic Clearing Member Provisions~~ ISA Direct Provisions. Eurex Clearing AG will make available an OTC Trade Novation Report on the Business Day following the day of submission at or around 9:30 a.m. (Frankfurt am Main time) to the Clearing Member and the DC With System Access and the Basic DC (depending on the categorisation of such Basic DC in the systems of Eurex Clearing AG) or the ~~Basic Clearing Member~~ ISA Direct Clearing Member.

- (8) A Clearing Member, a DC With System Access (acting on behalf of the Clearing Member) or an ~~Basic Clearing Member~~ ISA Direct Clearing Member may subsequently cancel the submission with respect to any Bulk Backloaded Original OTC IRD Transaction submitted to Eurex Clearing AG via an ATS and intended to be novated by the latest by 5:00 p.m. (Frankfurt am Main time) on a Business Day, provided that
- (i) the cancellation request is entered by the Clearing Member, the DC With System Access or ~~Basic Clearing Member~~ ISA Direct Clearing Member into the system of, and received by, Eurex Clearing AG, and
 - (ii) each, the responsible Clearing Member, in case the request is entered by a DC With System Access, and the other Clearing Member, the other ~~Basic Clearing Member~~ ISA Direct Clearing Member or the FCM Clearing Member that is a party to the relevant Transaction or Swap Transaction, respectively, has given its prior consent in the system of Eurex Clearing AG to such cancellation request.

2.1.6 Daily Evaluation Price and Discounting of Future Cashflows

[...]

- (2) If an IRS PAI Switch and/or an IRS PAA Switch occurs that necessitates a switch of the relevant discount curves used for the determination of the daily evaluation prices in accordance with Paragraph (1) (such switch an “**OTC IRD Discounting Switch**”), any change of the daily evaluation price induced by the OTC IRD Discounting Switch shall give rise to an offsetting cash compensation claim from Eurex Clearing against the respective Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member (or vice versa, as applicable) that is equal but opposite to the Variation Margin requirement, ~~Basic Clearing Member Variation Margin~~ ISA Direct Variation Margin requirement or the IRS STM Amount requirement (as applicable) following from the change in the daily evaluation price induced by the OTC IRD Discounting Switch. Such offsetting cash compensation claim shall be due and payable upon determination thereof by Eurex Clearing AG, but no earlier than on the effective date of the OTC IRD Discounting Switch.

2.1.7 Margin Requirements

[...]

- (3) The Variation Margin Requirement, or ~~Basic Clearing Member Variation Margin Requirement~~ ISA Direct Variation Margin Requirement (each as defined in Chapter I Part 2 Subpart A Number 5, Part 4 Number 7 or Part 6 Subpart A Number 8, as applicable), and/or any Redelivery Amount, as the case may be, for CTM Interest Rate Derivative Transactions shall equal the profit or loss amount determined on any Business Day on the basis of the daily evaluation price (Number 2.1.5) as follows: For each outstanding CTM Interest Rate Derivative Transactions entered into prior to the relevant Business Day, the relevant profit and loss amount shall be the difference between the daily evaluation prices of the CTM Interest Rate Derivative Transactions on the relevant Business Day and the previous Business Day. For CTM Interest Rate Derivative Transactions entered into on the relevant Business Day, the relevant profit and loss amount shall be the difference between zero and the daily evaluation price for such Business Day. Additionally, the Variation Margin or the ~~Basic Clearing Member Variation Margin~~ ISA Direct Variation Margin includes two correction terms for considering the time delay between its calculation and settlement. For this purpose, the trade related cash flows (including coupon payments and transaction fees) on the current Business Day are added and the trade related cash flows (including coupon payments and transaction fees) on the next Business Day (second next Business Day for JPY, DKK, NOK and SEK) of the respective currency are subtracted.
- (4) In addition to Variation Margin and ~~Basic Clearing Member Variation Margin~~ ISA Direct Variation Margin, as applicable, and as part of the primary payment obligations of CTM Interest Rate Derivative Transactions, interest (the so-called price alignment interest ("PAI")) shall be payable on the cumulative Variation Margin or ~~Basic Clearing Member Variation Margin~~ ISA Direct Variation Margin, respectively, at the applicable overnight interest rate.
- (a) PAI corresponds to the overnight interest paid or received on the cumulative Variation Margin or ~~Basic Clearing Member Variation Margin~~ ISA Direct Variation Margin over the lifetime of the respective IRS portfolio. The cumulative Variation Margin or ~~Basic Clearing Member Variation Margin~~ ISA Direct Variation Margin, respectively, of the previous Business Day corresponds to the value of the respective IRS portfolio on the previous Business Day.

If the overnight interest rates are positive and, from a Clearing Member's or an ~~Basic Clearing Member~~ ISA Direct Clearing Member's perspective, the value of the IRS portfolio is positive, Eurex Clearing AG will charge PAI to the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member. If the overnight interest rates are positive and from a Clearing Member's or an ~~Basic Clearing Member~~ ISA Direct Clearing Member's perspective, the value of the IRS portfolio is negative, Eurex Clearing AG will credit PAI to the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member. In case of negative overnight interest rates, Eurex Clearing AG (i) will credit PAI to a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member if, from

a Clearing Member's or an ~~Basic Clearing Member~~ ISA Direct Clearing Member's perspective, the value of the IRS portfolio is positive and (ii) will charge PAI to the Clearing Member or the ~~Basic Clearing Member~~ ISA Direct Clearing Member if, from the Clearing Member's or ~~Basic Clearing Member~~ ISA Direct Clearing Member's perspective, the value of the IRS portfolio is negative.

[...]

(b) [...]

Eurex Clearing AG may switch the index to determine the IRS PAI by amending this Paragraph (4) (b) in accordance with Chapter I Part 1 Number 17.2 or by way of applying the provisions laid out in Part 1 Number 1.8.2 (each an “**IRS PAI Switch**”). Eurex Clearing AG may postpone the effective date of an IRS PAI Switch by amending this Paragraph (4) (b) in accordance with Chapter I Part 1 Number 17.2 or, if a Termination Event with respect to a Clearing Member, a Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an Insolvency Termination Event with respect to a Clearing Member, an Insolvency Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an ~~Basic Clearing Member Termination Event~~ ISA Direct Clearing Member Termination Event or an ~~Basic Clearing Member Insolvency Termination Event~~ ISA Direct Clearing Member Insolvency Termination Event occurs and Eurex Clearing AG deems that such event may have an adverse impact on the proper course of the implementation of an IRS PAI Switch, by publishing an announcement in accordance with Chapter I Part 1 Number 16.1.

[...]

2.1.8 Default Fund

Contributions to the Default Fund are made in accordance with Chapter I Part 1 Number 6 and Chapter I Part 6- Subpart A Number 9.

[...]

2.2 Product-related terms for OTC Interest Rate Derivative Transactions

[...]

2.2.1 Payment obligations

(1) The relevant Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member and Eurex Clearing AG shall pay either Fixed Amounts or Floating Amounts and, if applicable, any initial amount payable under the relevant OTC Interest Rate Derivative Transaction as specified in the relevant OTC Trade Novation Report.

[...]

[...]

2.2.5 Rates for calculating the Floating Amount

[...]

(6) Floating Rates for ZCIS

[...]

- (c) **“UK RPI”** means the non revised UK Retail Price Index or relevant Successor Index, measuring the all items rate of inflation in the United Kingdom expressed as an index and provided by the Index Administrator and published by an authorized distributor or the Index Administrator itself. The first publication or announcement of a level of such index for a Reference Month shall be final and conclusive and later revisions to the level for such Reference Month will not be used in any calculations.

[...]

[...]

2.6 Trade Netting and Accumulation

- (1) Eurex Clearing AG may agree with a Clearing Member or an ~~Basic Clearing Member~~ SA Direct Clearing Member upon the mutual cancellation (**“Netting”**) and the accumulation of OTC Interest Rate Derivative Transactions provided that such OTC Interest Rate Derivative Transactions are part of the same Standard Agreement. In this case, the Netting and accumulation shall be carried out on the basis of the following provisions agreed upon by Eurex Clearing AG and the Clearing Member or ~~Basic Clearing Member~~ SA Direct Clearing Member.

[...]

2.6.1 Inclusion of OTC Interest Rate Derivative Transactions in the Netting and Accumulation Process

[...]

- (3) OTC Interest Rate Derivative Transactions will be netted and/or accumulated if the OTC Interest Rate Derivative Transactions have been designated for Netting and/or accumulation, as the case may be, by the respective Clearing Member (or DC With System Access acting on behalf of the relevant Clearing Member) or by the respective ~~Basic Clearing Member~~ SA Direct Clearing Member in the system of Eurex Clearing AG. Such designation shall be submitted no later than by 10:00 p.m. (Frankfurt am Main time) on the relevant Business Day.

2.6.2 Netting and Accumulation Procedure

[...]

- (3) **“Netting Levels”** are rule sets to be selected by each Clearing Member, ~~Basic Clearing Member~~ SA Direct Clearing Member or DC With System Access (on behalf of such Clearing Member) for each Own Account, ~~Basic Clearing Member Own~~

~~Account~~ ISA Direct Own Account, Client Transaction Account or ISA Transaction Account, respectively, defining to which degree trade criteria must match, where a higher level improves the netting efficiency by requiring a lower degree of matching trade criteria.

- (4) The Netting and the accumulation, respectively, of the OTC Interest Rate Derivative Transactions will become effective when the OTC Trade Daily Summary Report, in which such event is included, is made available to the relevant Clearing Members and/or ~~Basic Clearing Member~~ ISA Direct Clearing Members.

2.7 Transfer of OTC Interest Rate Derivative Transactions, Account Transfer and Trade Amendment

- (1) An OTC Interest Rate Derivative Transaction may be transferred in accordance with Paragraphs (3) to (8) and Numbers 2.7.1 and 2.7.2 below, as applicable, or amended in accordance with Number 2.7.3. The transfer of a Swap Transaction is subject to the FCM Regulations, provided that if the requirements for a transfer of a Swap Transaction pursuant to the FCM Regulations are met and a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member acts as the transferee (as agreed between the relevant transferor FCM Clearing Member and the transferee Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member), an OTC Interest Rate Derivative Transaction between Eurex Clearing AG and such Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member will be created hereunder by way of novation upon economic terms identical to the terms of such Swap Transaction.

[...]

- (3) The transfer of an OTC Interest Rate Derivative Transaction will be performed against payment of a cash settlement amount calculated by Eurex Clearing AG on the basis of the daily evaluation price (as set out in Number 2.1.6). Furthermore, the relevant Clearing Member(s) or ~~Basic Clearing Member~~ ISA Direct Clearing Member(s) or FCM Clearing Member(s) may specify in the system of Eurex Clearing AG an additional amount payable by the relevant other Clearing Member, ~~Basic Clearing Member~~ ISA Direct Clearing Member or FCM Clearing Member in connection with the transfer (in each case, as separately agreed between the relevant transferor and transferee). All amounts payable under this Paragraph (3) will be settled via Eurex Clearing AG.
- (4) For any novation through which a transfer pursuant to Number 2.7 is to be made, the novation criteria as laid out in Part 1 Number 1.2.3 (1) 4., 5., 8. and 9. shall apply mutatis mutandis. Any such novation shall take effect when a respective OTC Trade Daily Summary Report is made available to the relevant Clearing Members or ~~Basic Clearing Member~~ ISA Direct Clearing Members electronically via Eurex Clearing AG's system. The effectiveness of such novation vis-à-vis an FCM Clearing Member involved in such transfer is subject to the FCM Regulations.

[...]

- (8) Eurex Clearing AG may, subject to further restrictions set out in the systems of Eurex Clearing AG, offer a bulk transfer of two or more OTC Interest Rate Derivative Transactions (portfolio transfer) so that the check in accordance with Part 1 Number 1.2.3 (1) Clause 8 whether the Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member has delivered sufficient Eligible Margin Assets is performed on a net basis across all such OTC Interest Rate Derivative Transactions.

2.7.1 **Transfer of an OTC Interest Rate Derivative Transaction to another Clearing Member, ~~Basic Clearing Member~~ ISA Direct Clearing Member or FCM Clearing Member**

- (1) Upon request of a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member or a DC With System Access (acting on behalf of the Clearing Member) entered into the system of Eurex Clearing AG, an OTC Interest Rate Derivative Transaction may be transferred from a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member to another Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member holding the required Interest Rate Derivatives Clearing License. Number 2.7(6) applies.

[...]

- (3) A Clearing Member or an ~~Basic Clearing Member~~ ISA Direct Clearing Member may with the consent of Eurex Clearing AG also transfer an OTC Interest Rate Derivative Transaction concluded with Eurex Clearing AG (for the purposes of this Number 2.7.1 (3) an “**Original Transaction**”) to an FCM Clearing Member upon a prior agreement with such FCM Clearing Member. Any transfer of an Original Transaction shall occur by way of novation as follows:

[...]

2.7.2 **Account Management or Account Transfers**

- (1) Clearing Members and ~~Basic Clearing Member~~ ISA Direct Clearing Members may book OTC Interest Rate Derivative Transactions to or from any of their transaction accounts in accordance with this Number 2.7.2. Any booking will take place by way of novation pursuant to Number 2.7 (4) and Chapter I Part 1 Number 1.2.2 (5).

[...]

[...]

2.7.3 **Trade Amendment**

A Clearing Member, ~~Basic Clearing Member~~ ISA Direct Clearing Member or a DC With System Access may, by means of an entry in Eurex Clearing AG's system, split OTC Interest Rate Derivative Transactions and assign new customer references to the new OTC Interest Rate Derivative Transactions resulting from the trade split provided that such new OTC Interest Rate Derivative Transactions are booked in the same account as the Transaction that existed before the trade split was made. As a result, new OTC

Interest Rate Derivative Transactions will be created the aggregate nominal amount of which is equal to the nominal amount of the OTC Interest Rate Derivative Transaction that was split.

2.8 Early Termination

[...]

- (2) A Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member may, with the consent of Eurex Clearing AG, terminate an OTC Interest Rate Derivative Transaction or, in case of a Clearing Member, convert a DC-Related Transaction into an Own Transaction of the Clearing Member in accordance with this Number 2.8.
- (3) Any early termination pursuant to this Number 2.8 shall take effect when a respective OTC Trade Daily Summary Report is made available to the relevant Clearing Members or ~~Basic Clearing Member~~ ISA Direct Clearing Members via Eurex Clearing AG's system.
- (4) Without prejudice to the early termination provisions set out in this Number 2.8 and any termination rights a Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member may have pursuant to Chapter I, Clearing Members or ~~Basic Clearing Member~~ ISA Direct Clearing Members have no right to exercise any early termination option under any OTC Interest Rate Derivative Transaction and no mandatory early termination shall apply to an OTC Interest Rate Derivative Transaction. This paragraph shall not restrict the parties to agree on a bilateral basis that one party shall have a right to demand from the other party its consent to a termination of OTC Interest Rate Derivative Transactions.

[...]

[...]

2.8.2 Termination of Own Transactions, DC-Related Transactions and UDC-Related Transactions

An OTC Interest Rate Derivative Transaction may only be terminated (i) together with (x) an OTC Interest Rate Derivative Transaction between Eurex Clearing AG and another Clearing Member or ~~Basic Clearing Member~~ ISA Direct Clearing Member which has identical terms or (y) a Swap Transaction between Eurex Clearing AG and an FCM Clearing Member that was concluded as an Own Transaction or an FCM Client Transaction (each as defined in the FCM Regulations) of such FCM Clearing Member and which has corresponding terms, (ii) against the payment of a cash settlement amount calculated by Eurex Clearing AG on the basis of the daily evaluation price (as set out in Number 2.1.5) and (iii) provided that:

- (a) Eurex Clearing AG and the relevant Clearing Member(s), ~~Basic Clearing Member~~ ISA Direct Clearing Member(s) and/or FCM Clearing Member (as applicable) have given their consent to such termination;

- (b) the relevant Clearing Member(s), ~~Basic Clearing Member~~ ISA Direct Clearing Member(s) and/or FCM Clearing Member (as applicable) were a party to the Original OTC Interest Rate Derivative Transaction; and

[...]

If the relevant Clearing Member(s), ~~Basic Clearing Member~~ ISA Direct Clearing Member(s) and/or FCM Clearing Member (as applicable) have given their consent to the termination request in accordance with Number 2.8.2 lit. (a), they may cancel such a request as long as the risk check performed by Eurex Clearing AG has not yet been successfully completed.

[...]

2.9 Use of Data provided by Eurex Clearing AG

The Clearing Member (who shall also procure that its DCs With System Access and Basic DCs consent accordingly), and the ~~Basic Clearing Member~~ ISA Direct Clearing Member consents not to use any data provided to it by Eurex Clearing AG in connection with the determination of the daily evaluation price or the determination of the relevant Business Day without the prior consent of Eurex Clearing AG, save for the purposes of fulfilling its own obligations vis-à-vis its customers relating to corresponding OTC interest rate derivative transactions or in order to comply with an obligation vis-à-vis a competent regulatory authority.

Part 3 Clearing of OTC FX Transactions

3.1 General Provisions

[...]

3.1.7 Margin Requirements

[...]

- (3) In addition to Variation Margin, and as part of the primary payment obligations of CTM FX Transactions, interest (the so-called price alignment interest (“**FX PAI**”)) shall be payable on the cumulative Variation Margin at the applicable overnight interest rate.

[...]

- (b) The relevant index to determine the FX PAI is SOFR (as defined in Part 2 Number 2.2.5).

Eurex Clearing AG may switch the index to determine the FX PAI by amending this Paragraph (3) (b) in accordance with Chapter I Part 1 Number 17.2 or by way of applying the provisions laid out in Part 1 Number 1.8.2 (each an “**FX PAI Switch**”). Eurex Clearing AG may postpone the effective date of an FX PAI

Switch by amending this Paragraph (3) (b) in accordance with Chapter I Part 1 Number 17.2 or, if a Termination Event with respect to a Clearing Member, a Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an Insolvency Termination Event with respect to a Clearing Member, an Insolvency Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an ~~an Basic Clearing Member Termination Event~~ ISA Direct Clearing Member Termination Event or an ~~an Basic Clearing Member Insolvency Termination Event~~ ISA Direct Clearing Member Insolvency Termination Event occurs and Eurex Clearing AG deems that such event may have an adverse impact on the proper course of the implementation of an FX PAI Switch, by publishing an announcement in accordance with Chapter I Part 1 Number 16.1.

[...]

[...]

Part 4 Clearing of OTC XCCY Transactions

4.1 General Provisions

[...]

4.1.7 Margin Requirements

[...]

(3) [...]

(b) The relevant index to determine the XCCY PAI is SOFR.

Eurex Clearing AG may switch the index to determine the XCCY PAI by amending this Paragraph (3) (b) in accordance with Chapter I Part 1 Number 17.2 or by way of applying the provisions laid out in Part 1 Number 1.8.2 (each an "**XCCY PAI Switch**"). Eurex Clearing AG may postpone the effective date of an XCCY PAI Switch by amending this Paragraph (3) (b) in accordance with Chapter I Part 1 Number 17.2 or, if a Termination Event with respect to a Clearing Member, a Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an Insolvency Termination Event with respect to a Clearing Member, an Insolvency Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an ~~an Basic Clearing Member Termination Event~~ ISA Direct Clearing Member Termination Event or an ~~an Basic Clearing Member Insolvency Termination Event~~ ISA Direct Clearing Member Insolvency Termination Event occurs and Eurex Clearing AG deems that such event may have an adverse impact on the proper course of the implementation of an XCCY PAI Switch, by publishing an announcement in accordance with Chapter I Part 1 Number 16.1.

[...]

[...]

Part 5 Clearing of OTC NDF Transactions

5.1 General Provisions

[...]

5.1.7 Margin Requirements

[...]

(3) [...]

- (b) The relevant index to determine the overnight rate for purposes of calculating NDF PAI is SOFR.

Eurex Clearing AG may switch the index to determine the NDF PAI by amending this Paragraph (3) (b) in accordance with Chapter I Part 1 Number 17.2 or by way of applying the provisions laid out in Part 1 Number 1.8.2 (each an "**NDF PAI Switch**"). Eurex Clearing AG may postpone the effective date of an NDF PAI Switch by amending this Paragraph (3) (b) in accordance with Chapter I Part 1 Number 17.2 or, if a Termination Event with respect to a Clearing Member, a Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an Insolvency Termination Event with respect to a Clearing Member, an Insolvency Termination Event (as defined in the FCM Regulations) with respect to an FCM Clearing Member, an Basic Clearing Member Termination Event | SA Direct Clearing Member Termination Event or an Basic Clearing Member Insolvency Termination Event | SA Direct Clearing Member Insolvency Termination Event occurs and Eurex Clearing AG deems that such event may have an adverse impact on the proper course of the implementation of an NDF PAI Switch, by publishing an announcement in accordance with Chapter I Part 1 Number 16.1.

[...]

[...]
